

THE ANNUAL SURVEY OF STATE LAWS IN INDIA

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UTTAR PRADESH

FAIZAN MUSTAFA^{*} and SHREY SHALIN[♦]

Introduction

Uttar Pradesh has a bicameral legislature. The current composition of the legislative assembly consists of 403 members and the legislative council comprises 100 members. Currently, the Legislative Assembly possesses a total strength of 403 members.¹ The Bharatiya Janata Party commands the majority of the house in the 18th Legislative Assembly (“Assembly”) with its 252 MLAs² while there are 48 women representatives in the lower house³

Performance of Uttar Pradesh Assembly: An Overview

The Assembly met just for 20 days for in 2023 which is a big leap forward from 15 sittings for the preceding year 2022 (see Figure 1). A total of 20 Ordinances⁴ were promulgated whereas 23 Acts⁵ (excluding 2 Appropriation Acts) have been enacted this year. The conversion rate from Bills to Acts stood at 100% as all the Bills introduced in the Legislature were passed and granted assent by the Governor. Except for the Indian Stamp (Uttar

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¹ Uttar Pradesh Legislative Assembly, “The Legislative Assembly”, *available at*:

https://uplegisassembly.gov.in/About/About_en.aspx#/legislative_assembly (last visited on Mar 21, 2024).

² Uttar Pradesh Legislative Assembly, “Sitting Members”, *available at*:

https://uplegisassembly.gov.in/Members/main_members_en.aspx#/ElectedMembers/18 (last visited on Mar 21, 2024).

³ Uttar Pradesh Legislative Assembly, “Women Members”, *available at*:

https://uplegisassembly.gov.in/Members/main_members_en.aspx#/femaleMembers/18 (last visited on Mar 21, 2024).

⁴ Uttar Pradesh Legislative Assembly, “Ordinance”, *available at*:

https://uplegisassembly.gov.in/Legislation/Legislation_en.aspx#/Ordinance (last visited on Mar 21, 2024).

⁵ Uttar Pradesh Legislative Department, “Uttar Pradesh Act as per year wise”, *available at*:

<https://www.upvidhai.gov.in/Act.aspx> (last visited on Mar 21, 2024).

Pradesh Amendment) Ordinance, 2023, all the other promulgated Ordinances have been confirmed by the legislature.

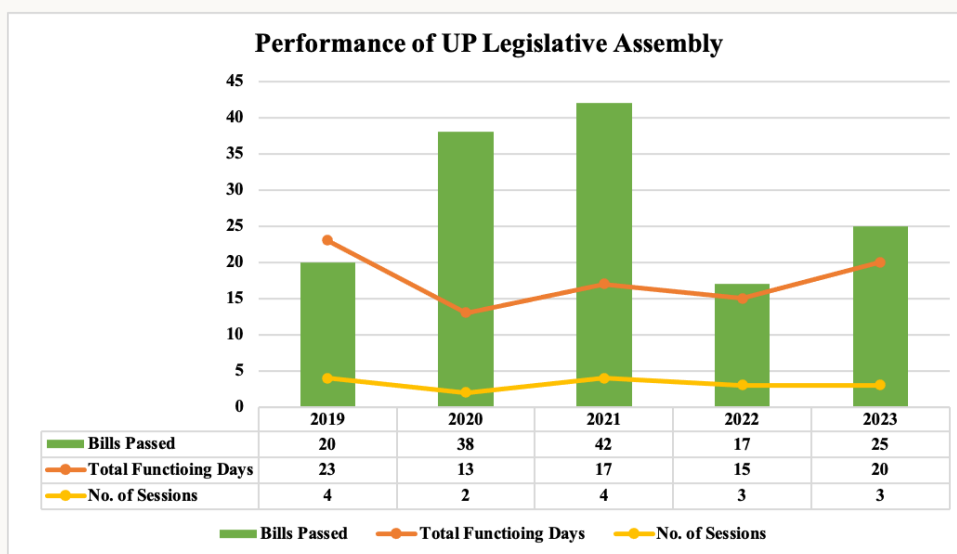


Figure 1: Performance of the Uttar Pradesh Legislative Assembly (2019-2023)

Name of Act	Introduction Date	Date of Passing	If Requested for Committee Scrutiny	Ordinance Earlier?
The Uttar Pradesh Sheera Niyamtran (Sanshodhan) Adhiniyam, 2023	22 – 02 – 23	28 – 02 – 23	Yes, by Mata Prasad Pandey, Not Accepted.	Yes.
The Uttar Pradesh State Legislature (Members' Emoluments and Pension) (Amendment) Act, 2023	22 – 02 – 23	28 – 02 – 23	No.	No.
The Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 2023	07 – 08 – 23	08 – 08 – 23	Yes, by Lalji Verma, Not Accepted.	Yes.
The Uttar Pradesh Municipalities (Amendment) Act, 2023	07 – 08 – 23	08 – 08 – 23	Yes, by Rakesh Pratap Singh, Not Accepted.	Yes.
The Uttar Pradesh Private Universities (Amendment) Act, 2023	07 – 08 – 23	08 – 08 – 23	Yes, by Pankaj Mallik, Not Accepted.	Yes.
The Uttar Pradesh Private Universities (Second Amendment) Act, 2023	07 – 08 – 23	08 – 08 – 23	Yes, by Atul Pradhan, Not Accepted.	Yes.
The Uttar Pradesh Urban Planning and Development (Amendment) Act, 2023	07 – 08 – 23	09 – 08 – 23	Yes, by Atul Pradhan, Not Accepted.	Yes.

