

Government of National Capital Territory of Delhi (Amendment) Ordinance, 2023

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Why in News?

- The **Supreme Court** recently ruled that the **Delhi Govt** will have **legislative** and **executive control over administrative services** in the **National Capital Territory of Delhi (NCTD)** except with regard to public order, police and land.
- Now, the **Centre** has brought the ordinance which nullifies the SC order.

About Government of National Capital Territory of Delhi (Amendment) Ordinance, 2023:

- The ordinance **seeks to establish** for the first time the **National Capital Civil Service Authority (NCCSA)**.

- **NCCSA Composition:** It will be **headed by the Chief Minister of Delhi**, with the Chief Secretary and Principal Home Secretary of Delhi being the other two members.
- **Functions of NCCSA:**
 - It will **make recommendations to the Lieutenant Governor (LG) regarding transfer, posting, vigilance and other incidental matters of all Group 'A' officers and officers of DANICS** serving in the Government of **NCTD**.
 - All matters required to be decided by the NCCSA shall be **decided by majority of votes of the members** present and voting.
 - This means, that in effect, the **decision of the elected chief minister** of Delhi **can be overruled by the two senior bureaucrats**.
- **Role of LG:**
 - The ordinance stated that the **LG will pass orders to give effect to the recommendations passed by the NCCSA**.
 - However, **LG can ask for the relevant material with regard to officers** belonging to All India Services and DANICS serving the Delhi government.
 - **In case the LG differs with the recommendation** made, **he/she may return the recommendation to the Authority for reconsideration** by the Authority. For this, **reasons will have to be recorded in writing**.
 - However, as per the ordinance, **in case of difference of opinion, the decision of the LG shall be final**.
- There is **no specific provision in the ordinance regarding the transfer posting, discipline etc of Group B and Group C officers**, which seems to indicate that the elected government of Delhi would continue to have control over these officers.

Q1) What is the Ordinance making power of the President?

The President of India has been given emergency powers to promulgate ordinances in situations where the Houses of Parliament are not in session. An ordinance, which is defined as “an order made by the President under Art. 123 has the same force and effect as an Act of Parliament.

Source: [Explained | How will the new Ordinance affect 'services' in Delhi?](#)

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