



**LEGISLATIVE ASSEMBLY
NATIONAL CAPITAL TERRITORY OF DELHI
OLD SECRETARIAT, DELHI-110054**

SESSION REVIEW

FOURTH PART OF THIRD SESSION (16.01.2023 to 19.01.2023)

SUMMONS

Summons for the Fourth Part of Third Session of the Seventh Legislative Assembly of NCT of Delhi were issued to Hon'ble Members on 09.01.2023

DURATION OF THE SESSION

The Fourth Part of Third Session of the Seventh Legislative Assembly commenced from 16 January, 2023 and was adjourned *sine die* by the Hon'ble Speaker on 19 January, 2023 after conducting 04 (four) sittings on 16.01.2023, 17.01.2023, 18.01.2023 and 19.01.2023. The House conducted its business for 13 Hrs. 54 Minutes. No business could be taken up on 16 January 2023 due to frequent adjournments of the House.

HOMAGE

The House paid homage and observed silence on:

1. Demise of 16 army personnel in a road accident at Jema Hills, Sikkim on 23.12.2022.
2. Demise of 68 persons including 05 Indians in airplane crash at Pokhra, Nepal on 15.01.2023.
3. Demise of Shri Shambhu Dayal, ASI, Delhi Police in a stabbing incident on 08.01.2023 under jurisdiction of Mayapuri Police Station, Delhi.
4. Demise of Shri Mulayam Singh Yadav, former Chief Minister of Uttar Pradesh and former Union Minister on 10.10.2022.
5. Demise of Shri Sharad Yadav, former Union Minister on 12.01.2023.
6. Demise of Ms. Anjali in in Kanjhawala, Delhi on 01.01.2023 in a gruesome incident and murder of Ms. Shradha. The Chair also expressed concern over the growing crime against women.

MATTERS RAISED BY MEMBERS

39 matters of Special Mention Under Rule-280 were allowed during the session. The Matters raised under Rule-280 have been referred to the concerned Departments for furnishing replies to the Hon'ble Members within 30 days.

CALLING ATTENTION (RULE-54)

1. On 17th January 2023, Smt. Atishi called the Attention of Hon'ble Deputy Chief Minister on the issue of *"illegal and unwanted obstructions and interference in the education of children and training of teachers"*. 04 Members including Hon'ble Chief Whip, Shri Dilip Kumar Pandey participated in the discussion. The following resolution was moved by Shri Saurabh Bharadwaj, Hon'ble Member :-

"The Legislative Assembly of NCT of Delhi in its sitting held on 17th January 2023 resolves that :

This House strongly condemns the move of the Lieutenant Governor to prevent the Teachers of Government schools of Delhi from being sent to Finland for training. The people of Delhi have elected a popular Government under the leadership of Chief Minister Sh. Arvind Kejriwal to work on education, health, electricity, water etc. If the Government elected by the full majority of the people of Delhi wants to provide world-class training to the Teachers of the Government schools of Delhi, and for this the budget has also been passed in this Assembly, then in such a situation, the Lieutenant Governor has no right under the Constitution that he should not allow Government School Teachers to go to Finland for training.

Education is a transferred subject to the Delhi Legislative Assembly in the country's Constitution. In the context of Delhi, only three subjects – police, public order and land – have been reserved in the Constitution for decision-making by the Union Government. The Constitution Bench of the Hon'ble Supreme Court has also ruled that the elected Government of Delhi has the right to take decisions on the rest of the subjects except the above three reserved subjects related to Delhi. The Constitution Bench of Hon'ble Supreme Court in its judgment (dated 04 July 2018, para 284 (point number 17)), has clearly stated that: "There is no independent authority vested in Lieutenant Governor to take decisions save and except on matters where he exercises his discretion as a judicial or quasijudicial authority under any law or has been entrusted with powers by the President under Article 239 on matters which lie outside the competence of the Government of NCT."

In its order dated 04 July 2018, para 475 (point number 20), the Constitution Bench has further stated that :

“The meaning of ‘aid and advise’ employed in Article 239AA(4) has to be construed to mean that the Lieutenant Governor of NCT of Delhi is bound by the aid and advise of the Council of Ministers and this position holds true so long as the Lieutenant Governor does not exercise his power under the proviso to clause (4) of Article 239AA. The Lieutenant Governor has not been entrusted with any independent decision-making power. He has to either act on the ‘aid and advise’ of Council of Ministers or he is bound to implement the decision.”

It is clear from the Constitution of provisions and the decision given by the Constitution Bench of the Hon'ble Supreme Court in this regard that the right to make decision pertaining to the education of the children of Delhi rests with the elected Government of Delhi. The Lieutenant Governor has not been provided any power in the Constitution to take a decision in this regard. Despite this, the move by the Lieutenant Governor to stop the Teachers from going to Finland is not only unconstitutional but also a violation of the order of the Hon'ble Supreme Court. It is unfortunate that the Hon'ble Lt. Governor violated the order of the Constitution Bench of the Hon'ble Supreme Court and has not followed the Constitution.