Name of Act	Introduction Date	Date of Passing	If Requested for Committee Scrutiny	Ordinance Earlier?
The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2023	07 – 08 – 23	09 – 08 – 23	Yes, by Sachin Yadav, Not Accepted.	Yes.
The Uttar Pradesh Education Service Selection Commission Act, 2023	07 – 08 – 23	09 – 08 – 23	Yes, by Lalji Verma, Not Accepted.	No.
The Uttar Pradesh Krishi Evam Prodyogik Vishwavidyalaya (Sanshodhan) Adhiniyam, 2023	07 – 08 – 23	09 – 08 – 23	Yes, by Lalji Verma, Not Accepted.	No.
The Uttar Pradesh Jagadguru Rambhadracharya Divyang State University Act, 2023	07 – 08 – 23	09 – 08 – 23	Yes, by Lalji Verma, Not Accepted.	Yes.
The Uttar Pradesh Goods and Services Tax (Amendment) Act, 2023	07 – 08 – 23	10 – 08 – 23	Yes, by Uma Shankar Singh, Not Accepted.	Yes.
The Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 2023	07 – 08 – 23	10 – 08 – 23	Yes, by Dr. Pallavi Patel, Not Accepted.	Yes.
The Uttar Pradesh National Law University Prayagraj (Amendment) Act, 2023	08 – 08 – 23	10 – 08 – 23	No.	Yes.
The Uttar Pradesh Private Universities (Third Amendment) Act, 2023	08 – 08 – 23	10 – 08 – 23	No.	Yes.
The Uttar Pradesh Goods and Services Tax (Second Amendment) Act, 2023	29 – 11 – 23	29 – 11 – 23	No.	Yes.
The Uttar Pradesh Inland Waterways Authority Act, 2023	29 – 11 – 23	29 – 11 – 23	Yes, by Lalji Verma, Not Accepted.	No.
The Uttar Pradesh Sheera Niyantaran (Dwitiya Sanshodhan) Adhiniyam, 2023	29 – 11 – 23	29 – 11 – 23	Yes, by Aradhana Mishra, Not Accepted.	Yes.
The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023	29 – 11 – 23	30 – 11 – 23	Yes, by Aradhana Mishra, Not Accepted.	No.
The Uttar Pradesh Shree Devipatan Dham Teerth Vikas Parishad Act, 2023	29 – 11 – 23	30 – 11 – 23	Yes, by Sachin Yadav, Not Accepted.	No.
The Uttar Pradesh Shree Ayodhya Jee Teerth Vikas Parishad	29 – 11 – 23	30 – 11 – 23	Yes, by Rakesh Kumar Verma, Not Accepted.	No.

Name of Act	Introduction Date	Date of Passing	If Requested for Committee Scrutiny	Ordinance Earlier?
The Uttar Pradesh Private Universities (Fourth Amendment) Act, 2023	30 – 11 – 23	30 – 11 – 23	Yes, by Atul Pradhan, Not Accepted.	Yes.
The Uttar Pradesh State Universities (Amendment) Act, 2023	30 – 11 - 23	30 – 11 – 23	Yes, by Atul Pradhan, Not Accepted.	Yes.

Table 1: Legislative Review⁶ excluding Appropriation Acts

A closer look at the legislative measures shows that none of the Acts were sent to Select Committees for scrutiny. This has become the trend in other states and even in Parliament. This is the case even when a demand for such a reference was made in 19 out of 23 cases. (See Table 1) Most of the Bills i.e. 16 out of 23 were first promulgated as ordinances. More than half of the Bills i.e., 52% were either passed on the same day or the next day from the day of introduction which is a cause of concern as it leaves hardly any time for the members to gather important inputs and contribute to the debates and discussions within the assembly. (See Figure 2). The statistics also point out the fact that more than 90% of the Bills were passed within 3 days of their introduction.

