



OFFICE OF THE CHIEF ELECTORAL OFFICER, DELHI
OLD ST. STEPHEN'S COLLEGE BUILDING, KASHMERE GATE, DELHI-110006

Email ID- sveep.delhiceo@gmail.com

File No. F.7/CEO/SVEEP/Misc/Court/2019/
CD- 000535678

48670-701

Dated: 13/6/19

To

The District Election Officer (North West), Office of the DC(NW), Kanjhawala, Delhi.	The District Election Officer (South), Office of the Dy. Commissioner, BDO Office, MB Road, Saket, New Delhi
The District Election Officer (North East), DSIIDC Complex, Nand Nagri, Delhi	The District Election Officer (Central), Old Employment Exchange Building, 14, Darya Ganj, New Delhi-110002
The District Election Officer (South West), Old Terminal Tax Building, Kapashera, Delhi-110037	The District Election Officer (East), I&F Department Complex, A Block, LM Bandh, Shastri Nagar, Delhi
The District Election Officer (West), Old Middle School Building Complex, Rampura, Delhi	The District Election Officer (New Delhi), 12/1, Jam Nagar House, Shahjahan Road, New Delhi
The District Election Officer (North), Office of the District Magistrate (North), Near Shardhanand College, GT Karnal Road, Alipur, New Delhi-110010	The District Election Officer (Shahdara), O/o The DEO/DC (Shahdara), DSIIDC Complex, Nand Nagri, Delhi
The District Election Officer (South East), O/o The DEO/DM(South East), Old Gargi College, Lajpat Nagar-IV, New Delhi-110024	

Sub: Judgment of the Constitution Bench of Hon'ble Supreme Court of India in Civil Appeal No. 2357 of 2017 and connected matters - reg.

Sir/Madam,

I am directed to forward herewith a copy of Letter dated 03-06-2019 received from O/o Minister of Food and Civil Supplies Environment and Forests and Election, New Delhi for information and further necessary action as deemed fit at your end.

This issues with the prior approval of the Competent Authority.

Yours faithfully,

Encl: As above

(CHARANJIT SINGH)
ELECTION OFFICER(SVEEP)

Copy to :

1. The SDM(Election), All Eleven Districts, Delhi
2. All Branches at CEO,Headquarter, Delhi
3. The SSA (IT) with the request to upload under the link "**Court Cases**" on the website of the Department.

212/c

OFFICE OF THE MINISTER OF FOOD & CIVIL SUPPLIES
ENVIRONMENT & FORESTS AND ELECTION
8th FLOOR, A WING, DELHI SECRETARIAT, NEW DELHI - 110002.

No.F/MoFSEF&E/2019/ 1021-1025

Dated: 03-06-19

To

- 1 The Pr. Secretary (Env.)
Govt. of NCT of Delhi,
6th level, Wing,
Delhi Secretariat,
New Delhi -110002
- 2 The Commissioner
Food & Civil Supplies,
Govt. of NCT of Delhi,
K-Block, Vikas Bhawan,
I.P. Estate, New Delhi-110002
- 3 The Chief Electoral Officer,
Old St. Stephen's College Bld.,
Kashmere Gate,
Delhi.

Sp. CEO - H 26/C90
03/6/19

2
4/6/19

Sub: - Judgment of the Constitution Bench of Hon'ble Supreme Court of India in Civil Appeal No. 2357 of 2017 and connected matters - reg.

Sir,

Kindly find enclosed herewith U.O. No.2580-85/175 dated 31.5.2019 enclosing alongwith letter no. 4334-36 dated 20th July, 2018 of Hon'ble Minister (Law) and U.O. No.Secylaw/1629 dated 10.5.2019 of Pr. Secretary (Law, Justice and L.A.), received in this office on 3.6.2019, on the above noted subject, for necessary action.

Yours faithfully,

Encl.: As Above.

3/6/19

Secretary to Minister
(F&S, Env. & Forests & Election)

Copy for kind information to: -

1. Addl. Secretary to Hon'ble Chief Minister, Delhi, Delhi Sectt., I.P. Estate, New Delhi.
2. Secretary to Hon'ble Minister (Law), 8th Level, A-Wing, Delhi Sectt., I.P. Estate, New Delhi.

726/Sp. CEO
3.6.19
E.O (Succp)

579/EO(Sveeb)
6/6/19

3/6/19

SP.

6/6/19

Sp. Secy

OFFICE OF THE MINISTER OF LAW & JUSTICE, TRANSPORT,
ADMINISTRATIVE REFORMS, INFORMATION & TECHNOLOGY AND
REVENUE

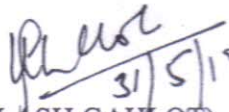
GOVERNMENT OF NCT OF DELHI
8TH LEVEL, 'A' WING DELHI SECRETARIAT,
NEW DELHI - 110001.

