

The Government of National Capital Territory of Delhi Act, 1991

(ACT NO. 1 OF 1992)

[*As on the* 15*th December*, 2025]

LIST OF AMENDING ACTS

1. The Repealing and Amending Act, 2001 (Rep. in pt., by 30 of 2001).
2. The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2001 (38 of 2001).
3. The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2005 (19 of 2005).
4. The Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Act, 2006 (5 of 2006).
5. The Government of National Capital Territory of Delhi (Amendment) Act, 2021 (15 of 2021).
6. The Government of National Capital Territory of Delhi (Amendment) Act, 2023 (19 of 2023).

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LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	,,	Inserted.
Notifn.	,,	Notification.
S., ss.	,,	Section, sections.
Sch.	,,	Schedule.
Subs.	,,	Substituted.
w.e.f.	,,	with effect from.

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THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI ACT, 1991

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THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI ACT, 1991

ACT NO. 1 OF 1992

[2*nd January*, 1992.]

An Act to supplement the provisions of the Constitution relating to the Legislative Assembly and a Council of Ministers for the National Capital Territory of Delhi and for matters connected therewith or incidental thereto.

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

PART I

PRELIMINARY

1. Short title and commencement.—(*1*) This Act may be called the Government of National Capital Territory of Delhi Act, 1991.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "article" means an article of the Constitution;

(*b*) "assembly constituency" means a constituency provided under this Act for the purpose of elections to the Legislative Assembly;

(*c*) "Capital" means the National Capital Territory of Delhi;

(*d*) "Election Commission" means the Election Commission referred to in article 324;

(*e*) "Legislative Assembly" means the Legislative Assembly of the National Capital Territory of Delhi;

[2][(*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;]

(*f*) "Scheduled Castes", in relation to the Capital, means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes in relation to the Capital.

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1. 1st February, 1992 (ss. 2, 3, 38, 39, 40 and 53), *vide* Notifn. No. S.O. 97(E), dated 31st January, 1992, *See* Gazette of India, Extraordinary, Pt. II, s. 3(*ii*).
2nd October, 1993 [ss. 4 to 37 (both inclusive), 43 to 45 (both inclusive), 49 to 52 (both inclusive), 54 and 55], *vide* Notifn No. S.O. 735(E), dated 30th September, 1993, *See* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).
25th November, 1993 (ss 46, 47 and 48), *vide* Notifin. No. S.O. 894(E), dated 25th November, 1993, *see* Gazette of India, Extraordinary, Part II, s. 3(*ii*).
29th November, 1993 (s. 56), *vide* Notifin. No. S.O. 910(E), dated 29th November, 1993, *see* Gazette of India, Extraordinary, Part II, s. 3(*ii*).

2. Ins. by Act 19 of 2023, s. 2 (w.e.f. 19-5-2023).

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PART II

LEGISLATIVE ASSEMBLY

3. Legislative Assembly and its composition.—(*1*) The total number of seats in the Legislative Assembly to be filled by persons chosen by direct election from territorial constituencies shall be seventy.

(*2*) For the purpose of elections to the Legislative Assembly, the Capital shall be divided into single-member assembly constituencies in accordance with the provisions of Part III in such manner that the population of each of the constituencies shall, so far as practicable, be the same throughout the Capital.

(*3*) Seats shall be reserved for the Scheduled Castes in the Legislative Assembly, and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the Capital bears to the total population of the Capital and the provisions of article 334 shall apply to such reservation.

Explanation.—In this section, the expression "population" means the population as ascertained in the last preceding census of which the relevant figures have been published:

[1][Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2026 have been published, be construed as a reference to the 2001 census:]

[2][Provided further that any readjustment in the division of the Capital into territorial constituencies by the Delimitation Commission under the Delimitation Act, 2002 (33 of 2002) on the basis of 2001 census shall take effect from such date as the Central Government may, by order, published in the Official Gazette, specify and until such readjustment takes effect, any election to the Legislative Assembly may be held on the basis of the territorial constituencies existing before such readjustment.]

4. Qualifications for membership of Legislative Assembly.—A person shall not be qualified to be chosen to fill a seat in the Legislative Assembly unless he—

(*a*) is a citizen of India and makes and subscribes before some person authorised in that behalf by the Election Commission an oath or affirmation according to the form set out for the purpose in the Schedule;

(*b*) is not less than twenty-five years of age; and

(*c*) possesses such other qualifications as may be prescribed in that behalf by or under any law made by parliament.

5. Duration of Legislative Assembly.—The Legislative Assembly, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly:

Provided that the said period may, while a Proclamation of Emergency issued under clause (1) of article 352 is in operation, be extended by the President by order for a period not exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.

6. Sessions of Legislative Assembly, prorogation and dissolution.—(*1*) The Lieutenant Governor shall, from time to time, summon the Legislative Assembly to meet at such time and place as he thinks fit, but six months shall not intervene between its last sitting in one session and the date appointed for its first sitting in the next session.

(*2*) The Lieutenant Governor may, from time to time,—

(*a*) prorogue the Assembly;

(*b*) dissolve the Assembly.

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1. Subs. by Act 19 of 2005, s. 5, for the proviso (w.e.f. 21-5-2005).
2. Ins. by Act 5 of 2006, s. 3 (w.e.f. 20-3-2006).

7. Speaker and Deputy Speaker of Legislative Assembly.—(*1*) The Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof and, so often as the office of Speaker or Deputy Speaker become vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be.

