



**HIMACHAL PRADESH NATIONAL LAW UNIVERSITY,
SHIMLA**

Presents

**4TH HPNLU
NATIONAL MOOT
COURT COMPETITION,
2023**

**13TH - 14TH OCTOBER, 2023
(ONLINE ROUNDS)**

&

**28TH - 29TH OCTOBER, 2023
(OFFLINE ROUNDS)**

MOOT PROPOSITION

- KNOWLEDGE PARTNERS -

**SCC[®]
ONLINE**

EBC
India's leading law information provider

MOOT COURT COMMITTEE, HPNLU, SHIMLA

MOOT PROPOSITION

THE UNION OF ARYAVARTA

1. Aryavarta, the world's largest democracy, embarked on a historic nation-building journey after gaining independence from British colonial rule in 1947. The transition to democracy marked a new era in Aryavarta's history, characterized by social, political, and economic transformations. The framers of Aryavarta's Constitution meticulously crafted a visionary document that enshrined democratic principles and ideals, adopted on January 26, 1950, and established Aryavarta as a sovereign, socialist, secular, and democratic republic. It provided a framework for governance that safeguarded fundamental rights, enshrined the principles of equality and justice, and outlined the separation of powers among the executive, legislative, and judicial branches.
2. The polyglot Aryavarta society of wide geographical dimensions habiting by social milieu, ethnic variety or cultural diversity, linguistic multiplicity, hierarchical caste structure among Hindus, religious pluralism, majority of the rural population and minority urban habitus, the social and cultural diversity of the people furnish a manuscript historical material for. The Founding Fathers of the Constitution laid a federal structure as a foundation to integrate Aryavarta as a united Aryavarta. Federalism implies mutuality and common purpose for the aforesaid process of change with continuity between the Union and its States, which are the structural units operating on a balancing wheel of concurrence and promises to resolve problems and promote social, economic, and cultural advancement of its people and to create fraternity among the people.

3. The concept of federalism, as enshrined in the Constitution of Aryavarta, forms a fundamental cornerstone of the nation's democratic framework. Within this construct, the Union of Aryavarta is a permanent entity, its territorial boundaries meticulously defined by Article 1 of the Constitution, rendering it indestructible. The States, conversely, derive their existence from the Constitution itself, shaped by Articles 2 to 4. While their territorial integrity remains malleable through parliamentary legislation, their permanence as constitutional entities is undeniable. The significance of legislative entries in Schedule VII, specifically within Lists I and II, along with the Union's fiscal oversight, does not inherently establish a unitary structure. Instead, the basis for legislative authority traces back to Articles 245 to 254. Within the context of the Constitution, the State exhibits a federal structure, autonomously wielding legislative and executive power. Nonetheless, given its constitutional origin, the State lacks the prerogative to secede or assert sovereignty. In relation to the Union, the State holds a quasi-federal status. Both entities operate as coordinating institutions; their powers are intended to harmonize through mutual adjustment, comprehension, and compromise. This cooperative stance aims to uphold socio-economic, secularism, and political justice principles, furthering constitutional objectives.
4. Aryavarta has 28 states and 8 union territories, and Indraprastha is its National Capital. Further, parliament may by law form a new State by separation of territory from any State or by uniting two or more States or part of States or uniting any territory to a part of any State or by increasing the area of any State or diminishing the area of any State, or alter the boundary of any State.

THE NATIONAL CAPITAL OF INDRAPRASTHA

5. In 1911, Indraprastha became the capital of Aryavarta under British colonial rule. The British Act for Aryavarta, 1919 and the British Act for Aryavarta, 1935 retained Indraprastha as a Centrally administered territory. Indraprastha became a Part C State on coming into force of the Constitution of Aryavarta.¹In 1951, the Aryavarta's Part C States Act, 1951 was enacted, providing, inter alia, for a Legislative Assembly in Indraprastha. Section 21(1) of the Aryavarta's Part C States Act, 1951 empowered the Legislative Assembly to make laws on all matters of List II of the Seventh Schedule of the Constitution except (i) public order; (ii) police (including railway police); (iii) constitution and powers of municipal corporations and local authorities, etc. — public utility authorities; (iv) lands & buildings vested in/in possession of the Union situated in Indraprastha or New Indraprastha; (v) offences against laws about subjects mentioned from (i) to (iv); and (vi) jurisdiction of courts with respect to the above matters and court fee thereon.