This House agrees with the proposal of the Delhi Government that if we want to provide world class education to our children studying in schools, then for this we have to ensure that our Teachers also get world class training. Today, the education system of Finland is considered the best in the whole world. Countries around the world are taking inspiration from education reforms done in Finland to improve the quality of Government schools.

This House supports the move of the Delhi Government to send Teachers of Delhi Government schools to Finland for training. At the same time, this House requests the Lieutenant Governor to refrain from violating the orders given by the Constitutional Bench of the Hon'ble Supreme Court in future and work in accordance with the provision of the Constitution and not interfere in the subjects that come under the jurisdiction of the elected Government of Delhi”.

Shri Arvind Kejriwal, Hon'ble Chief Minister replied to the discussion. The resolution was put to vote and adopted by voice-vote.

2. On 17th January 2023, Shri Sahi Ram, Hon'ble Member also called the Attention of the Hon'ble Deputy Chief Minister on "*Demolition notices received by residents of Tughlakabad Village*" and made a brief statement.
3. On 19th January 2023, Shri Shri Rajendra Pal Gautam, Hon'ble Member called the attention of the House Under Rule-54 on "*deteriorating law & order situation in Delhi due to drug trafficking & increasing drug addiction in youth*". 02 Members expressed their views. Shri Raaj Kumar Anand, Hon'ble Minister of Social Welfare replied to the discussion.

SHORT DURATION DISCUSSION (RULE-55)

1. On 17th January 2023, Shri Rajesh Gupta, Hon'ble Members raised the issue of "*difficulties faced by poor people especially women on demolition of 04 big toilet blocks built by the Delhi Govt. in Wazirpur, Delhi*". 07 Members participated in the discussion and Shri Gopal Rai, Hon'ble Minister of Development replied to the discussion.
2. On 18th January 2023, Saurabh Bharadwaj, Hon'ble Member raised a matter on "*Questionable role of Hon'ble Lt. Governor in election of Mayor after MCD elections, 2022*". The following resolution was moved by Shri Saurabh Bharadwaj, Hon'ble Member :-

"The Legislative Assembly of NCT of Delhi in its sitting held on 18th January 2023 resolves that :

This House in its sitting dated 18/01/2023 resolves that it is concerned about the unconstitutional interference by Hon'ble Lt. Governor in the functioning of Municipal Corporation of Delhi (MCD) especially conduct of free and fair elections of Mayor, Deputy Mayor and Members of Standing Committee. This House directs the Commissioner of MCD and the Govt. of National Capital Territory of Delhi to ensure that elections of Mayor, Deputy Mayor and Standing Committee Members are conducted as per DMC Act and Constitution of India. This House also directs the Commissioner of MCD to ensure that nominated Members in MCD are not allowed to vote in the House as stated in Article 243-R of Constitution and Section 03 of Delhi Municipal Corporation Act."

10 Members including Shri Imran Hussain, Hon'ble Minister of Food and Supplies participated in the discussion. Shri Manish Sisodia, Hon'ble Deputy Chief Minister replied to the discussion. The resolution was put to vote and adopted by voice-vote.

3. On 19th January 2023, Shri Madan Lal, Hon'ble Member initiated Short Duration discussion on "*Steps to improve law and order situation and women security in light of the recent gruesome death of a girl in Kanjhawala*". 09 Members including Smt. Rakhi Birla, Hon'ble Deputy Speaker participated in the discussion. Shri Gopal Rai, Hon'ble Minister replied to the discussion.

PAPERS LAID

1. 7th Annual Report of Delhi Technological University for the year 2020-2021 (1/08/2020 to 31/07/2021) (English).
2. CAG Audit Report on Annual Accounts of the Netaji Subhas University of Technology for the year 2009-10 to 2017-18 alongwith Action Taken Report (Hindi & English).
3. 19th Annual Report of Indraprastha Power Generation Company Limited for the Financial Year 2019 -20 (Hindi & English Version).
4. 19th Annual Report of Pragati Power Corporation Limited for the Financial Year 2019 -20 (Hindi & English Version).
5. Annual Report of Delhi Transco Limited for the Financial Year 2019-20 (Hindi & English Version).
6. Annual Accounts Reports of DERC for the Financial Year 2020-21 (Hindi & English)
7. DERC (Forum for Redressal of Grievances of the Consumers and Ombudsman) (First Amendment) Regulations, 2022 (Hindi & English) Gazette Notification F.11(1938)/DERC/ 2021-22/263/196 dated 25th April 2022.
8. "Separate Audit Report of the Comptroller and Auditor General of India on the Accounts of the Delhi Jal Board for the year ended 31st march, 2014" (Hindi & English Version).