(*2*) A member holding office as Speaker or Deputy Speaker of the Legislative Assembly—

(*a*) shall vacate his office if he ceases to be a member of the Assembly;

(*b*) may, at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker, resign his office; and

(*c*) may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly:

Provided that no resolution for the purpose of clause (*c*) shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided further that whenever the Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

(*3*) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the Assembly as may be determined by the rules of procedure of the Assembly.

(*4*) During the absence of the Speaker from any sitting of the Assembly, the Deputy Speaker, or, if he is also absent, such person as may be determined by the rules of procedure of the Assembly, or, if no such person is present, such other person as may be determined by the Assembly, shall act as Speaker.

(*5*) There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries and allowances as may be respectively fixed by the Legislative Assembly by law and, until provision in that behalf is so made, such salaries and allowances as the Lieutenant Governor may, with the approval of the President, by order determine.

8. Speaker or Deputy Speaker not to provide while a resolution for his removal from office is under consideration.—(*1*) At any sitting of the Legislative Assembly, while any resolution for the removal of the Speaker from his office is under consideration, the Speaker, or while any resolution for the removal of the Deputy Speaker from his office is under consideration, the Deputy Speaker, shall not, though he is present, preside and the provisions of sub-section (*4*) of section 7 shall apply in relation to every such sitting as they apply in relation to a sitting from which the Speaker or, as the case may be, the Deputy Speaker is absent.

(*2*) The Speaker shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly while any resolution for his removal from office is under consideration in the Assembly and shall, notwithstanding anything in section 13, be entitled to vote only in the first instance on such resolution or on any other matter during such proceedings but not in the case of an equality of votes.

9. Right of Lieutenant Governor to address and send messages to Legislative Assembly.—(*1*) The Lieutenant Governor may address the Legislative Assembly and for that purpose require the attendance of members.

(*2*) The Lieutenant Governor may send messages to the Assembly whether with respect to a Bill then pending in the Assembly or otherwise, and when a message is so sent, the Assembly shall with all convenient dispatch consider any matter required by the message to be taken into consideration.

10. Special address by the Lieutenant Governor.—(*1*) At the commencement of the first session after each general election to the Legislative Assembly and at the commencement of the first session of each year, the Lieutenant Governor shall address the Legislative Assembly and inform it of the causes of its summons.

(*2*) Provision shall be made by rules to be made by the Assembly regulating its procedure for the allotment of time for discussion of the matters referred to in such address.

11. Rights of Ministers as respects Legislative Assembly.—Every Minister shall have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly and to speak in, and otherwise to take part in the proceedings of, any committee of the Legislative Assembly of which he may be named a member, but shall not by virtue of this section be entitled to vote.

12. Oath or affirmation by members.—Every member of the Legislative Assembly shall, before taking his seat, make and subscribe before the Lieutenant Governor, or some person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in the Schedule.

13. Voting in Assembly, power of Assembly to act notwithstanding vacancies and quorum.—(*1*) Save as otherwise provided in this Act, all questions at any sitting of the Legislative Assembly shall be determined by a majority of votes of the members present and voting other than the Speaker or person acting as such.

(*2*) The Speaker or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(*3*) The Legislative Assembly shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislative Assembly shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings.

(*4*) The quorum to constitute a meeting of the Legislative Assembly shall be one-third of the total number of members of the Assembly.

(*5*) If at any time during a meeting of the Legislative Assembly there is no quorum, it shall be the duty of the Speaker, or person acting as such, either to adjourn the Assembly or to suspend the meeting until there is a quorum.

14. Vacation of Seats.—(*1*) No person shall be a member both of Parliament and of the Legislative Assembly and if a person is chosen a member both of Parliament and of such Assembly, then, at the expiration of such period as is specified in or under the Representation of the People Act, 1951 (43 of 1951) and the rules made by the President under clause (2) of article 101 and clause (2) of article 190, that person's seat in Parliament shall become vacant, unless he has previously resigned his seat in the Legislative Assembly.

(*2*) If a member of the Legislative Assembly—

(*a*) becomes subject to any disqualification mentioned in section 15 or section 16 for membership of the Assembly, or

(*b*) resigns his seat by writing under his hand addressed to the Speaker and his resignation is accepted by the Speaker,

his seat shall thereupon become vacant:

Provided that in the case of any resignation referred to in clause (*b*), if from the information received or otherwise and after making such inquiry as he thinks fit, the Speaker is satisfied that such resignation is not voluntary or genuine, he shall not accept such resignation.

(*3*) If for a period of sixty days a member of the Legislative Assembly is without permission of the Assembly absent from all meetings thereof, the Assembly may declare his seat vacant:

Provided that in computing the said period of sixty days, no account shall be taken of any period during which the Assembly is prorogued or is adjourned for more than four consecutive days.

15. Disqualifications for membership.—(*1*) A person shall be disqualified for being chosen as, and for being, a member of the Legislative Assembly—

(*a*) if he holds any office of profit under the Government of India or the Government of any State or the Government of any Union territory other than an office declared by law made by Parliament or by the Legislature of any State or by the Legislative Assembly of the Capital or of any other Union territory not to disqualify its holder; or

(*b*) if he is for the time being disqualified for being chosen as, and for being, a member of either House of Parliament under the provisions of sub-clause (*b*), sub-clause (*c*) or sub-clause (*d*) of clause (1) of article 102 or of any law made in pursuance of that article.