6. In 1956, the Constitution of Aryavarta (Seventh Amendment) Act, 1956 was passed to implement the provisions of the Aryavarta's States Reorganisation Act, 1956, which did away with Part A, B, C, and D States and only two categories, namely, States and Union Territories remained. Indraprastha became a Union Territory to be administered by an Administrator appointed by the President. The Legislative Assembly of Indraprastha and the Council were abolished. In 1953, the Government of Union Territories Act, 1963 was enacted to provide for Legislative Assemblies and Council of Ministers for various Union Territories. Still, the provisions of the said Act were not made applicable to Indraprastha.

¹ Part C contains provinces of Chief commissioners. It also includes some princely states. The governance and control of Part C states is with the chief commissioner. The President of India appoints the chief commissioner.

Instead, the Indraprastha Administration Act, of 1966 was enacted to provide for limited representative Government for Indraprastha through a Metropolitan Council comprising 56 elected Members and five nominated Members. In the same year, the Ministry of Home Affairs issued a gazette that provided, inter alia, that the Lieutenant Governor/Administrator/Chief Commissioner shall be subject to the control of the President of Aryavarta and exercise such powers and discharge the functions of a State Government under the Commissions of Inquiry Act, 1952 within the Union Territories.

7. Later in the year 1991, parliament, in the exercise of its constituent power, amended the Constitution by the Constitution (Sixty-ninth Amendment) Act and inserted Articles 239-AA and 239-AB in the Constitution by which National Capital Territory of Indraprastha ('NCTI') occupied a unique position in the constitutional scheme that has shaped NCTI into a constitutional hybrid and has led Indraprastha to acquire certain unique characteristics solely attributed to full-fledged States under the Constitution.
8. The Legislative Assembly, Council of Ministers, and the Westminster style Cabinet system of Government brought by the Sixty-ninth Amendment highlight the uniqueness attributed to Indraprastha with the aim that the residents of Indraprastha have a more significant say in how Indraprastha is to be governed. The real purpose behind the Constitution (Sixty-ninth Amendment) Act, 1991, is to establish a democratic set-up and representative form of Government wherein the majority has a right to embody their opinion in laws and policies pertaining to NCTI subject to the limitations imposed by the Constitution.
9. The Common People Party came into power in Indraprastha after winning the Indraprastha Legislative Assembly elections in 2015. The conflict

started as the Indraprastha State Government and the Lieutenant Governor clashed over various issues, including administrative control, appointments, and legislative authority. Due to these rising conflicts and control of power over the Indraprastha, the Indraprastha State Government has filed a case in the Supreme Court of Aryavarta by stating the Basic Structure of Federalism, Separation of Power, Rule of Law, and representative democracy. The Supreme Court, appreciating the complexity of the issue, constituted a Constitutional Bench to decide the issue.

10.A Constitution Bench in 2018 held, inter alia, that the Legislative Assembly, Council of Ministers, and 4 Westminster-style cabinet system of the Government of NCTI brought into existence the attributes of a representative form of Government and, as a consequence, the residents of Indraprastha have been, through their elected representatives, afforded a voice in the governance of NCTI. Further, the Constitution Bench dealt with the constitutional status of the NCTI and the modalities of its administration. The Apex Court categorically held that only Entries 1, 2, and 18 from the State List were excluded from the Indraprastha Legislative Assembly's competence to legislate. The principles of representative democracy and federalism underlined the entire judgment and interpretation of the Constitution Bench to Article 239-AA.

