

# **THE ANNUAL SURVEY OF STATE LAWS IN INDIA**

Edited by Amita Dhanda



**NALSAR UNIVERSITY OF LAW**  
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Hyderabad, Telangana 500101.

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## Patron

Prof. Srikrishna Deva Rao  
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# UTTARAKHAND

NIHARIKA SALAR\*

## Introduction

The Indian State of Uttarakhand was in the news in 2023 for several reasons: a nerve-racking 17 days rescue operation in the Silkyara-Barkot tunnel, speculations over a uniform civil code and a global investors summit. As a relatively young state, carved out of Uttar Pradesh in 2000, Uttarakhand faces unique challenges in establishing and maintaining effective administrative structures.

This contribution aims to examine important legislative developments for the North-Indian state of Uttarakhand in the year 2023. This will be accomplished by highlighting legal and administrative developments, majorly through navigating the State Assembly's performance. The State Budget, previous year numbers, and other states' performances will also be looked at wherever required to corroborate narratives and analyse emerging themes. The narrative on the state has been composed by consulting the digital sources on state websites, gazettes and other digital repositories. While most state websites were updated only until 2022, additional information for 2023 was gathered through recent press releases, government notifications, and reliable news outlets reporting on Assembly proceedings and legislative updates. This approach helped to mitigate the limitations posed by incomplete archival updates on official portals.

Uttarakhand is geographically partitioned into two distinct regions known as Garhwal and Kumaon. The state has a unicameral legislature. Hindi serves as Uttarakhand's designated language, with most of the population speaking in the Garhwali and Kumaoni dialects.

## An Overview of the State Assembly's Performance in 2023

In the year 2023, Uttarakhand state Assembly only met for two sessions: the budget session and the monsoon session. Subject to Article 174 of the Constitution of India, the Assembly

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\* Doctoral Scholar, School of Law, Queen's University, Belfast.

is required to have three regular meetings each year, namely the Budget meeting, the Monsoon meeting, and the Winter meeting. The time period between two sessions of the state legislatures should not exceed six months. Nevertheless, it does not stipulate a specific number of days for the legislatures to convene.

A national commission proposed that State Legislatures consisting of fewer than 70 members convene for a minimum of 50 days per year, while larger legislatures should meet for a minimum of 90 days.<sup>1</sup> At present, there are 70 seats in the Uttarakhand Legislative Assembly<sup>2</sup> so it qualifies for the 50 days limit. The Rajya Sabha has been deliberating on a private member's bill<sup>3</sup> making it mandatory for Parliament to sit for 100 days.<sup>4</sup> In Uttarakhand, there is no set rule governing the number of legislative sittings<sup>5</sup>, and the frequency of these sittings has varied over the years.

According to the Assembly Agenda, all the bills presented during the Uttarakhand Legislative Assembly Session in 2023 were allocated 15 minutes each for discussion.<sup>6</sup> This marks an increase from the 5-minute discussion time per bill allocated in 2022.<sup>7</sup> Most bills in 2023 were passed by voice vote. The relatively short discussion time, combined with the

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<sup>1</sup> NATIONAL COMMISSION TO REVIEW THE WORKING OF THE CONSTITUTION (NCRWC) REPORT, (2002), <https://legallaffairs.gov.in/national-commission-review-working-constitution-ncrwc-report> (last visited Jan 24, 2024).

<sup>2</sup> *Profile*, LEGISLATIVE ASSEMBLY UTTARAKHAND, <https://ukvidhansabha.uk.gov.in/dpages/brief-profile> (last visited on January 31, 2024).

<sup>3</sup> *Private Members' Legislation*, RAJYA SABHA SECRETARIAT NEW DELHI, June 2023, available at [https://cms.rajyasabha.nic.in/UploadedFiles/ElectronicPublications/pm\\_legislation2013.pdf](https://cms.rajyasabha.nic.in/UploadedFiles/ElectronicPublications/pm_legislation2013.pdf) (Last visited on January 31 2024).