(*2*) For the purposes of this section, a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State or the Government of any Union territory by reason only that he is a Minister either for the Union or for such State or Union territory.

(*3*) If any question arises as to whether a member of the Legislative Assembly has become disqualified for being such a member under the provisions of sub-section (*1*), the question shall be referred for the decision of the President and his decision shall be final.

(*4*) Before giving any decision on any such question, the President shall obtain the opinion of the Election Commission and shall act according to such opinion.

16. Disqualification on ground of defection.—The provisions of the Tenth Schedule to the Constitution shall, subject to the necessary modifications (including modifications for construing references therein to the Legislative Assembly of a State, article 188, article 194 and article 212 as references, respectively, to the Legislative Assembly, section 12, section 18 and section 37 of this Act), apply to and in relation to the members of the Legislative Assembly as they apply to and in relation to the members of the Legislative Assembly of a State, and accordingly:—

(*a*) the said Tenth Schedule as so modified shall be deemed to form part of this Act; and

(*b*) a person shall be disqualified for being a member of the Legislative Assembly if he is so disqualified under the said Tenth Schedule as so modified.

17. Penalty for sitting and voting before making oath or affirmation or when not qualified or when disqualified.—If a person sits or votes as a member of the Legislative Assembly before he has complied with the requirements of section 12 or when he knows that he is not qualified or that he is disqualified for membership thereof, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Union.

18. Powers, privileges, etc., of members.—(*1*) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislative Assembly, there shall be freedom of speech in the Legislative Assembly.

(*2*) No member of the Legislative Assembly shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Assembly or any committee thereof and no person shall be so liable in respect of the publication by or under the authority of such Assembly of any report, paper, votes or proceedings.

(*3*) In other respects, the powers, privileges and immunities of the Legislative Assembly and of the members and the committees thereof shall be such as are for the time being enjoyed by the House of the People and its members and committees.

(*4*) The provisions of sub-sections (*1*), (*2*) and (*3*) shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise to take part in the proceedings of, the Legislative Assembly or any committee thereof as they apply in relation to members of that Assembly.

19. Salaries and allowances of members.—Members of the Legislative Assembly shall be entitled to receive such salaries and allowances as may from time to time be determined by the Legislative

Assembly by law and until provision in that behalf is so made, such salaries and allowances as the Lieutenant Governor may, with the approval of the President, by order determine.

20. Exemption of property of the Union from taxation.—The property of the Union shall, save in so far as Parliament may by law otherwise provide, be exempted from all taxes imposed by or under any law made by the Legislative Assembly or by or under any other law in force in the Capital:

Provided that nothing in this section shall, until Parliament by law otherwise provides, prevent any authority within the Capital from levying any tax on any property of the Union to which such property was immediately before the commencement of the Constitution liable or treated as liable, so long as that tax continues to be levied in the Capital.

21. Restrictions on laws passed by Legislative Assembly with respect to certain matters.—(*1*) The provisions of article 286, article 287 and article 288 shall apply in relation to any law passed by the Legislative Assembly with respect to any of the matters referred to in those articles as they apply in relation to any law passed by the Legislature of a State with respect to those matters.

(*2*) The provisions of article 304 shall, with the necessary modifications, apply in relation to any law passed by the Legislative Assembly with respect to any of the matters referred to in that article as they apply in relation to any law passed by the Legislature of a State with respect to those matters.

[1][(*3*) The expression "Government" referred to in any law to be made by the Legislative Assembly shall mean the Lieutenant Governor.]

22. Special provisions as to financial Bills.—(*1*) A Bill or amendment shall not be introduced into, or moved in, the Legislative Assembly except on the recommendation of the Lieutenant Governor, if such Bill or amendment makes provision for any of the following matters, namely:—

(*a*) the imposition, abolition, remission, alteration or regulation of any tax;

(*b*) the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of the Capital;

(*c*) the appropriation of moneys out of the Consolidated Fund of the Capital;

(*d*) the declaring of any expenditure to be expenditure charged on the Consolidated Fund of the Capital or the increasing of the amount of any such expenditure;

[2][(*e*) the receipt of money on account of the Consolidated Fund of the Capital or the Public Account of the Capital or the custody or issue of such money or the audit of the accounts of the Capital:]

Provided that no recommendation shall be required under this sub-section for the moving of an amendment making provision for the reduction or abolition of any tax.

(*2*) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered, or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any local authority or body for local purposes.

(*3*) A Bill which, if enacted and brought into operation, would involve expenditure from the Consolidated Fund of the Capital shall not be passed by the Legislative Assembly unless the Lieutenant Governor has recommended to that Assembly the consideration of the Bill.

23. Procedure as to lapsing of Bills.—(*1*) A Bill pending in the Legislative Assembly shall not lapse by reason of the prorogation of the Assembly.

(*2*) A Bill which is pending in the Legislative Assembly shall lapse on a dissolution of the Assembly.

1. Ins. by Act 15 of 2021, s. 2 (w.e.f. 27-4-2021).
2. Subs. by Act 38 of 2001, s. 6, for clause (*e*) (w.e.f.10-5-2006).