11.Despite this, the conflict between the Indraprastha Government and the Lieutenant Governor continued to obstruct the decisions and functioning of each other in NCTI. Hence, the Government of NCTI again filed a case before the Supreme Court of Aryavarta, raising the issue of whether the Government of NCTI had legislative and executive powers in relation to 'services' under Schedule VII, List II, and Entry 41 of the Constitution and whether the officers of the various 'services' such as Aryavarta

Administrative Service (AAS), Aryavarta Police Services, etc. who had been allocated to Indraprastha by the Union of Indraprastha, came under the administrative control of the Government of NCTI.

12. The Constitution Bench pronounced a judgment in 2023 that held, *inter alia*, that regardless of the allocation of competence between the Government of NCTI and the Union, a valid exercise of such competence would have to comply with the substantive requirements of Article 239-AA of the Constitution, particularly, federalism, and the principles of collective responsibility and, Westminster-style democracy. Therefore, as per the Judgment, the Government of NCTI has the legislative and executive power of services in Entry 41 of the Constitution.

NCT ORDINANCE AND NCT BILL

13. Eight days after the judgment by the Constitution Bench in 2023, the President, in exercising powers under Article 123 of the Constitution, promulgated the Government of National Capital Territory of Indraprastha (Amendment) Ordinance 2023 (NCT Ordinance). The NCT Ordinance amends the Government of National Capital Territory of Indraprastha Act 1991. The Preamble to the NCT Ordinance positions that parliament has exclusive and plenary jurisdiction with respect to the national capital in view of Articles 239-AA(3)(b) and 239-AA(7).
14. The NCT Ordinance amended the Government of NCTI Act, 1991 by adding a new section, Section 3A. According to this new section, the Legislative Assembly has the power to create laws as specified in Article 239-AA, even if there have been any court judgments, orders, or decrees saying otherwise. However, this power does not apply to making laws about Entry 41 in List II of the Seventh Schedule to the Constitution. This section also adds Entry 41 to the list of things that the NCTI cannot make

laws about, along with Entries 1, 2, and 18, which were already excluded by Article 239-AA.

15. Thus, by promulgating the Ordinance, the Union of Aryavarta invalidates and negates the authoritative effect of the 2018 and 2023 Constitutional Bench Judgement. Later, the Union Government of Aryavarta presented the Government of National Capital Territory of Indraprastha (Amendment) Act 2023 in the parliament, and the same was passed on August 7, 2023. Further, the President of Aryavarta, on August 11, 2023, gave assent to the Government of National Capital Territory of Indraprastha (Amendment) Act 2023 (NCT BILL). With this, the Ordinance has now become a law.

PRESENT DISPUTE

16. The Indraprastha Electricity Reform Act 2000 (IER) was brought into force by the Indraprastha Legislative Assembly and, inter alia, constituted the Indraprastha Electricity Regulatory Commission ('IERC'), members of which were to be appointed by the 'Government'.

17. Section 3(1) of the IER Act envisages the establishment of an Electricity Regulatory Commission for the NCTI to be known as the Indraprastha Electricity Regulatory Commission, to exercise the powers conferred on, and to perform the functions assigned to it under this IER Act. Section 3(2) of the IER Act states that the members, including the Chairperson of the IER Act, shall be appointed by the 'Government' in the manner provided in Section 4 of the IER Act. Section 2(d) of the IER Act defined 'Government' as the Lieutenant Governor referred to in Article 239AA of the Constitution.

18. Section 82 of the Aryavarta Electricity Act, 2003, outlines the formation of a State Electricity Regulatory Commission for purposes related to the

Aryavarta Electricity Act. This includes tasks like promoting the growth of the electricity industry, ensuring electricity access across all areas, and making electricity pricing fair. Section 84(2) of the Electricity Act grants the State Government the authority to choose a current or former Judge of a High Court as the Chairperson of the State Electricity Regulatory Commission. However, this choice must be made after discussing it with the Chief Justice of that High Court. These provisions also apply to the Government of the NCTI.

