

# The Government of National Capital Territory of Delhi Act, 1991

February 12, 2013

## Part 1 – 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 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.

Date of enforcement: Provisions of Section 2, 3, 38, 40 and 53 come into force w.e.f. 1.2.1992 vide Noti. No. S.O. 97 (E) 31st January, 1992

### 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;
- (f) "Scheduled Castes" , in relation to the Capital, means such castes, races or tribes or part of or groups within such castes, races or tribes as are deemed under Article 341 to be Scheduled Castes in relation to the Capital .

#### NOTE

Article 341 empowered the President to specify not only the entire castes but tribes or parts or groups within castes, races or tribes which were to be treated as Scheduled Castes in relation to a particular caste. So far as Chamars and Mochis are concerned, it will be noted from a reference to the same caste in all the different States. For instance, in the States of Andhra Pradesh, Bihar, Gujarat, Kerala, Madhya Pradesh, Madras, Maharashtra, Mysore, Orissa, Rajasthan and West Bengal, Chamars and Mochis were put on the same footing. It would not be of any use to look into the gazetteers and the glossaries on the Punjab castes and tribes to which reference was made at the Bar to find out whether Mochi and Chamar in some parts of the State at least meant the same caste although there might be some difference in the professions followed by their members, the main difference being that Chamars skin dead animals which Mochis do not. However that may be, the question not being open to agitation by evidence and

being one the determination of which lies within the exclusive power of the President, it is not for the Court to examine it and come to a conclusion that if a person was in fact a Mochi, he could still claim to belong to the Scheduled Caste of Chamars and be allowed to contest an election on that basis parasram Vs. Shivachan (1969) 1 SCC 20,22,24: (1969) 2 SCR 997: AIR 1969 SC 597: (1969) I SCJ 916: 40 ELR 296.

In order to determine whether or not a particular caste is a Scheduled Caste within the meaning of Article 341 one has to look at the public notification issued by the President in that behalf . Bhiya Lal Vs. Harikishan Singh , (1965) 2 SCR 877, 881; AIR 1965 SC 1557, 1559: (1965) 2 SCJ 77.

The name by which a tribe or sub tribe is known is not decisive. Even if the tribe of a person is different from the name included in the Order issued by the President, it may be shown that the name included in the Order is a general name applicable to sub tribes.

It is not the case of the first respondent that Patars are a distinct community, but that they should be regarded as Mundas because of the similarity of customs, religious beliefs, forms of worship and other social obligations, Bhaiya Ram, Munda Vs. Anirudh Patar, (1970) 2 SCC 825, 832,834: (1971) 1 SCR 804: AIR 1971 S C 2533.

## Part 2 – 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.

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.

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:

Provided that where such figures have not been published, then for the purposes of elections for the constitution of the first Legislative Assembly under this Act, the provisional figures of the Capital as published in relation to the 1991 census shall be deemed to be the population of the Capital.

### 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 of 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 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;

## **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 becomes vacant, the Assembly shall choose another member to 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 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 preside while a resolution for his removal from office is under consideration.**

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(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 despatch 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 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. —**

Even 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 the 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. Disqualification 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 Legislative of the 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 Legislature 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 provision 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 to 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 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 to 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 or any report paper, votes or proceedings.

(3) In other respects, the powers, privileges and immunities of the Legislative Assembly and of the members and 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-section (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 the 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 of a State with respect to those 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.

## 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 the expenditure charged on the Consolidated Fund of the Capital or the increasing of the amount of any such expenditure;
- (e) the receipt of money on account of the Consolidated Fund of the Capital or the custody or issue of such money :

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 any 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 .

## 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 reconsider the Bill or any specified provisions thereof, and, if particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is of returned, the Assembly will consider 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 Section 43.

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 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 for 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 recommendations 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 estimated of expenditure embodies 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

(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 and judgment, decree or award to 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 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 for 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 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 been 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 Section 27, 28 and 29 shall have effect in relating 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 Section 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

### 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:

Provided 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;

(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 adaptation as may be made therein by the Lieutenant Governor.

### 34. Official language or languages of the Capital and language 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 : shall be in the English language :

PROVIDED that where the Legislative Assembly has prescribed and 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 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 maintain order in the Legislative Assembly shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

## **Part 3 – Delimitation of Constituencies**

### **38. Election Commission to delimit constituencies.-**

The Election Commission shall, in the manner herein provided, distribute the seats assigned to the Legislative Assembly under Section 3 to a 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 ration 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 Schedule 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 objection 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 mistake 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 rule 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 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 act in his discretion. –**

(1) The Lieutenant Governor shall act in his 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.

(2) If any question arises as to whether any matter is or is not a matter as respects 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. –**

(1) 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 of 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.

(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 any order or instrument which is so authenticated shall not be called in questions 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 to 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 legislating 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.

## **Part 5 – 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 all loans advanced to the Capital in repayment of loans shall form one Consolidated Fund of India 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.

### **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 appropriation 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.

### **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 239-AB and approval thereof by Parliament.-**

(1) Every order made by the President under Article 239-AB shall expire at the end to 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 239-AB, 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 Capitals 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 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 27-A of Act 43 of 1950. –

In Section 27-A of the Representation of People Act, 1950, for sub-section (3), the following sub-section shall be substituted, namely :-

“(3) The electoral college for the Union territory of Delhi shall consist of the elected members of the Legislative Assembly constituted for that territory under the Government of National Capital Territory of Delhi Act, 1991. ”

## 56. Repeal of Act 19 of 1966. –

The Delhi Administration Act, 1966 is hereby repealed

# THE SCHEDULE

### FORMS OF OATHS OR AFFIRMATIONS

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 a seat in the Legislative Assembly do swear in the name of God that I will bear true faith solemnly affirm 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 swear in the name of God 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 swear in the name of God that I will bear true faith and solemnly affirm 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.”

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

“I A. B. , do swear in the name of God that I will not directly or indirectly solemnly affirm 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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