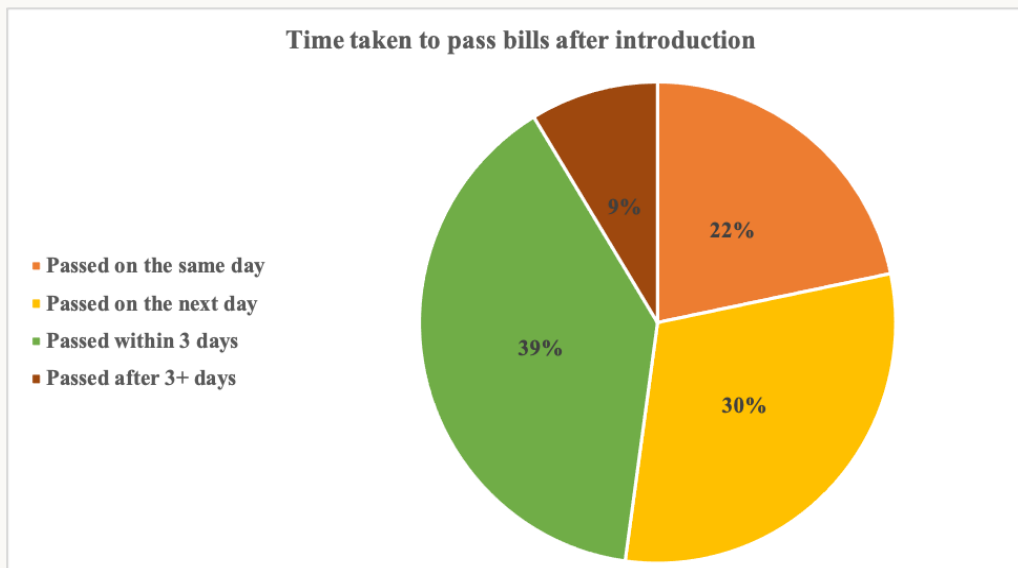


Figure 2: Time taken to pass Bills after introduction excluding Appropriation Bills based on Table 1.

⁶ Uttar Pradesh Legislative Assembly, "Proceedings and Synopsis", available at: https://uplegisassembly.gov.in/Karyawahi/Proceeding_Synopsis_en.aspx#/proceeding (last visited on Mar 21, 2024).

Sectoral Classification of Statutes/Ordinances

The statutes enacted and ordinances promulgated in 2023 may be categorised under the following sectors: Agriculture, Criminal Law, Education, Local Governance, Miscellaneous, Religious Affairs, Salary and Allowances and Taxation. (See Figure 3)

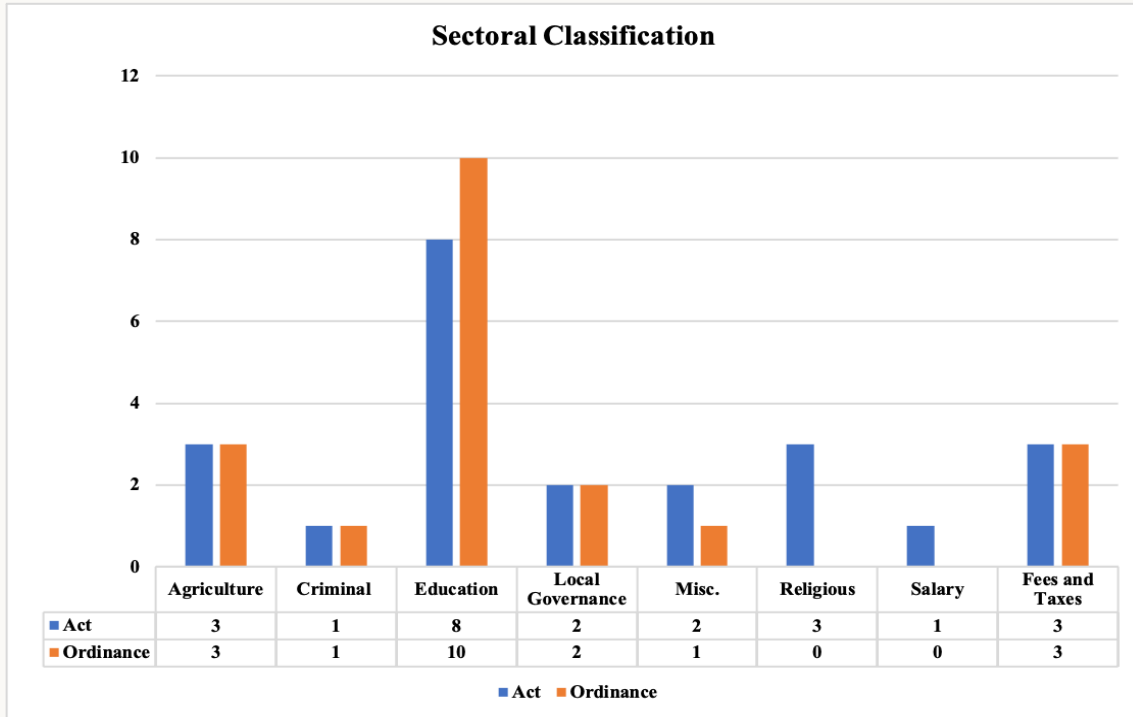


Figure 3: Sectoral Classification of Acts and Ordinances enacted during the year 2023

Agriculture

In the year 2023, Uttar Pradesh has enacted three laws on Agriculture namely – (i) The Uttar Pradesh Sheera Niyantaran (Sanshodhan) Adhiniyam, 2023; (ii) The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2023; (iii) The Uttar Pradesh Sheera Niyantaran (Dwitiya Sanshodhan) Adhiniyam, 2023.