19. Based on these provisions, the elected Government of NCTI has been appointing the Chairperson of the IERC. An appointment was made on July 20, 2021, through an official Order. In this appointment, an Hon'ble Justice (Retd.) Feroz from the Awadh High Court was chosen as the Chairperson of the IERC.

20. According to Section 6(1) of the IER Act, every member of the IERC holds office for five years from their appointment or until they reach the age of sixty-five, whichever comes first. After this term, they cannot be reappointed. Since Hon'ble Justice (Retd.) Feroz turned sixty-five on January 09, 2023, his time as the Chairperson of the IERC was coming to an end on the same date. Therefore, on January 04, 2023, the Government of NCTI recommended the name of Hon'ble Justice (Retd.) Subhash Sen to the Lieutenant-Governor the name of erstwhile judge of the Mithla Pradesh High Court, as the next Chairperson of the IERC, after having obtained the consent of the Chief Justice of the Mithla Pradesh High Court and such recommendation was made in view of the impending superannuation of Hon'ble Justice (Retd.) Feroz as Chairperson on January 09, 2023.

21. Upon receiving the recommendation, the Lieutenant Governor has taken the measure of seeking the opinion of the Ministry of Power, Union of

Aryavartha on whether the consent or recommendation of the Chief Justice of the Hon'ble High Court of Indraprastha or the Hon'ble High Court of Mithla Pradesh is required for the appointment of the Chairperson of IERC. By letter dated February 03, 2023, the Ministry of Power, in consultation with the Ministry of Law and Justice, Union of Aryavartha, conveyed that as per Section 84(2) of the Aryavarta Electricity Act, it is the Hon'ble Chief Justice of the High Court where the Commission is situated whose consent is required.

22. By a Letter dated February 13, 2023 the Lieutenant Governor wrote to the Registrar General of the High Court of Indraprastha requesting the Hon'ble Chief Justice of Indraprastha to recommend a suitable person for appointment as the Chairperson of IERC. The Hon'ble Chief Justice of the High Court of Indraprastha was pleased to recommend the name of Hon'ble Justice (Retd.) Vani Patil, for appointment as the Chairperson of IERC.

23. On June 16, 2023, Hon'ble Justice (Retd.) Subhash Sen cited his personal reason to express his inability to take charge of the next Chairperson of IERC. Thus, on June 21, 2023 the Government of NCTI issued a fresh recommendation of Hon'ble Justice (Retd.) Abhas Bharadwaj, erstwhile judge of the High Court of Suratgarh, as the next Chairperson of IERC, having obtained the consent of the Chief Justice of the High Court of Suratgarh. On the same day, a notification was issued by the Ministry of Home Affairs that the President appoints Hon'ble Justice (Retd.) Vani Patil as the Chairperson of IERC.

24. Therefore, the Government of NCTI, by way of a Writ Petition under Article 32 of the Constitution of Aryavarta challenged the constitutionality of the Government of National Capital Territory of Indraprastha (Amendment) Act 2023 and the notification dated June 21,

2023 of the Ministry of Home Affairs, Union of Aryavarta on the basis that aforesaid Bill and the Notification are manifestly arbitrary, impermissible use of Ordinance making power and *mala fide*.

25. Thus, the Government of NCTI believes that the Apex Court, being the Final Arbiter of the Constitution in such a situation, has to enter into the process of interpretation with new tools such as constitutional pragmatism having due regard to the sanctity of objectivity, realization of the purpose in the truest sense by constantly reminding one and all about the sacrosanctity of the democratic structure of the Constitution, elevation of the precepts of the constitutional trust and morality and the solemn idea of decentralization of power. The compulsive invitation is the warrant to sustain the value of democracy in the prescribed framework of the law. The aim is to see that in the ultimate eventuate, the rule of law prevails, and the interpretative process allows the sad idea its deserved space, for when the rule of law is conferred its due status in the sphere of democracy, it assumes significant credibility.

