

Diary No. 55107 Date 08/12/23  
O/o The Registrar Co-operative Societies  
Govt. of Delhi Parliament Street,  
New Delhi



Office of the Minister of  
Social Welfare, Labour, SC/ST,  
Employment, L & B, Cooperation & GE  
Govt. of NCT of Delhi  
No. 4973 Dt. 01/12/2023

Office of the Minister  
(Social Welfare, Labour, SC/ST Welfare,  
Employment, Cooperative, L&B, GE)  
Government of NCT of Delhi

I am forwarding herewith the U.O. No. 4641-48 dated 23.11.2023 of Hon'ble Minister (Law, Justice & Legislative Affairs) regarding written and verbal submissions and filing of affidavit / pleadings in the Hon'ble High Court/Supreme Court for information and observance.

266/AP/IT  
12/12/23

*(Signature)*  
(Raaj Kumar Anand)  
Minister (SW)

ACS (Labour, Employment, Land & Building)

Pr. Secretary, GE

Pr. Secretary, Cooperation

Secretary, SW

Secretary, DSCST

*RES*  
*11/12/21*

*PA - on copy on ground file*



OFFICE OF THE MINISTER

Govt. of NCT of Delhi  
No. 754 Dt. 2/11/23

**LAW, JUSTICE & LEGISLATIVE AFFAIRS, TRANSPORT, ADMINISTRATIVE REFORMS, INFORMATION & TECHNOLOGY AND HOME**

Govt. of National Capital Territory of Delhi

8<sup>th</sup> Level, 'A' Wing, Delhi Secretariat, I. P. Estate, New Delhi – 110002

Phone No. 011-23392066, E-mail : secylm.delhi@delhi.gov.in

Vide O.M. dated 18.04.2023, Pr. Secretary (Law, Justice & Leg. Affairs) has directed all Standing Counsel(s) / Additional Standing Counsel(s) / Empanelled Counsel(s)/ to ensure that the written and verbal submissions made by them shall have to be strictly in consonance with the written instructions given to them with the approval of Administrative Secretary of the concerned Department. Another O.M. dated 09.11.2023 has been issued clarifying that the Administrative Secretaries may authorize in writing their HODs in a case or classes of cases to approve the filing of affidavit and other written or verbal instructions to be made in the Court, if so required in the interest of work.

**At the outset, it is to place on record that none of these two O.Ms. bear the approval of Minister (Law).**

Secondly, a strict interpretation of these O.Ms. can lead to ramifications which may be detrimental to the Governance structure. Is it intended, through these O.Ms., to allow Administrative Secretaries / HODs. to file affidavits and provide instructions to Counsel(s) without the approval of Minister concerned, even in cases which may be having Policy angle and/or dealing with important issue of public importance.

As per Rule 4 (2) of Transaction of Business of the Government of National Capital Territory of Delhi Rules, 1993 Minister-in-Charge of a Department shall be primarily responsible for the disposal of the business pertaining to that Department. Further, as per Rule 15 of the said rules, proposals or matters may be disposed of by or under the authority of the Minister-in-charge who may, by means of standing orders, give such directions as he thinks fit for the disposal of proposals or matters of his Department.

By virtue of these provisions, I as well as other Hon'ble Ministers have issued orders directing that all affidavits in the Hon'ble High Court / Supreme Court shall be filed only with the prior approval of the Minister concerned. The above O.Ms. are in conflict with the aforesaid orders and need to be set aside. There may be various cases in the Hon'ble High Court / Supreme Court where policy decisions are required to be taken at the Government level and cannot be left to the discretion of the administrative Secretary or HOD of the Department concerned to bind the Government with his views.

**In view of the above, it is directed that aforesaid O.Ms. shall be deemed to have been recalled.** It shall be incumbent upon all the administrative Secretaries / HODs to obtain prior approval of Minister Incharge before filing any affidavit and / or pleadings in the Hon'ble High

Court/Supreme Court and also prior to giving any written or verbal instructions to the Counsels with regard to any pending matter in the Hon'ble High Court/Supreme Court.

**It is further directed that Standing Counsels, Civil and Criminal, High Court of Delhi to ensure that any affidavit / pleadings filed in High Court/ Supreme Court and any submission made is done after approval from concerned Minister In Charge.**

  
23/11  
( KAILASH GAHLOT )  
MINISTER (LAW)

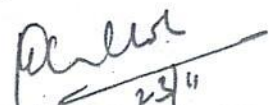
U.O. No. 4641- 48

Dated : 23/11/2023.

1. Pr. Secretary (Law, Justice & Leg. Affairs), Govt. of NCT of Delhi, New Delhi.
2. Standing Counsel (Criminal) in Hon'ble High Court, Govt. of NCT of Delhi, New Delhi.
3. Standing Counsel (Civil) in Hon'ble High Court, Govt. of NCT of Delhi, New Delhi.

Copy to:-

1. Hon'ble Minister, Development, General Administration Department, Environment, Forest and Wild Life, Govt. of NCT of Delhi, Delhi Secretariat, New Delhi.
2. Hon'ble Minister, Food & Supply and Election, Govt. of NCT of Delhi, Delhi Secretariat, New Delhi.
3. Hon'ble Minister, Gurudwara Elections, SC & ST, Social Welfare, Cooperative, Land & Building, Labour and Employment, Govt. of NCT of Delhi, Delhi Secretariat, New Delhi.
4. Hon'ble Minister, Urban Development, Irrigation & Flood Control, Health, Industries, Art, Culture and Language and Tourism, Govt. of NCT of Delhi, Delhi Secretariat, New Delhi.
5. Hon'ble Minister, Women and Child Development, Public Works Department, Power, Education, Higher Education, Training & Technical Education, Public Relations Department, Revenue, Finance, Planning, Services, Vigilance and Water, Govt. of NCT of Delhi, Delhi Secretariat, New Delhi.

  
23/11  
( KAILASH GAHLOT )  
MINISTER (LAW)