The Uttar Pradesh Sheera Niyantaran (Sanshodhan) Adhiniyam, 2023⁷ now also regulates *khandsari* manufacturing units along with sugar factories. Earlier, sugar mills were regulated, *khandsari* manufacturing units were unregulated and were involved in the production of *khankdsari* as well as its derivatives including molasses. The illegal conversion of such molasses into alcoholic liquor caused a loss to the revenue of the state and also led to the loss of human lives. Therefore regulation of these *khandsari* manufacturing units became expedient. As an immediate response, an ordinance was

⁷ The Uttar Pradesh Sheera Niyantaran (Sanshodhan) Adhiniyam, 2023.

promulgated that was subsequently replaced by the aforesaid Act.⁸ Now, the controller with the prior approval of the State Government can require any sugar factory or *khandsari* manufacturing unit to sell or supply any quantity of molasses to such person as may be specified in the order notwithstanding any contract.⁹ Further provisions to impose regulatory fees have also been added on the sale or supply of molasses.¹⁰

The Uttar Pradesh Sheera Niyamtran (Dwitiya Sanshodhan) Adhiniyam,¹¹ 2023 gave a retrospective application to the imposition of regulatory fees imposed via the Uttar Pradesh Sheera Niyamtran (Sanshodhan)¹² Adhiniyam, 2023 to validate actions taken under it with effect from the date of commencement of Uttar Pradesh Sheera Niyamtran¹³ (Dwitiya Sanshodhan) Adhiniyam, 2021 viz, December 2021.¹⁴

The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam,¹⁵ 2023 focuses on the food processing industry under the food processing industry policy 2023. Provisions have been made in this Act to exempt industries from market fees and development cess¹⁶ in order to attract investments in the state and to generate employment in the sector. Provisions have also been made to consider the entire state of UP as a common market area¹⁷ for food processing industries.

U.P. is already the biggest producer of food grains in India. The state has already managed to bag Rank 2 among all the Indian states in ease of doing business. The amendment to the aforesaid Act promises further development to bring in more Investments into the state.¹⁸ These amendments also promise a good return to farmers for their yield and contribute to direct and indirect employment generation.

Criminal Law

In 2023, the state amended the Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act of 1979. The Act allows for the consolidation of

⁸ *Statement of Objects & Reasons of The Uttar Pradesh Sheera Niyamtran (Sanshodhan) Adhiniyam, 2023.*

⁹ The Uttar Pradesh Sheera Niyamtran (Sanshodhan) Adhiniyam, 2023, Cl. 6.

¹⁰ The Uttar Pradesh Sheera Niyamtran (Sanshodhan) Adhiniyam, 2023, Cl. 6.

¹¹ The Uttar Pradesh Sheera Niyamtran (Dwitiya Sanshodhan) Adhiniyam, 2023.

¹² The Uttar Pradesh Sheera Niyamtran (Sanshodhan) Adhiniyam, 2023.

¹³ Uttar Pradesh Sheera Niyamtran (Dwitiya Sanshodhan) Adhiniyam, 2021.

¹⁴ Uttar Pradesh Sheera Niyamtran (Dwitiya Sanshodhan) Adhiniyam, 202, Cl. 2. 1.

¹⁵ The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2023.

¹⁶ The Uttar Pradesh Krishi Utpadan Mandi (Sanshodhan) Adhiniyam, 2023, Cl. 3.

¹⁷ *Id.* Cl. 2.

¹⁸ Invest India, *Uttar Pradesh: Food Basket of India*, INVEST INDIA, available at <https://www.investindia.gov.in/state/uttar-pradesh> (last visited on March 22, 2024).

certain crimes and the reduction of trials for specific crimes over a total of seven Acts.¹⁹ The legislation granted temporary suspension of proceedings for specific offences—outlined in the Code of Criminal Procedure, 1973—which were awaiting adjudication by a Magistrate until December 31, 2016. These trials involved the offences of (i) causing a disturbance in public or disrupting public tranquillity, and (ii) the attempt to hide one's physical presence or identity to commit a cognisable offence.²⁰ The current amendment prolongs the duration of trial abatement for the aforementioned offences, extending it from December 31, 2016 to December 31, 2021.²¹ Interestingly the Criminal Law related Act was passed around the same time when the three new bills replacing the Indian Penal Code, 1860, Indian Evidence Act, 1872 and The Code of Criminal Procedure, 1973²² were introduced in parliament.