26. Therefore, the Hon'ble Chief Justice of Aryavarta constituted a constitutional bench to adjudicate on the following issues:

- (A) Whether the Bill passed by the parliament was constitutionally valid and what are the specific limits of parliament's authority to create a law under Article 239-AA (7)?
- (B) Whether the appointment by way of the notification dated June 21, 2023, an arbitrary and *mala fide* exercise of discretionary power envisaged by the Union of Aryavarta?
- (C) Whether the parliament, through its authority under Article 239-AA(7), nullify the constitutional principles governing the governance of the National Capital Territory of Indraprastha?

(D) Whether the Notification and the Act constitutionally valid as they override the legal effect of the 2018 and 2023 constitutional bench judgments?

27. The Hon'ble Apex Court has requested the presence of the Ld. Attorney General for Aryavarta, along with the Ld. Solicitor General, to be able to take this Constitutional Bench upon the submissions advanced by the Petitioner and submit their counter submissions thereof, furthermore directing both the parties to be ready with their final arguments by filing their written submissions before the Hon'ble Court and exchanging the copy of pleadings amongst themselves to the next date of hearing.

-
- The Participants should strictly adhere to the above-mentioned issues enumerated in the present moot propositions. However, participants can add sub-issues in the above-mentioned issues, as the case may be.
 - The Laws of the Union of Aryavarta are in *Pari Materia* with that of the Union of India and must be interpreted in its true sense and spirit.
 - The events and the characters depicted in the moot court proposition are purely a work of fiction and hypothetical. Any similarity to actual persons, living or dead, is purely coincidental.
 - This Moot Problem is purely intended for the Moot Court Competition and educational purposes amongst law students.

Note: Drafted by **Vikram Nagpal** and **Subham Saurabh**, Advocates, Hon'ble Supreme Court of India and *alumni* of Himachal Pradesh National Law University, Shimla (Batch of 2017-22).

ANNEXURE- A

THE CONSTITUTION OF ARYAVRAT, 1950

1. Name and territory of the Union.- (1) Aryavrat, shall be a Union of States.

[(2) The States and the territories thereof shall be as specified in the First Schedule.]

(3) The territory of shall comprise—

(a) the territories of the States;

[(b) the Union territories specified in the First Schedule; and]

(c) such other territories as may be acquired.

2. Admission or establishment of new States.:- Parliament may by law admit into the Union, or establish, new States on such terms and conditions as it thinks fit.

32. Remedies for enforcement of rights conferred by this Part.— Remedies for enforcement of rights conferred by this Part

(1) The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed.

(2) The Supreme Court shall have the power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part.

(3) Without prejudice to the powers conferred on the Supreme Court by clause (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2).

(4) The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution.

132. Power of President to promulgate Ordinances during recess of Parliament.-Power of President to promulgate Ordinances during recess of Parliament

(1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinance as the circumstances appear to him to require

(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament, but every such Ordinance

(a) shall be laid before both House of Parliament and shall cease to operate at the expiration of six weeks from the reassemble of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions; and

(b) may be withdrawn at any time by the President Explanation Where the Houses of Parliament are summoned to reassemble on different dates, the period of six weeks shall be reckoned from the later of those dates for the purposes of this clause

Explanation.—Where the Houses of Parliament are summoned to reassemble on different dates, the period of six weeks shall be reckoned from the later of those dates for the purposes of this clause.

(3) If and so far as an Ordinance under this article makes any provision which Parliament would not under this Constitution be competent to enact, it shall be void.

239AA. Special provisions with respect to Delhi.— (1) As from the date of commencement of the Constitution (Sixty-ninth Amendment) Act, 1991, the Union territory of Indraprastha shall be called the National Capital Territory of Indraprastha (hereafter in this Part referred to as the National Capital Territory) and the administrator thereof appointed under article 239 shall be designated as the Lieutenant Governor.

(2)(a) There shall be a Legislative Assembly for the National Capital Territory of Indraprastha and the seats in such Assembly shall be filled by members chosen by direct election from territorial constituencies in the National Capital Territory.