COMMITTEE REPORT

1. On 18th January 2023 Shri Akhilesh Pati Tripathi, Hon'ble Member presented the First Interim Report of Committee on Petitions and also made a brief statement. 03 Members of the Committee also expressed their views.
2. On 19th January 2023 Shri Akhilesh Pati Tripathi, Hon'ble Member presented the Second Interim Report and Third Interim Report of Committee on Petitions and also made a brief statement. 05 Members of the Committee also expressed their views.

All the three Interim Reports were put to vote and adopted by voice-vote on 19 January 2023.

LEGISLATION

1. On 18th January 2023 “The Delhi Goods and Services Tax (Amendment) Bill, 2023” (Bill No. 01 of 2023) was introduced, considered clause-wise and passed by the House
2. On 19th January 2023 Hon’ble Deputy Chief Minister presented the First Batch of Supplementary Demands for grants for the financial year 2022-2023 which was considered demand-wise and passed by voice Vote.
3. “The Delhi Appropriation (No.1) Bill, 2023” (Bill No. 02 of 2023 was introduced on 19.01.2023. It was considered clause-wise and passed by the House on 19.01.2023.

DIRECTION BY CHAIR

On 16th January 2023, the Members of Opposition came in the House with Oxygen cylinders and masks to protest against the pollution. The Chair expressed serious displeasure and directed that the oxygen cylinders and other materials be removed from the House. Pandemonium ensued due to sloganeering and uproar in the House by the Members of both Ruling and Opposition Parties. The House was repeatedly adjourned and the sitting of the House was finally adjourned for the next day.

DISCIPLINARY ACTION

1. On 17th January 2023, Members of Opposition argued with the Chair, entered the well of the House demanding discussion on corruption in Government. The repeated requests of the Chair to Members of Opposition to resume their seat went in vain as they continued to disrupt the proceedings of the House.

The Chair then named Shri Anil Kumar Bajpai, Shri Abhay Verma, Shri Om Prakash Sharma, Shri Jitender Mahajan, Shri Ajay Kumar Mahawar and Shri Mohan Singh Bisht. As the Members refused to leave the House voluntarily, they were escorted out of the House by the Marshalls on the directions of the Chair. Shri Ramvir Singh Bidhuri, Hon’ble Leader of Opposition alongwith Shri Vijender Gupta walked out in protest.

2. On 18th January 2023, Shri Ramvir Singh Bidhuri, Hon’ble Leader of Opposition displayed samples of water allegedly from Yamuna river being supplied to the residents of Delhi and demanded discussion on pollution in Yamuna river. The Members of Opposition Party entered

the well of the House and continued to disrupt the proceedings of the House. The Chair repeatedly requested the Hon'ble Members of Opposition to resume their seats but they refused to comply with the request of the Chair. The Chair then named, Shri Abhay Verma, Shri Jitender Mahajan, Shri Ajay Kumar Mahawar, Shri Anil Kumar Bajpai, Shri Om Prakash Sharma and Shri Mohan Singh Bisht. As the Members refused to leave the House voluntarily, they were escorted out of the House by the Marshalls on the directions of the Chair. Shri Ramvir Singh Bidhuri, Hon'ble Leader of Opposition alongwith Shri Vijender Gupta walked out in protest.

The Chair directed that the samples of water bottles displayed be sent to Laboratory for quality testing to ascertain the veracity of claims made by Members of Opposition Party.

3. Hon'ble Members of Ruling Party objected to the use of unparliamentary language by Shri Vijender Gupta, Hon'ble Member against Hon'ble Deputy Chief Minister and demanded his apology. The Chair also advised Shri Vijender Gupta, Hon'ble Member to tender an apology for use of unparliamentary language. Shri Vijender Gupta, Hon'ble Member subsequently withdrew his remarks, expressed regret and assured the House that he held Hon'ble Deputy Chief Minister in high esteem and his deepest regards.
4. On 19th January 2023, the Members of Ruling Party came into the well, raised slogans and demanded action against the Chief Secretary and other officers for stalling welfare schemes, as reported by the Committee on Petitions. The Chair repeatedly requested the Members to resume their seats. However, the Members did not leave the well of the House and continued shouting slogans. The Members of Opposition Party also entered the well and indulged in counter sloganeering. The Chair adjourned the House. The Chair repeatedly requested the Members to resume their seats but the commotion continued. After repeated requests by the Chair, the Members of Ruling Party resumed their seats but the Members of Opposition Party did not leave the well of the House. The Chair then named Shri Ramvir Singh Bidhuri, Hon'ble Leader of Opposition, Shri Ajay Kumar Mahawar, Shri Mohan Singh Bisht, Shri Anil Kumar Bajpai, Shri Vijender Gupta, Shri Abhay Verma, Shri Om Prakash Sharma and Shri Jitender Mahajan. As the Members refused to leave the House voluntarily, they were escorted out of the House by the Marshalls on the directions of the Chair.