24. Assent to Bills.—When a Bill has been passed by the Legislative Assembly, it shall be presented to the Lieutenant Governor and the Lieutenant Governor shall declare either that he assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:

Provided that the Lieutenant Governor may, as soon as possible after the presentation of the Bill to him for assent, return the Bill if it is not a Money Bill together with a message requesting that the Assembly will consider the Bill or any specified provisions thereof, and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Assembly will reconsider the Bill accordingly, and if the Bill is passed again with or without amendment and presented to the Lieutenant Governor for assent, the Lieutenant Governor shall declare either that he assents to the Bill or that he reserves the Bill for the consideration of the President:

Provided further that the Lieutenant Governor shall not assent to, but shall reserve for the consideration of the President, any Bill which,—

(*a*) in the opinion of the Lieutenant Governor would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is, by the Constitution, designed to fill; or

(*b*) the President may, by order, direct to be reserved for his consideration; or

(*c*) relates to matters referred to in sub-section (*5*) of section 7 or section 19 or section 34 or sub-section (*3*) of [1][section 43; or]

[2][(*d*) incidentally covers any of the matters which falls outside the purview of the powers conferred on the Legislative Assembly.]

Explanation.—For the purposes of this section and section 25, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the matters specified in sub-section (*1*) of section 22 or any matter incidental to any of those matters and, in either case, there is endorsed thereon the certificate of the Speaker of the Legislative Assembly signed by him that it is a Money Bill.

25. Bills reserved for consideration.—When a Bill is reserved by the Lieutenant Governor for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom:

Provided that where the Bill is not a Money Bill, the President may direct the Lieutenant Governor to return the Bill to the Legislative Assembly together with such a message as is mentioned in the first proviso to section 24 and, when a Bill is so returned, the Assembly shall reconsider it accordingly within a period of six months from the date of receipt of such message and, if it is again passed by the Assembly with or without amendment, it shall be presented again to the President for his consideration.

26. Requirements as to sanction, etc.—No Act of the Legislative Assembly, and no provision in any such Act, shall be invalid by reason only that some previous sanction or recommendation required by this Act was not given, if assent to that Act was given by the Lieutenant Governor, or, on being reserved by the Lieutenant Governor for the consideration of the President, by the President.

27. Annual financial statement.—(*1*) The Lieutenant Governor shall in respect of every financial year cause to be laid before the Legislative Assembly, with the previous sanction of the President, a statement of the estimated receipts and expenditure of the Capital for that year, in this Part referred to as the "annual financial statement".

(*2*) The estimates of expenditure embodied in the annual financial statement shall show separately—

(*a*) the sums required to meet expenditure described by this Act as expenditure charged upon the Consolidated Fund of the Capital; and

1. Subs. by Act 15 of 2021, s. 3, for "section 43" (w.e.f. 27-4-2021).
2. Ins. by s. 3, *ibid*. (w.e.f. 27-4-2021).

(*b*) the sums required to meet other expenditure proposed to be made from the Consolidated Fund of the Capital,

and shall distinguish expenditure on revenue account from other expenditure.

(*3*) Notwithstanding anything contained in any law for the time being in force, the following expenditure shall be expenditure charged on the Consolidated Fund of the Capital:—

(*a*) the emoluments and allowances of the Lieutenant Governor and other expenditure relating to his office as determined by the President by general or special order;

(*b*) the charges payable in respect of loans advanced to the Capital from the Consolidated Fund of India including interest, sinking fund charges and redemption charges, and other expenditure connected therewith;

(*c*) the salaries and allowances of the Speaker and the Deputy Speaker of the Legislative Assembly;

(*d*) expenditure in respect of the salaries and allowances of Judges of the High Court of Delhi;

(*e*) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(*f*) any other expenditure declared by the Constitution or by law made by Parliament or by the Legislative Assembly to be so charged.

28. Procedure in Legislative Assembly with respect to estimates.—(*1*) So much of the estimates as relates to expenditure charged upon the Consolidated Fund of the Capital shall not be submitted to the vote of the Legislative Assembly, but nothing in this sub-section shall be construed as preventing the discussion in the Legislative Assembly of any of those estimates.

(*2*) So, much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to any demand subject to a reduction of the amount specified therein.

(*3*) No demand for a grant shall be made except on the recommendation of the Lieutenant Governor.

29. Appropriation Bills.—(*1*) As soon as may be after the grants under section 28 have been made by the Legislative Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the Capital of all moneys required to meet—

(*a*) the grants so made by the Assembly, and

(*b*) the expenditure charged on the Consolidated Fund of the Capital but not exceeding in any case the amount shown in the statement previously laid before the assembly.

(*2*) No amendment shall be proposed to any such Bill in the Legislative Assembly which will have the effect of varying the amount or altering the destination of any grant so made or of varying the amount of any expenditure charged on the Consolidated Fund of the Capital and the decision of the person presiding as to whether an amendment is inadmissible under this sub-section shall be final.

(*3*) Subject to the other provisions of this Act, no money shall be withdrawn from the Consolidated Fund of the Capital except under appropriation made by law passed in accordance with the provisions of this section.

30. Supplementary, additional or excess grants.—(*1*) The Lieutenant Governor shall,—

(*a*) if the amount authorised by any law made in accordance with the provisions of section 29 to be expended for a particular service for the current financial year is found to be insufficient for the purposes of that year or when a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year, or

(*b*) if any money has been spent on any service during a financial year in excess of the amount granted for that service and for that year,

cause to be laid before the Legislative Assembly, with the previous sanction of the President, another statement showing the estimated amount of that expenditure or cause to be presented to the Legislative Assembly with such previous sanction a demand for such excess, as the case may be.