(b) The total number of seats in the Legislative Assembly, the number of seats reserved for Scheduled Castes, the division of the National Capital Territory into territorial constituencies (including the basis for such division) and all other matters relating to the functioning of the Legislative Assembly shall be regulated by law made by Parliament.

(c) The provisions of articles 324 to 327 and 329 shall apply in relation to the National Capital Territory, the Legislative Assembly of the National Capital Territory and the members thereof as they apply, in relation to a State, the Legislative Assembly of a State and the members thereof respectively; and any reference in articles 326 and 329 to “appropriate Legislature” shall be deemed to be a reference to Parliament.

(3)(a) Subject to the provisions of this Constitution, the Legislative Assembly shall have power to make laws for the whole or any part of the National Capital Territory with respect to any of the matters enumerated in the State List or in the Concurrent List in so far as any such matter is applicable to Union territories except matters with respect to Entries 1, 2 and 18 of the State List and Entries 64, 65 and 66 of that List in so far as they relate to the said Entries 1, 2 and 18.

(b) Nothing in sub-clause (a) shall derogate from the powers of Parliament under this Constitution to make laws with respect to any matter for a Union territory or any part thereof.

(c) If any provision of a law made by the Legislative Assembly with respect to any matter is repugnant to any provision of a law made by Parliament with respect to that matter, whether passed before or after the law made by the Legislative Assembly, or of an earlier law, other than a law made by the Legislative Assembly, then, in either case, the law made by Parliament, or, as the case may be, such earlier law, shall prevail and the law made by the Legislative Assembly shall, to the extent of the repugnancy, be void:

Provided that if any such law made by the Legislative Assembly has been reserved for the consideration of the President and has received his assent, such law shall prevail in the National Capital Territory:

Provided further that nothing in this sub-clause shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislative Assembly.

(4) There shall be a Council of Ministers consisting of not more than ten per cent. of the total number of members in the Legislative Assembly, with the Chief Minister at the head to aid and advise the Lieutenant Governor in the exercise of his functions in relation to matters with respect to which the Legislative Assembly has power to make laws, except in so far as he is, by or under any law, required to act in his discretion:

Provided that in the case of difference of opinion between the Lieutenant Governor and his Ministers on any matter, the Lieutenant Governor shall refer it to the President for decision and act according to the decision given thereon by the President and pending such decision it shall be competent for the Lieutenant Governor in any case where the matter, in his opinion, is so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary.

(5) The Chief Minister shall be appointed by the President and other Ministers shall be appointed by the President on the advice of the Chief Minister and the Ministers shall hold office during the pleasure of the President.

(6) The Council of Ministers shall be collectively responsible to the Legislative Assembly.

(7) (a) Parliament may, by law, make provisions for giving effect to, or supplementing the provisions contained in the foregoing clauses and for all matters incidental or consequential thereto.

(b) Any such law as is referred to in sub-clause (a) shall not be deemed to be an amendment of this Constitution for the purposes of article 368 notwithstanding that it contains any provision which amends or has the effect of amending, this Constitution.

(8) The provisions of article 239B shall, so far as may be, apply in relation to the National Capital Territory, the Lieutenant Governor and the Legislative Assembly, as they apply in relation to the Union territory of Puducherry, the administrator and its Legislature, respectively; and any reference in that article to “clause (1) of article 239A” shall be deemed to be a reference to this article or article 239AB, as the case may be.

239AB. Provision in case of failure of constitutional machinery.- If the President, on receipt of a report from the Lieutenant Governor or otherwise, is satisfied-

(a) That a situation has arisen in which the administration of the National Capital Territory cannot be carried on in accordance with the provisions of article 239AA or of any law made in pursuance of that article; or

(b) That for the proper administration of the National Capital Territory it is necessary or expedient so to do,

The President may by order suspend the operation of any provision of article 239AA or of all or any of the provisions of any law made in pursuance of that article for such period and subject to such conditions as may be specified in such law and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering the National Capital Territory in accordance with the provisions of article 239 and article 239AA.

Note: The Constitution of Aryavarta is in *Pari Materia* with that of the Constitution of India and must be interpreted in its true sense and spirit.