Education

Uttar Pradesh enacted 8 Acts on education which constitutes the highest sectoral legislative activity in the year 2023. The Acts include the following sector are : (i) The Uttar Pradesh Private Universities (Amendment) Act, 2023; (ii) The Uttar Pradesh Private Universities (Second Amendment) Act, 2023; (iii) The Uttar Pradesh Private Universities (Third Amendment) Act, 2023; (iv) The Uttar Pradesh National Law University Prayagraj (Amendment) Act, 2023; (v) The Uttar Pradesh Jagadguru Rambhadracharya Divyang State University Act, 2023; (vi) The Uttar Pradesh Krishi Evam Prodyogik Vishwavidyalaya (Sanshodhan) Adhinyam, 2023; (vii) The Uttar Pradesh Private Universities (Fourth Amendment) Act, 2023; (viii) The Uttar Pradesh State Universities (Amendment) Act, 2023. The Uttar Pradesh Private Universities Act, 2019 has been amended four times²³ in the year 2023 to include 7 more private universities under Schedule 2 of the aforesaid Act. These additions have taken the number of private universities in the state to 37 by the end of 2023.

¹⁹ (i) The Motor Vehicles Act, 1939, (ii) The Minimum Wages Act, 1948, (iii) The Factories Act, 1948, (iv) The Police Act, 1861 and (v) The Public Gambling Act, 1867 (in their application to Uttar Pradesh) and (vi) The Uttar Pradesh Nagar Mahapalika Adhinyam, 1959, and (vii) The Uttar Pradesh Dookan Aur Vanija Adhistan Adhinyam, 1962

²⁰ Arpita Mallick, Ordinance Summary: *The Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Ordinance, 2023*, PRS LEGISLATIVE RESEARCH, available at <https://prsindia.org/bills/states/the-uttar-pradesh-criminal-law-composition-of-offences-and-abatement-of-trials-amendment-ordinance-2023> (last visited on March 22, 2024).

²¹ The Uttar Pradesh Criminal Law (Composition of Offences and Abatement of Trials) (Amendment) Act, 2023, Cl. 2.

²² Mustafa Faizan, *New penal code falls short of its laudable objectives*, INDIAN EXPRESS, August 18, 2023, available at <https://indianexpress.com/article/opinion/columns/faizan-mustafa-writes-new-penal-code-falls-short-of-its-laudable-objectives-8889348/> (last visited on March 24, 2024).

²³ The Uttar Pradesh Private Universities (Fourth Amendment) Act, 2023.

The Uttar Pradesh National Law University, Prayagraj Act, 2020 (U.P. Act no. 26 of 2020) has been amended²⁴ to name the aforesaid University after the country's first President, Dr. Rajendra Prasad.

The Uttar Pradesh Jagadguru Rambhadracharya Divyang State University Act, 2023 has been enacted to take control over Jagadguru Rambhadracharya Divyang Vishwavidyalaya. The Uttar Pradesh Jagadguru Rambhadracharya Divyang University Act, 2001 was enacted²⁵ to establish and incorporate a University sponsored by Jagadguru Rambhadracharya Divyang Siksha Sansthan, Chitrakoot Dham in the State. Due to his inability to operate the University owing to his old age and limited financial resources, the Chancellor of Jagadguru Rambhadracharya Divyang University requested the State Government to incorporate it as a State University. Thus the amendment established Jagadguru Rambhadracharya Divyang Vishwavidyalaya as a State University under an MoU entered between the State Government and the Chancellor Raghviyo Jagadguru Swami Rambhadracharya.²⁶

The Uttar Pradesh Krishi Evam Prodyogik Vishwavidyalaya Adhiniyam, 1958 was amended²⁷ by the Uttar Pradesh Krishi Evam Prodyogik Vishwavidyalaya (Sanshodhan) Adhiniyam, 2023 to make the benefits of new technology and research in the field of agriculture more accessible to the farmers of Purvanchal region of the State Uttar Pradesh and to provide the benefits of agriculture education to the students of Purvanchal region near their place of residence by establishing Mahatma Buddha Krishi Evam Prodyogik Vishwavidyalaya in the district Kushinagar.²⁸

The Uttar Pradesh State Universities Act, 1973 was passed to amend and consolidate the legislation pertaining to certain universities in the state of Uttar Pradesh.²⁹ The state of U.P. has amended³⁰ the aforesaid act to include three more public universities each in Devipatan division, Vindhyaachal division and Moradabad division to ensure availability of higher education. The amendment has provided for the establishment of Maa Pateshwari Devi State University, Balrampur in Devipatan division, Gonda; Maa Vindhyaivasini State

²⁴ The Uttar Pradesh National Law University Prayagraj (Amendment) Act, 2023.

²⁵ The Uttar Pradesh Jagadguru Rambhadracharya Divyang University Act, 2001.

²⁶ The Uttar Pradesh Jagadguru Rambhadracharya Divyang State University Act, 2023.

²⁷ The Uttar Pradesh Krishi Evam Prodyogik Vishwavidyalaya Adhiniyam, 1958.

²⁸ The Uttar Pradesh Krishi Evam Prodyogik Vishwavidyalaya (Sanshodhan) Adhiniyam, 2023

²⁹ The Uttar Pradesh State Universities Act, 1973.

³⁰ The Uttar Pradesh State Universities (Amendment) Act, 2023.