(*2*) The provisions of sections 27, 28 and 29 shall have effect in relation to any such statement and expenditure or demand and also to any law to be made authorising the appropriation of moneys out of the Consolidated Fund of the Capital to meet such expenditure or the grant in respect of such demand as they have effect in relation to the annual financial statement and the expenditure mentioned therein or to a demand for a grant and the law to be made for the authorisation of appropriation of moneys out of the Consolidated Fund of the Capital to meet such expenditure or grant.

31. Votes on account.—(*1*) Notwithstanding anything in the foregoing provisions of this Part, the Legislative Assembly shall have power to make any grant in advance in respect of the estimated expenditure for a part of any financial year pending the completion of the procedure prescribed in section 28 for the voting of such grant and the passing of the law in accordance with the provisions of section 29 in relation to that expenditure and the Legislative Assembly shall have power to authorise by law the withdrawal of moneys from the Consolidated Fund of the Capital for the purposes for which the said grant is made.

(*2*) The provisions of sections 28 and 29 shall have effect in relation to the making of any grant under sub-section (*1*) or to any law to be made under that sub-section as they have effect in relation to the making of a grant with regard to any expenditure mentioned in the annual financial statement and the law to be made for the authorisation of appropriation of moneys, out of the Consolidated Fund of the Capital to meet such expenditure.

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32. Authorisation of expenditure pending its sanction by Legislative Assembly.— Notwithstanding anything in the foregoing provisions of this Part, the Lieutenant Governor may authorise such expenditure from the Consolidated Fund of the Capital as he deems necessary for a period of not more than six months beginning with the date of the constitution of the Consolidated Fund of the Capital, pending the sanction of such expenditure by the Legislative Assembly.

33. Rules of procedure.—(*1*) The Legislative Assembly may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business [1][which shall not be inconsistent with the Rules of Procedure and Conduct of Business in House of the People]:

[2][Provided that the Legislative Assembly shall not make any rule to enable itself or its committees to consider the matters of day-to-day administration of the Capital or conduct inquiries in relation to the administrative decisions, and any of the rule made in contravention of this proviso, before the commencement of the Government of National Capital Territory of Delhi (Amendment) Act, 2021, shall be void:

Provided further that] the Lieutenant Governor shall, after consultation with the Speaker of the Legislative Assembly and with the approval of the President, make rules—

(*a*) for securing the timely completion of financial business;

(*b*) for regulating the procedure of, and the conduct of business in, the Legislative Assembly in relation to any financial matter or to any Bill for the appropriation of moneys out of the Consolidated Fund of the Capital;

1. Ins. by Act 15 of 2021, s. 4 (w.e.f. 27-4-2021).
2. Subs. by s. 4, *ibid*., for "Provided that" (w.e.f. 27-4-2021).

(*c*) for prohibiting the discussion of, or the asking of questions on, any matter which affects the discharge of the functions of the Lieutenant Governor in so far as he is required by or under this Act or any law to act in his discretion.

(*2*) Until rules are made under sub-section (*1*), the rules of procedure and standing orders with respect to the Legislative Assembly of the State of Uttar Pradesh in force immediately before the commencement of this Act shall have effect in relation to the Legislative Assembly subject to such modifications and adaptations as may be made therein by the Lieutenant Governor.

34. Official language or languages of the Capital and languages or languages to be used in Legislative Assembly.—(*1*) The Legislative Assembly may by law adopt any one or more of the languages in use in the Capital or Hindi as the official language or languages to be used for all or any of the official purposes of the Capital**:**

Provided that the President may by order direct—

(*i*) that the official language of the Union shall be adopted for such of the official purposes of the Capital as may be specified in the order;

(*ii*) that any other language shall also be adopted throughout the Capital or such part thereof for such of the official purposes of the Capital as may be specified in the order, if the President is satisfied that a substantial proportion of the population of the Capital desires the use of that other language for all or any of such purposes.

(*2*) The business in the Legislative Assembly shall be transacted in the official language or languages of the Capital or in Hindi or in English:

Provided that the Speaker of the Legislative Assembly or person acting as such, as the case may be, may permit any member who cannot adequately express himself in any of the languages aforesaid to address the Assembly in his mother-tongue.

35. Language to be used for Bills, Acts, etc.—Notwithstanding anything contained in section 34, until Parliament by law otherwise provides, the authoritative texts—

(*a*) of all Bills to be introduced or amendments thereto to be moved in the Legislative Assembly;

(*b*) of all Acts passed by the Legislative Assembly; and

(*c*) of all orders, rules, regulations and bye-laws issued under any law made by the Legislative Assembly,

shall be in the English language:

Provided that where the Legislative Assembly has prescribed any language other than the English language for use in Bills introduced in, or Acts passed by, the Legislative Assembly or in any order, rule, regulation or bye-law issued under any law made by the Legislative Assembly, a translation of the same in the English language published under the authority, of the Lieutenant Governor in the Official Gazette shall be deemed to be the authoritative text thereof in the English language.

36. Restriction on discussion in the Legislative Assembly.—No discussion shall take place in the Legislative Assembly with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties.

37. Courts not to inquire into proceedings of Legislative Assembly.—(*1*) The validity of any proceedings in the Legislative Assembly shall not be called in question on the ground of any alleged irregularity of procedure.