ANNEXURE- B

ARYAVARTA'S PART C STATES ACT, 1951

21. Extent of legislative power.- (1) Subject to the provisions of this Act, the Legislative Assembly of a State may make laws for the whole or any part of the State with respect to any of the matters enumerated in the State List or in the Concurrent List:

Provided that the Legislative Assembly of the State of Indraprastha shall not have power to make laws with respect to any of the following matters, namely:-

(a) Public order;

(b) Police including railway police;

(c) The Constitution and powers of municipal corporations and other local authorities, of improvement trusts and of water supply, drainage, electricity, transport and other public utility authorities in Indraprastha or in Indraprasta;

(d) Lands and buildings vested in or in the possession of the Union which are situated in Indraprastha or in New Indraprastha including all rights in or over such lands and buildings, the collection of rents therefrom and the transfer and alienation thereof;

(e) Offences against laws with respect to any of the matters mentioned in the foregoing clauses;

(f) Jurisdiction and powers of all courts, with respect to any of the said matters; and

(g) Fees in respect of any of the said matters other than fees taken in any court.

(2) Nothing in sub-section (1) shall derogate from the power conferred on Parliament by the Constitution to make laws with respect to any matter for a State or any part thereof.

Note: Aryavarta's Part C States Act, 1951 is in *Pari Materia* with that of the Government of Part C States Act, 1951 and must be interpreted in its true sense and spirit.

ANNEXURE- C

INDRAPRASTHA ELECTRICITY REFORM ACT 2000 (IER)

3. (1) There shall be an Electricity Regulatory Commission for the National Capital Territory of Indraprastha to be known as “the Indraprastha Electricity Regulatory Commission” (hereinafter referred to as “the Commission”) to exercise the powers conferred on, and to perform the functions assigned to it under this Act
- (2) The Commission shall consist of one or more but not more than three members, including the Chairperson, to be appointed by the Government in the manner provided in Section 4, who shall be person or persons, as the case may be, of ability, integrity and standing with knowledge of, and having shown capacity in, dealing with problems relating to administration, engineering, finance, commerce economics, law or management.
4. (1) (a) The Government shall constitute a selection committee, as often as may be required to select persons for appointment as members. The selection committee shall consist of the following members: -
- (i) A Judge of High Court or a former Judge of High Court – Chairperson
- (ii) Chief Secretary of the Government – Member
6. (1) Every member shall hold office for a period of five years from the date of his appointment as member or until the age of sixty-five years, whichever is earlier, and he shall not be eligible for re-appointment at any time after the expiry of his term of appointment.

Note: The Indraprastha Electricity Reform Act, 2000 is in *Pari Materia* with that of the Delhi Electricity Reform Act, 2000 and must be interpreted in its true sense and spirit.

ANNEXURE- D

ARYAVARTA ELECTRICITY ACT, 2003

Section 82. (Constitution of State Commission):- (1) Every State Government shall, within six months from the appointed date, by notification, constitute for the purposes of this Act, a Commission for the State to be known as the (name of the State) Electricity Regulatory Commission:

Provided that the State Electricity Regulatory Commission, established by a State Government under section 17 of the Electricity Regulatory Commissions Act, 1998 and the enactments specified in the Schedule, and functioning as such immediately before the appointed date, shall be the State Commission for the purposes of this Act and the Chairperson, Members, Secretary, and other officers and other employees thereof shall continue to hold office, on the same terms and conditions on which they were appointed under those Acts:

Provided further that the Chairperson and other Members of the State Commission appointed, before the commencement of this Act under the Electricity Regulatory Commissions Act, 1998 or under the enactments specified in the Schedule, may on the recommendations of the Selection Committee constituted under sub-section (1) of Section 85 be allowed to opt for the terms and conditions under this Act by the concerned State Government.

(2) The State Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

(3) The head office of the State Commission shall be at such place as the State Government may, by notification, specify.

(4) The State Commission shall consist of not more than three Members, including the Chairperson.