University, Mirzapur in Vindhyachal division, Mirzapur; and Uttar Pradesh State University, Moradabad in Moradabad division, Moradabad.³¹

U.P. seems to be pushing a lot in the Education Sector. The U.P. Private Universities Act is continuously being amended to include more and more private Institutions within its purview.

Local Governance

The state enacted two laws in the Local Governance sector namely – (i) The Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 2023; and (ii) The Uttar Pradesh Municipalities (Amendment) Act, 2023.

The Uttar Pradesh Municipalities Act, 1916 was enacted to consolidate and amend the legislation concerning Municipalities. Similarly, the Uttar Pradesh Municipal Corporation Act, 1959 was enacted to form Municipal Corporations for certain cities in Uttar Pradesh.

General Elections were held for the urban local bodies in the State in the year 2017. At that time 653 municipal bodies were in existence including 16 Nagar Nigams, 199 Nagar Palika Parishads and 438 Nagar Panchayats. In 2019 and 2022, new municipal bodies were created by the State Government and some bodies were merged and upgraded as a result of which Presently there are 762 urban bodies including 17 Municipal Corporations, 200 Municipal Councils and 545 Nagar Panchayats. Due to the expiry of the tenure of the Chairpersons of the municipal bodies elected in the general election of 2017, there was a constitutional obligation to conduct general elections of all the municipal bodies of the State at the earliest.

The State Government set up the Uttar Pradesh State Local Bodies Dedicated Backward Classes Commission to identify backward classes for reservation purposes.³² The commission is responsible for conducting a thorough and empirical investigation into the nature and consequences of backwardness in urban local bodies, as required by the Supreme Court.³³ The Commission in its report, presented to the State Government had recommended making changes in the procedure for the determination of the reservation to provide representation to the backward classes in the urban local bodies so that the reservation is equally distributed in each district and division of the State. The amendment³⁴

³¹ *Statement of Objects & Reasons of The Uttar Pradesh State Universities (Amendment) Act, 2023*

³² Government of Uttar Pradesh, setting up of the Uttar Pradesh State Local Bodies Dedicated Backward Classes Commission, notification. no. 4032/9-1-2022-6-Nirva-22, (Notified on December 28, 2022).

³³, K. Krishnamurthy Vs. Union of India, (2010) 7 SCC 202; Vikas Kishan Rao Gawli Vs. State of Maharashtra, (2021) 6 SCC 73 and Suresh Mahajan Vs. State of Madhya Pradesh (2022) 12 SCC 770

³⁴ The Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 2023.

was thus required to implement the recommendations and suggestions of the Commission.³⁵

The Uttar Pradesh Municipalities (Amendment) Act, 2023 was passed to amend³⁶ the process of determining the reservation for the position of Chairperson in Municipal Councils and Nagar Panchayats. This was done by making changes to sub-section (5) of section 9-A of the Uttar Pradesh Municipalities Act, 1916 and sub-section (5) of section 7 of the Uttar Pradesh Municipal Corporation Act, 1959.

Religious Affairs

In secular India, religion is increasingly occupying a central place. The state of U.P. has enacted three new laws relating to religious affairs. These are : (i) The Uttar Pradesh Shree Ayodhya Jee Teerth Vikas Parishad;³⁷ (ii) The Uttar Pradesh Shree Devipatan Dham Teerth Vikas Parishad Act, 2023;³⁸ (iii) The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023.³⁹

All three laws have a common normative structure with minor terminological modifications. Each Act has created a Parishad with the Chief Minister as Chairperson and⁴⁰ the Minister of Tourism Department Government of U.P being the Vice-Chairperson.⁴¹ Provisions for other officials including the Executive Vice Chairperson,⁴² Chief Executive Officer⁴³ as well as Ex - Officio members have also been provided. There is even a provision for nominating members to the Parishad.⁴⁴

The Parishad has the authority to ensure that the development, enforcement, and execution of a plan or project aligns with the cultural and architectural characteristics of the region. Additionally, it has the authority to impose fees or charges on tourists for the provision of services, facilities, maintenance, and development. The Parishads have the responsibility to ensure that the participating departments follow a proper and organized approach in terms of project planning, setting priorities in the region, and implementing the development of tourism infrastructure and preservation of the heritage. This should be done in accordance

³⁵ *Statement of Objects & Reasons of The Uttar Pradesh Urban Local Self Government Laws (Amendment) Act, 2023.*

³⁶ The Uttar Pradesh Municipalities (Amendment) Act, 2023.

³⁷ The Uttar Pradesh Shree Ayodhya Jee Teerth Vikas Parishad.

³⁸ The Uttar Pradesh Shree Devipatan Dham Teerth Vikas Parishad Act, 2023.

³⁹ The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023.

⁴⁰ The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023, §3(a).

⁴¹ The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023, §3(b).

⁴² The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023, §3(c).

⁴³ The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023, §3(p).