It has been noted that the files of different departments are shuttling between the department concerned, Law Department, Finance Department etc. on account of different interpretations being placed upon the requirement of prior approval/concurrence of Hon'ble Lt. Governor in various matters. The matter was earlier clarified by the undersigned vide my Note No.4334-36 dated July 20, 2018 (Copy enclosed).

Vide Judgement dated 04.07.2018 by the Constitution Bench of Hon'ble Supreme Court in Civil Appeal No.2357 of 2017 and connected matters, it has been clearly laid down that the Lt. Governor is bound by the aid and advice of the Council of Ministers in all matters except three reserved subjects i.e. Public Order, Police and Land. However, all such decisions need to be communicated to the Hon'ble Lt. Governor.

In the light of the above, there should not normally be any scope for mis-interpretation as the judgement of Hon'ble Supreme Court is very clear. However, I find that many departments continue to interpret the same differently. In this context, observations of Pr. Secretary (Law) in file bearing C.D. No.064541141 may be relevant (copy enclosed). Though the matter relates to appointment of Counsels in District Courts, observations in para 88 are of general relevance.

All the Hon'ble Ministers are requested to go through the above observations and bring the same to the knowledge of the departments under their control.


31/5/19
(KAILASH GAHLOT)
MINISTER (LAW)

1. Hon'ble Deputy C.M. / Minister (Finance)
2. Minister (Health, Inds, PWD, UD, Power, Home & I&FC).
3. Minister (Labour, Employment, Development & GAD)
4. Minister (Food & Supply, Environment, Forest, & Election)
5. Minister (Gurdwara Elections, SC&ST, Social Welfare & Cooperative Societies).

U.O.No. 2580-85/175

Dated: 31/05/19

Copy to:-

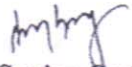
To Addl. Secretary to Hon'ble CM for kind information of the Hon'ble C.M.

Diary No. 62/vip
Office of the Minister
Food & Civil Supply
Environment & Forest and Election
Govt. of NCT of Delhi
I.P. Estate, New Delhi-110002
Dt: 03/6/19

210/C

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
DEPARTMENT OF LAW, JUSTICE & LEGISLATIVE AFFAIRS,
8TH LEVEL, C-WING, DELHI SECRETARIAT, I.P. ESTATE,
NEW DELHI - 110 002

Please find enclosed copy of observations dated 10.05.2019 of undersigned in file bearing CD No.064541141 relating to appointment of Counsels in District Courts Delhi, which is self explanatory. The same may kindly be brought to the notice of Hon'ble Minister (Law) for his kind perusal.


(Sanjay Garg)
Principal Secretary (Law, Justice and I.A.) 10.5.19

Principal Secretary (Law, Justice and I.A.)

Secretary to Hon'ble Minister (Law)

U.O. No.Secylaw/1629

Dated : 10.05.2019

209/C

-: 31/N :-

A. Appointment of Counsels in District Courts:

77. WPC No. 3223/19 titled Bharat S. Kumar Vs. Hon'ble Lt. Governor and Anr. is coming up for hearing before Hon'ble High Court on 14.05.2019.

78. This issue is pending since long due to difference in opinion of Principal Secretary (Law) and of Hon'ble Minister (Law) of Govt. of NCT of Delhi. The view taken earlier by this office was that in view of the Constitution Bench judgment dated 04.07.2018 and judgment of Hon'ble Supreme Court dated 14.02.2019 (Govt. of NCT of Delhi Vs. Union of India) file should go for approval to Hon'ble Lt. Governor before issuance of notification. On the other hand, Hon'ble Minister (Law) has taken a view that in view of the Constitution Bench judgment dated 04.07.2018, file is not required to be sent to Hon'ble Lt. Governor and Govt. of NCT of Delhi is competent to issue notification.

79. Perused the judgment of Hon'ble High Court dated 04.08.2016 in WPC No. 588/15 & Ors. titled Govt. of NCT of Delhi Vs. Union of India & Ors., judgment of Constitution Bench of Hon'ble Supreme Court dated 04.07.2018 and judgment of Hon'ble Supreme Court dated 14.02.2019 in Civil Appeal No. 2357 of 2017 titled Govt. of NCT of Delhi Vs. Union of India. Also perused 69th amendment of the Constitution i.e. Article 239AA, GNCTD Act 1991 and TBR, 1993.

80. The Constitution Bench of Hon'ble Supreme Court in Appeal No. 2357 of 2017 in its judgment dated 04.07.2018 has decided the issue which essentially pertains to the powers conferred on the Legislative Assembly of the National Capital Territory of Delhi and the executive power exercised by the elected Government of NCT of Delhi.

81. The various important observations made by the Constitution Bench of Hon'ble Supreme Court in Para-263 to 268 are as follows:-

263. We have referred to the relevant rules of TBR, 1993 which require that the Lieutenant Governor has to be apprised and kept in the loop of the