(5) The Chairperson and Members of the State Commission shall be appointed by the State Government on the recommendation of a Selection Committee referred to in section 85.

Section 84. ((Qualifications for appointment of Chairperson and Members of State Commission):- (2) Notwithstanding anything contained in sub-section (1), the State Government may appoint any person as the Chairperson from amongst persons who is, or has been, a Judge of a High Court:

Provided that no appointment under this sub-section shall be made except after consultation with the Chief Justice of that High Court.

Note: The Aryavarta Electricity Act, 2003 is in *Pari Materia* with that of India's Electricity Act, 2000 and must be interpreted in its true sense and spirit.

ANNEXURE- E

THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF INDRAPRASTHA
(AMENDMENT) ORDINANCE, 2023

Part of the Preamble:

“AND WHEREAS, keeping in mind various reports of various Commissions and since Indraprastha is the capital city of the nation, the Constitution retained certain exclusive and plenary jurisdiction in the Parliament while incorporating Article 239-AA in general and Article 239-AA(3)(b) read with Article 239-AA(7) in particular. [...] AND

WHEREAS for the purpose of giving effect to Article 239(l) read with Article 239AA and in exercise of powers of Article 239AA(3)(b) and Article 239AA(7) of the Constitution of Aryavarta, which includes the power to supplementing the provisions under Article 239-AA including the power to make suitable amendments thereof, an Ordinance namely the Government of National Capital Territory of Indraprastha (Amendment) Ordinance, 2023 is proposed to provide for a comprehensive scheme of administration of services deployed in the functioning of NCTI and other allied issues thereby balancing the local and domestic interests of the people staying in the NCTI with the democratic will of the entire nation reflected through the President of Aryavarta.”

1. Short Title and Commencement:

(1) This Ordinance may be called the Government of National Capital Territory of Delhi (Amendment) Ordinance, 2023.

(2) It shall come into force at once.

2. Amendment of section 2:

In the Government of National Capital Territory of Delhi Act, 1991 (hereinafter referred to as the principal Act), in section 2, after clause (e), the following clauses shall be inserted, namely:—

(ea) "Lieutenant Governor" means the administrator appointed under article 239 of the Constitution for the National Capital Territory of Delhi and designated as Lieutenant Governor by the President;

(eb) "Minister" means a member of the Council of Ministers referred to in clause (4) of article 239AA of the Constitution, by whatever name called and includes a Deputy Minister;'

3. **Insertion of New Section 3A.** After section 3, the following section shall be inserted, namely:—

"3A. Notwithstanding anything contained in any judgement, order or decree of any Court, the Legislative Assembly shall have the power to make laws as per Article 239AA except with respect to any matter enumerated in Entry 41 of List II of the Seventh Schedule of the Constitution of India or any matter connected therewith or incidental thereto."

45D. Constitution of authorities, boards, commissions or statutory bodies:

Notwithstanding anything contained in any other law for the time being in force, any authority, board, commission or any statutory body, by whatever name it may be called, or any office bearer or member thereof, constituted or appointed by or under any law made by the Parliament for the time being in force, applicable to the National Capital Territory of Indraprastha, shall be constituted or appointed or nominated by the President.

Note:

1. The Government of National Capital Territory of Indraprastha (Amendment) Ordinance, 2023 is in *Pari Materia* with that of the Government of National Capital Territory of Delhi (Amendment) Ordinance, 2023 published in the Gazette of India by Ministry of Law and Justice (Legislative Department) New Delhi on May 19, 2023/Vaisakha 29, 1945 (Saka) and must be interpreted in its true sense and spirit.
2. The Government of National Capital Territory of Indraprastha (Amendment) Act, 2023 is in *Pari Materia* with that of the Government of National Capital Territory of Delhi (Amendment) Act, 2023, Act No. 19 of 2023 published in Gazette of India by Ministry of Law and Justice (Legislative Department) New Delhi on August 11, 2023/Sravana 20, 1945 (Saka) and must be interpreted in its true sense and spirit.