⁴⁴ The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023, §§3(s), 3(t)

with the stages outlined in the plan.⁴⁵ The Parishad's functions include working to increase awareness and interest in intangible cultural heritage. It also focuses on documenting, conserving, safeguarding, promoting, displaying, and disseminating this heritage in a systematic manner. Additionally, the Parishad shall conduct and encourage research in the field of heritage specific to the region. On a very positive side, the Parishad shall have the responsibility for the conservation and development of rivers, water bodies, and their surrounding areas in the region. This would include implementing measures to control pollution and enhancing the aesthetics of river fronts and water bodies. The Parishad is required to formulate architectural regulations to ensure that buildings and structures in the region adhere to the heritage architecture style, thus promoting uniformity.⁴⁶

A separate bank account is to be opened to hold funds received by the Parishad. These funds are to come from various sources, including grants or loans⁴⁷ provided by the State Government, payments made by participating departments, contributions from Temple Trusts, donations from non-government organizations, companies, firms, and individuals, and any other funds determined by the State Government in consultation with the Parishad.⁴⁸

All of the three Acts were introduced on November 29, 2023 and were passed by the assembly the next day i.e., November 30, 2023. None of these laws were subjected to scrutiny by a select committee even as demands for such scrutiny were raised for each legislation. More than 15 officials, whether holding permanent or ex-officio positions are connected with the Parishad. The involvement of state officials and ministries in religious affairs is said to be contrary to the ideals of secularism and religious neutrality of the state enshrined under Article 27 of the Constitution of India.⁴⁹ Laws of this kind have invited a lot of criticism in the southern states of the country.⁵⁰ Even as several state governments have been spending huge amounts of public money on religious affairs.⁵¹

⁴⁵ . The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023, §13.

⁴⁶ The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023, §14.

⁴⁷ The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023, §23.

⁴⁸ The Uttar Pradesh Shree Shuk Teerth Vikas Parishad Act, 2023, §24.

⁴⁹ The Constitution of India, 1950, Art. 27.

⁵⁰ Adarsh Kuniyillam, *Time to Repeal Hindu Religious Institutions and Charitable Endowments Act*, NEWS18, February 20, 2024, available at <https://timesofindia.indiatimes.com/city/lucknow/up-assembly-passes-bill-for-imposition-of-higher-tax-on-online-games-casinos-and-lottery/articleshow/105593612.cms> (last visited on March 24, 2024).

⁵¹ Faizan Mustafa, *Cancelling Haj Subsidy Is a Good Step, Now the Government Should Stop Spending on All Religions*, THE WIRE, January 17, 2018, available at <https://thewire.in/politics/haj-subsidy-government-spending-on-religion> (last visited on March 24, 2024).

Salary of Legislators

The Uttar Pradesh State Legislature (Members' Emoluments and Pension) Act, 1980 was enacted to consolidate and amend the law relating to the payment of salaries, allowances and other facilities to the members of the State Legislature.

The Act was amended in 2016 to raise the pension for former members from ₹10,000 to ₹25,000 under section 24(1). As a result, the spouses of former members who died after the Amendment took effect on 11 September 2016 became entitled to a minimum family pension of ₹25,000, or the pension otherwise admissible to the deceased member, whichever was higher. However, spouses of former members who died before 11 September 2016 remained capped at a family pension of ₹10,000 (or the pension otherwise admissible), creating a significant disparity. The Uttar Pradesh State Legislature (Members' Emoluments and Pension) (Amendment) Act, 2023 removes this anomaly by extending the minimum family pension of ₹25,000 to these spouses as well. The law is thus on the lines of one rank-one pension demand of army personnel.

Fees and Taxes

The state of U.P. has enacted three laws relating to Fees and Taxes in the year 2023 namely – (i) The Uttar Pradesh Urban Planning and Development (Amendment) Act, 2023; (ii) The Uttar Pradesh Goods and Services Tax (Amendment) Act, 2023; (iii) The Uttar Pradesh Goods and Services Tax (Second Amendment) Act, 2023.

The Uttar Pradesh Urban Planning and Development (Amendment) Act, 2023 has been enacted⁵² to protect the development authorities from possible financial losses due to elevated land use proposed under the new master plan of AMRUT Yojna by the Government of India. Provisions for collection of “urban use charges”⁵³ at the time of approval of the map for elevated land use, the levy of a “special amenity fee”⁵⁴ by defining infrastructure projects with heavy investment as “special amenity facilities”⁵⁵ has been made. The amendment has also provided for the revision of approved master plans after a period of ten years or earlier.⁵⁶

The Uttar Pradesh Goods and Services Tax Act, 2017 (hereinafter referred to as the “said Act”) has been enacted⁵⁷ to make provision for levy and collection of tax on intra-state supply of goods or services or both by the State of Uttar Pradesh and for matters connected

⁵² The Uttar Pradesh Urban Planning and Development (Amendment) Act, 2023.

⁵³ The Uttar Pradesh Urban Planning and Development (Amendment) Act, 2023 Cl. 2(e) .

