

TIME BOUND

OFFICE OF THE SECY-CUM-COMMISSIONER
DEPTT.OF FOOD, SUPPLIES & CONSUMER AFFAIRS
GOVT. OF NCT OF DELHI

F. NO. PS/CFS/2016/82

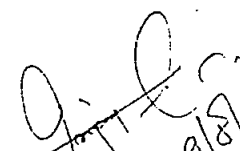
Dated: 09.08.2016

Sub: Review of orders relating to statutory notifications etc.

Please find enclosed herewith a copy of Memorandum issued by the Secretary to Lt. Governor, Govt. of NCT of Delhi, vide F.No.17(1)/16-RM/135/A-6048 dated 08.08.2016 regarding review of orders relating to statutory notifications etc. issued where prior approval of Lt. Governor, though required, was not taken.

You are directed to identify and put up all such cases by 12.08.2016 to the undersigned.

6279/SSA/IT
11/08/2016


(AMJAD TAK)
9/8/16
Secretary-cum-Commissioner

Encl : As above

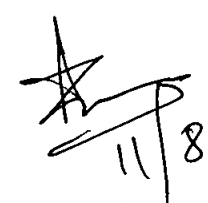
Copy for necessary action to :

1. Controller (W&M)
2. Special Commissioner (F&S)
3. Addl. Commissioner (F&S)
4. Director (Consumer Affairs)

Diary No.....1164.....

Pr. Br. of Spl. Commissioner

Date.....10/8/16.....

Pl. upload on the website
Shi-Vinay

11/8

11.8.16
A. H. ACS
SSA (MAC)

010/16



MOST URGENT

 राज निवास
 दिल्ली-११००५४
 RAJ NIWAS
 DELHI-110054

F.No. 17 C1/16-RM/135/A-6048

सत्यमेव जयते

Date- 08 Aug 2016

MEMORANDUM

Whereas, over the last one and half year, orders relating to issue of statutory notifications, conferment of statutory powers, amendments to Acts/Rules/Statutes, constitution/re-constitution of various Boards/Commissions/Corporations/Committees, including appointment of Chairman/ Members thereof, etc. have been issued, which required prior approval of the competent authority i.e. Lt. Governor of Delhi under extant Acts/Rules/Guidelines as per prevailing constitutional scheme.

2. Whereas, in some of the said orders prior approval of the Lt. Governor of Delhi, though required, was not obtained.

3. Whereas, Hon'ble High Court in its judgement dated 04.08.2016 in the matter of WP(C) No.5888/2015 and related matters, amongst other issues has affirmed that:

(i) *On a reading of Article 239 and Article 239AA of the Constitution together with the provisions of the Government of National Capital Territory of Delhi Act, 1991 and the Transaction of Business of the Government of NCT of Delhi Rules, 1993, it becomes manifest that Delhi continues to be a Union Territory even after the Constitution (69th Amendment) Act, 1991 inserting Article 239AA making special provisions with respect to Delhi.*

(ii) *Article 239 of the Constitution continues to be applicable to NCT of Delhi and insertion of Article 239AA has not diluted the application of Article 239 in any manner.*

4. It is, therefore, obvious that all such orders as referred in paragraph two above suffer from legal infirmities and will have consequential repercussions.

5. I am, therefore, directed to convey that all Principal Secretaries/ Secretaries / HODs & all Heads of Autonomous Bodies/ Corporations/ Boards/ Institutions etc., concerned should immediately review all such orders issued and identify, by 17 Aug 2016, those cases where prior approval of Lt. Governor though required was not taken. All such cases may immediately be placed with appropriate proposal before the Lt. Governor, individually in the concerned file through proper channel and with the opinion/vetting of Law Department, wherever required.

6. It is also directed that no order in future be issued without approval of the competent authority as per the prevailing constitutional scheme.

7. This issues with the approval of the Hon'ble Lt. Governor, Delhi.

 U/s
 (Vijay Kumar)

Secretary to Lt. Governor

To

1. Chief Secretary, Delhi.

2. Secretary, GAD, GNCTD to ensure that the copy of this Memorandum is circulated to all Principal Secretaries / Secretaries / HODs & all Heads of Autonomous Bodies/ Corporations/ Boards/ Institutions under GNCTD.

In other
office.

Copy to:

1. Secretary to Chief Minister, Delhi.

2. Secretary to Deputy Chief Minister / Ministers, Delhi.

Copy for kind information to:

Home Secretary, Government of India, North Block, New Delhi.

 (Vijay Kumar)
 Secretary to Lt. Governor