(*2*) No officer or member of the Legislative Assembly in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order in the Legislative

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Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

PART III

DELIMITATION OF CONSTITUENCIES

38. Election Commission to delimit constituencies.—(*1*) The Election Commission shall, in the manner herein provided, distribute the seats assigned to the Legislative Assembly under section 3 to single-member territorial constituencies and delimit them having regard to the following provisions, namely:—

(*a*) all constituencies shall, as far as practicable, be delimited in such manner that the ratio between the population of each of such constituencies and the total population of the Capital is the same; and

(*b*) constituencies in which seats are reserved for the Scheduled Castes shall, as far as practicable, be located in areas where the proportion of their population to the total population is comparatively large.

(*2*) The Election Commission shall—

(*a*) publish its proposals for the delimitation of constituencies in the Official Gazette and also in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(*b*) consider all objections and suggestions which may have been received by it before the date so specified;

(*c*) after considering all objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

39. Power of Election Commission to maintain delimitation orders up-to-date.—The Election Commission may, from time to time, by notification in the Official Gazette,—

(*a*) correct any printing mistakes in any order made under section 38 or any error arising therein from inadvertent slip or omission; and

(*b*) where the boundaries or name of any territorial division mentioned in any such order are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

40. Elections to the Legislative Assembly.—(*1*) For the purpose of constituting the Legislative Assembly, a general election will be held as soon as may be, after the delimitation of all the assembly constituencies under section 38.

(*2*) For the purposes of sub-section (*1*), the Lieutenant Governor shall, by one or more notifications published in the Official Gazette, call upon all the said assembly constituencies to elect members in accordance with the provisions of the Representation of the People Act, 1951 (43 of 1951), and of the rules and orders made or issued thereunder as applicable under sub-section (*3*).

(*3*) The Representation of the People Act, 1950 (43 of 1950), the Representation of the People Act, 1951 (43 of 1951), the rules and orders made or issued under the said Acts and all other laws for the time being in force relating to elections shall apply with necessary modifications (including modifications for construing references therein to a State, State Government and Governor as including references to

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the Capital, Government of the Capital and Lieutenant Governor, respectively) to, and in relation to, the general election referred to in sub-section (*1*).

PART IV

CERTAIN PROVISIONS RELATING TO LIEUTENANT GOVERNOR AND MINISTERS

41. Matters in which Lieutenant Governor to [1][act in his sole discretion].—(*1*) The Lieutenant Governor shall [2][act in his sole discretion] in a matter—

(*i*) which falls outside the purview of the powers conferred on the Legislative Assembly but in respect of which powers or functions are entrusted or delegated to him by the President; or

(*ii*) in which he is required by or under any law to act in his discretion or to exercise any judicial or quasi-judicial functions [3][; or].

[3][(*iii*) in discharge of his functions under Part IV-A of this Act.]

(*2*) If any question arises as to whether any matter is or is [4][not a matter in respect of] which the Lieutenant Governor is by or under any law required to act in his discretion, the decision of the Lieutenant Governor thereon shall be final.

(*3*) If any question arises as to whether any matter is or is not a matter as respects which the Lieutenant Governor is required by any law to exercise any judicial or quasi-judicial functions, the decision of the Lieutenant Governor thereon shall be final.

42. Advice by Ministers.—The question whether any, and if so what, advice was tendered by Ministers to the Lieutenant Governor shall not be inquired into in any court.

43. Other provisions as to Ministers.—(*1*) Before a Minister enters upon his office, the Lieutenant Governor shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Schedule.

(*2*) A Minister who, for any period of six consecutive months, is not a member of the Legislative Assembly shall, at the expiration of that period, cease to be a Minister.

(*3*) The salaries and allowances of Ministers shall be such as the Legislative Assembly may from time to time by law determine and until the Legislative Assembly so determines, shall be determined by the Lieutenant Governor with the approval of the President.

44. Conduct of business.—(*1*) The President shall make rules—

(*a*) for the allocation of business to the Ministers in so far as it is business with respect to which the Lieutenant Governor is required to act on the aid and advice of his Council of Ministers; and

(*b*) for the more convenient transaction of business with the Ministers, including the procedure to be adopted in the case of a difference of opinion between the Lieutenant Governor and the Council of Ministers or a Minister.

(*2*) Save as otherwise provided in this Act, all executive action of the Lieutenant Governor whether taken on the advice of his Ministers or otherwise shall be expressed to be taken in the name of the Lieutenant Governor.

[5][Provided that before taking any executive action in pursuance of the decision of the Council of Ministers or a Minister, to exercise powers of Government, State Government, Appropriate Government,

1. Subs. by Act 19 of 2023, s. 3, in the marginal heading, for the words "act in his discretion" (w.e.f. 19-5-2023).
2. Subs. by s. 3, *ibid*., for "act in his discretion" (w.e.f. 19-5-2023).
3. Ins. by s. 3, *ibid*. (w.e.f. 19-5-2023).
4. Subs. s. 3, *ibid*, for "not a matter as respects" (w.e.f. 19-5-2023).
5. Ins. by Act 15 of 2021, s. 5 (w.e.f. 27-4-2021).

Lieutenant Governor, Administrator or Chief Commissioner, as the case may be, under any law in force in the Capital, the opinion of Lieutenant Governor in term of proviso to clause (4) of article 239AA of the Constitution shall be obtained on all such matters as may be specified, by a general or special order, by Lieutenant Governor.]

(*3*) Orders and other instruments made and executed in the name of the Lieutenant Governor shall be authenticated in such manner as may be specified in rules to be made by the Lieutenant Governor and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Lieutenant Governor.