⁵⁴ The Uttar Pradesh Urban Planning and Development (Amendment) Act, 2023, Cl. 2(c)

⁵⁵ The Uttar Pradesh Urban Planning and Development (Amendment) Act, 2023, Cl. 2(c)

⁵⁶ The Uttar Pradesh Urban Planning and Development (Amendment) Act, 2023, Cl. 4.

⁵⁷ The Uttar Pradesh Goods and Services Tax Act, 2017.

therewith or incidental thereto. According to the provisions of Article 246 A(1) of the Constitution of India, both the Parliament and the State Legislature have the power to make laws for the imposition of Goods and Services Tax. On the recommendation of the GST Council, certain amendments were made to the Central Goods and Services⁵⁸ Tax Act, 2017 vide the Finance⁵⁹ Act, 2023, which was enacted by the Parliament and received the assent of the President on 31 March, 2023. This necessitated the need to amend the state Act and consequently the Uttar Pradesh Goods and Services Tax (Amendment) Act, 2023 was enacted.⁶⁰

The second amendment to the said Act⁶¹ via The Uttar Pradesh Goods and Services Tax (Second Amendment) Act, 2023 has been enacted to bring in “Online money gaming”⁶² within the ambit of G.S.T. following the recommendations of the G.S.T. Council.⁶³

Miscellaneous

The Uttar Pradesh Education Service Selection Commission Act, 2023

At present there are various commissions for the selection of teachers: (i) Uttar Pradesh Higher Education Service Commission for the selection of teachers of non-government aided colleges of the state; (ii) Uttar Pradesh Secondary Education Service Selection Board for the selection of teachers of non-government aided intermediate colleges; (iii) Concerned management committee for the selection of the posts of assistant teachers in aided junior high schools and affiliated primary schools; (iv) District Basic Education Officer and Secretary, Basic Education Council for selection of assistant teachers in council schools; (v) Uttar Pradesh Subordinate Services Selection Commission for the selection of instructors in the Department of Vocational Education.

Due to variance in the competence and efficiency of the above-mentioned Commissions/Institutions, both the process and quality of selection suffered. Since timely selection of teachers was not done, there were a large number of vacancies in various institutions. This adversely affected the education/training of the students/trainees in the

⁵⁸ The Central Goods and Services Tax Act, 2017.

⁵⁹ The Finance Act, 2023.

⁶⁰ The Uttar Pradesh Goods and Services Tax (Amendment) Act, 2023.

⁶¹ The Uttar Pradesh Goods and Services Tax (Second Amendment) Act, 2023.

⁶² The Uttar Pradesh Goods and Services Tax (Second Amendment) Act, 2023, Cl. 2.

⁶³ Pankaj Shah, *UP Assembly passes bill for the imposition of higher tax on online games, casinos and lottery*, THE TIMES OF INDIA, November 29, 2023, available at <https://timesofindia.indiatimes.com/city/lucknow/up-assembly-passes-bill-for-imposition-of-higher-tax-on-online-games-casinos-and-lottery/articleshow/105593612.cms> (last visited on March 24, 2024).

State. The institution level selection committees lacked transparency which precipitated litigation.

The Uttar Pradesh Education Service Selection Commission Act, 2023 was enacted to establish 'Uttar Pradesh Education Service Selection Commission' so that the multiple abovementioned selection processes could be managed by one Commission in a uniform, transparent and timely manner.⁶⁴

The Uttar Pradesh Inland Waterways Authority Act, 2023

The Uttar Pradesh Inland Waterways Authority Act, 2023 has established an Inland Waterways Authority at the State Level.⁶⁵ With the formation of this Authority, a separate administrative unit has been established to ensure development, regulation and environmental protection in water transport, water tourism and shipping and navigation in the State.

The constitution of the said Authority will ensure growth and conservation of rivers through the development of waterways. Religious and historical places situated at the banks of rivers will be developed and water tourism boosted by the development of waterways. Large-scale employment is also expected to be created by the development and expansion of water transport and water tourism.⁶⁶

Conclusion

Even as there was an increase in the total number of sittings by the State Legislature, the legislative output was small. A detailed scrutiny shows that only six fresh legislations were enacted by the State of U.P. Of these six fresh legislations, The Uttar Pradesh Education Service Selection Commission Act, 2023 is a significant effort to reform the recruitment of teaching and non – teaching staff at all levels. The Uttar Pradesh Inland Waterways Authority Act, 2023 is also a major legislation enacted to revive the water transport of the state. This year also saw the enactment of three laws relating to the formation of Parishads for the preservation of culture and development of the region. The Chief Minister of the state heads all three Parishads formed in 2023.

The quantitative survey shows that there is little or no deliberation in the making of laws. The reduction of the time spent on discussing bills is not good for either the health of democracy or the quality of the laws enacted.

⁶⁴ The Uttar Pradesh Education Service Selection Commission Act, 2023.

⁶⁵ The Uttar Pradesh Inland Waterways Authority Act, 2023. (U.P. Act no. 22 of 2023).

⁶⁶ *Statement of Objects & Reasons of The Uttar Pradesh Inland Waterways Authority Act, 2023.*