45. Duties of Chief Minister as respects the furnishing of information to the Lieutenant Governor, etc.—It shall be the duty of the Chief Minister—

(*a*) to communicate to the Lieutenant Governor all decisions of the Council of Ministers relating to the administration of the affairs of the Capital and proposals for legislation;

(*b*) to furnish such information relating to the administration of the affairs of the Capital and proposals for legislation as Lieutenant Governor may call for; and

(*c*) if the Lieutenant Governor so requires, to submit for the consideration of the Council of Ministers any matter on which a decision has been taken by a Minister but which has not been considered by the Council.

[1]*[PART IV – A

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

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

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

(*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;

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1. Ins. by Act 19 of 2023, s. 4 (w.e.f. 19-5-2023).

*. Section 5 of the Government of National Capital Territory of Delhi (Amendment) Act, 2023 (19 of 2023) provides for power to remove difficulties for PART IV-A which reads as under:

"**5. Power to remove difficulties.**–(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."

(*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;

(*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.

45B. Public Service Commissions for National Capital Territory of Delhi.—(*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.

45C. Power of Central Government to make rules under this Part.— 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:—

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(*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.

45D. Power to appoint authorities, boards, commissions or statutory bodies.—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.

45E. Constitution of National Capital Civil Service Authority.—(*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.

45F. Meetings of Authority. — (*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.

45G. Appointment of officers and other staff of Authority.—(*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.

45H. Powers and functions of Authority.— (*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.

45-I. Disposal of matters by Minister. — (*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 provision 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.

45J. Duties of Secretaries.— (*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.

45K. Power to make rules.—(*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.]

PART V

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

46. Consolidated Fund of the Capital.—(*1*) As from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, all revenues received in the Capital by the Government of India or the Lieutenant Governor in relation to any matter with respect to which the Legislative Assembly has power to make laws, and all grants made and [1][all loans advanced to the Capital from the Consolidated Fund of India and all loans raised by the Government of India or by the Lieutenant Governor upon the security of the Consolidated Fund of the Capital] and all moneys received by the Capital in repayment of loans shall form one Consolidated Fund to be entitled "the Consolidated Fund of the National Capital Territory of Delhi" (referred to in this Act as the Consolidated Fund of the Capital).

(*2*) No moneys out of the Consolidated Fund of the Capital shall be appropriated except in accordance with and for the purposes and in the manner provided in this Act.

(*3*) The custody of the Consolidated Fund of the Capital, the payment of moneys into such Fund, the withdrawal of moneys therefrom and all other matters connected with or ancillary to those matters shall be regulated by rules made by the Lieutenant Governor with the approval of the President.

[2][**46A. Public Account of the Capital and moneys credited to it**.—(*1*) As from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, all other public moneys received by or on behalf of the Lieutenant Governor shall be credited to a public account entitled "the Public Account of the Capital".

(*2*) The custody of public moneys, other than those credited to the Consolidated Fund of the Capital or the Contingency Fund of the National Capital Territory of Delhi, received by or on behalf of the Lieutenant Governor, their payment into the Public Account of the Capital and the withdrawal of moneys from such account and all other matters connected with or ancillary to matters aforesaid shall be regulated by rules made by the Lieutenant Governor with the approval of the President.]

47. Contingency Fund of the Capital.—(*1*) There shall be established a Contingency Fund in the nature of an imprest to be entitled "the Contingency Fund of the National Capital Territory of Delhi" into which shall be paid from and out of the Consolidated Fund of the Capital such sums as may, from time to time, be determined by law made by the Legislative Assembly; and the said Fund shall be held by the Lieutenant Governor to enable advances to be made by him out of such Fund.

(*2*) No advances shall be made out of the Contingency Fund referred to in sub-section (*1*) except for the purposes of meeting unforeseen expenditure pending authorisation of such expenditure by the Legislative Assembly under appropriations made by law.

(*3*) The Lieutenant Governor may make rules regulating all matters connected with or ancillary to the custody of, the payment of moneys into, and the withdrawal of moneys from, the aforesaid Contingency Fund.

[3][**47A. Borrowing upon the security of the Consolidated Fund of the Capital**.—(*1*) The executive power of the Union extends to borrowing upon the security of the Consolidated Fund of the Capital, within such limits, if any, as may from time to time be fixed by Parliament by law and to the giving of guarantee within such limits, if any, as may be so fixed:

Provided that the powers exercisable by the Government of India under this sub-section shall also be exercisable by the Lieutenant Governor subject to such conditions, if any, as the Government of India may think fit to impose.

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1. Subs. by Act 38 of 2001, s. 7, for "all loans advanced to the Capital from the Consolidated Fund of India" (w.e.f. 10-5-2006).
2. Ins. by s. 8, *ibid*. (w.e.f. 10-5-2006).
3. Ins. by s. 9, *ibid*. (w.e.f. 10-5-2006).

(*2*) Any sums required for the purpose of invoking a guarantee shall be charged on the Consolidated Fund of the Capital.

47B. Form of accounts of the Capital.—The accounts of the Capital shall be kept in such form as the Lieutenant Governor may, after obtaining advice of the Comptroller and Auditor-General of India and with the approval of the President, prescribe by rules.]

48. Audit reports.—The reports of the Comptroller and Auditor-General of India relating to the accounts of the Capital for any period subsequent to the date referred to in sub-section (*1*) of section 46 shall be submitted to the Lieutenant Governor who shall cause them to be laid before the Legislative Assembly.

49. Relation of Lieutenant Governor and his Ministers to President.—Notwithstanding anything in this Act, the Lieutenant Governor and his Council of Ministers shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the President.

50. Period of order made under article 239AB and approval thereof by Parliament.—(*1*) Every order made by the President under article 239AB shall expire at the end of one year from the date of issue of the order and the provisions of clauses (2) and (3) of article 356 shall, so far as may be, apply to such order as they apply to a Proclamation issued under clause (1) of article 356.

(*2*) Notwithstanding anything contained in sub-section (*1*), the President may extend the duration of the aforesaid order for a further period not exceeding two years from the date of expiry of the order under sub-section (*1*) subject to the condition that every extension of the said order for any period beyond the expiration of one year shall be approved by resolutions of both Houses of Parliament.

51. Authorisation of expenditure by President.—Where the Legislative Assembly is dissolved or its functioning as such Assembly remains suspended, on account of an order made by the President under article 239AB, it shall be competent for the President to authorise when the House of the People is not in session expenditure from the Consolidated Fund of the Capital pending the sanction of such expenditure by Parliament.

52. Contracts and suits.—For the removal of doubts it is hereby declared that—

(*a*) all contracts in connection with the administration of the Capital are contracts made in the exercise of the executive power of the Union; and

(*b*) all suits and proceedings in connection with the administration of the Capital shall be instituted by or against the Government of India.

53. Power of President to remove difficulties.—(*1*) If any difficulty arises in relation to the transition from the provisions of any law repealed by this Act or in giving effect to the provisions of this Act and in particular in relation to the constitution of the Legislative Assembly, the President may by order do anything not inconsistent with the provisions of the Constitution or of this Act which appear to him to be necessary or expedient for the purpose of removing the difficulty:

Provided that no order under this sub-section shall be made after the expiry of the three years from the date of constitution of the first Legislative Assembly.

(*2*) Every order made under sub-section (*1*) shall be laid before each House of Parliament.

54. Laying of Rules before Legislative Assembly.—Every rule made by the Lieutenant Governor under this Act shall be laid, as soon as it is made, before the Legislative Assembly.

55. [*Amendment of section* 27A *of Act* 43 *of* 1950.] *Rep. by the Repealing and Amending Act*, 2001 (30 *of* 2001), *s*. 2 *and the Sch.* I (*w.e.f.* 3-9-2001).

56. Repeal of Act 19 of 1966.—The Delhi Administration Act, 1966 is hereby repealed.

THE SCHEDULE

(*See* Sections 4, 12 and 43)

FORMS OF OATHS OR AFFIRMATIONS

I

Form of oath or affirmation to be made by a candidate for election to the Legislative Assembly:—

"I, A. B., having been nominated as a candidate to fill seat in the Legislative Assembly do $\frac{\text{swear in the name of God}}{\text{solemnly affirm}}$ that I will bear true faith and allegiance to the Constitution of India as by law established and that I will uphold the sovereignty and integrity of India."

II

Form of oath or affirmation to be made by a member of the Legislative Assembly:—

"I, A. B., having been elected a member of the Legislative Assembly do $\frac{\text{swear in the name of God}}{\text{solemnly affirm}}$ that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India and that I will faithfully discharge the duty upon which I am about to enter."

III

Form of oath of office for a member of the Council of Ministers:—

"I, A. B., do $\frac{\text{swear in the name of God}}{\text{solemnly affirm}}$ that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will faithfully and conscientiously discharge my duties as a Minister, and that I will do right to all manner of people in accordance with the Constitution and the law without fear or favour, affection or ill-will".

IV

Form of oath of secrecy for a member of the Council of Ministers:—

"I, A. B., do $\frac{\text{swear in the name of God}}{\text{solemnly affirm}}$ that I will not directly or indirectly communicate or reveal to any person or persons any matter which shall be brought under my consideration or shall become known to me as a Minister except as may be required for the due discharge of my duties as such Minister".

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STATEMENT OF OBJECTS AND REASONS

Under the new article 239-AA proposed to be inserted by the Constitution (seventy-fourth Amendment) Bill, 1991, a Legislative Assembly and Council of Ministers will be established for the National Territory Clause (7) (*a*) of the said article provides that Parliament may by law make provisions for giving effect to or supplementing the provisions contained in, that article and for all matters incidental or consequential thereto.

2. In pursuance of the said clause, this Bill seeks to make necessary provisions in respect of the Legislative Assembly and its functioning including provisions relating to the Speaker, Deputy speaker, qualifications or disqualifications for membership, duration, summoning, prorogation or dissolution of the House, privileges, legislative procedures, procedure in financial matters, address by the Lieutenant Governor to the Legislative Assembly, constitution of Consolidated Fund for the National Capital Territory, Contingency Fund, etc. There are on the lines of the provisions made in respect of a Legislative Assembly of a State with suitable modifications.

3. Under the Bill the delimitation of constituencies will be made by the Election Commission in accordance with the procedure set out therein. Having regard to the special conditions prevailing in Delhi, it has been provided that in respect of the first constitution of the Assembly, such delimitation will be on the basis of provisional figures of population in relation to 1991 census, if final figures have not been published by then.

4. The Bill seeks to give effect to the above proposals.

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NEW DELHI; S.B. CHAVAN.

The 12*th December,* 1991.