<sup>4</sup> Vidhatri Rao, *What are Private Members' Bills: Only 14 have become laws, the last one in 1970*, THE INDIAN EXPRESS (Aug. 11, 2023), available at <https://indianexpress.com/article/political-pulse/private-members-bills-parliament-8887297/> (last visited on January 15, 2024).

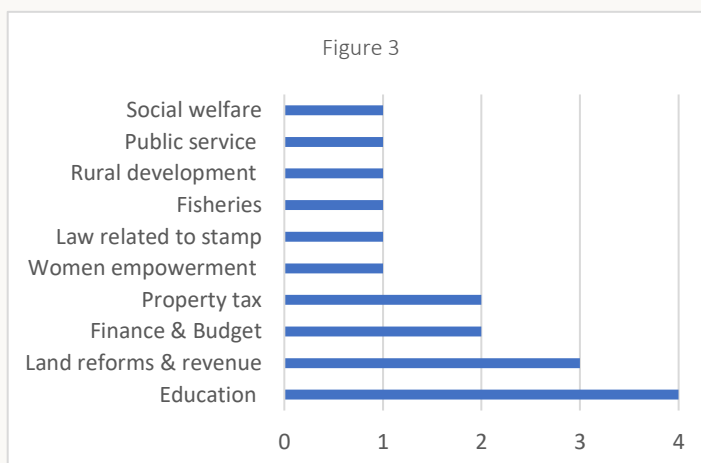
<sup>5</sup> Only Six states provide for a minimum number of sessions in their Rules of Procedure. Uttar Pradesh, Himachal Pradesh, Odisha and Manipur have fixed the number of sessions in each calendar year at three, and Manipur and Odisha provide that the legislature must have at least three sessions, for the rules of procedure and conduct of business of Uttarakhand Legislative Assembly, see Rules of Procedure and Conduct of Business of Uttarakhand Legislative Assembly, 2005 (last visited on January 24, 2024); see also *Discussion Paper: Working of State Legislatures*, PRS LEGISLATIVE RESEARCH (2022), available at [https://prsindia.org/files/parliament/discussion\\_papers/Working\\_of\\_State\\_Legislatures.pdf](https://prsindia.org/files/parliament/discussion_papers/Working_of_State_Legislatures.pdf); also see PTI, *State Assemblies Met for Average 21 Days in 2022: Report*, THE HINDU, June 1, 2023, available at <https://www.thehindu.com/news/national/state-assemblies-met-for-average-21-days-in-2022-report/article66919318.ece> (last visited on January 24, 2024).

<sup>6</sup> *Agenda 2023*, LEGISLATIVE ASSEMBLY UTTARAKHAND, available at <https://ukvidhansabha.uk.gov.in/dpages/agenda> (last visited on January 24, 2024).

<sup>7</sup> Barring two Bills which were allocated 20 minutes each for discussion and passing - the Haridwar Universities Bill, 2022, and the Public Service (Horizontal Reservation for Women) Bill, 2022, see *Agenda 2022*, LEGISLATIVE ASSEMBLY UTTARAKHAND, available at <https://ukvidhansabha.uk.gov.in/dpages/agenda-2022> (last visited on January 24, 2024).

rapid passage of bills, has been noted as a factor that sometimes contributes to legislative measures being challenged in court (see, for example, the reservation section below). The 5<sup>th</sup> State Assembly elections were held in 2022. In 2017, 44% of the Members of the Legislative Assembly (MLAs) held at least a bachelor's degree, a figure that decreased to 41% in 2023.<sup>8</sup>

347 government orders were issued in 2023. The irrigation and minor irrigation department, drinking water department and technical education department issued most of these orders.<sup>9</sup> 16 bills were put up for discussion in the budget session while 11 bills were discussed in the monsoon session. A total of 17 bills were passed and enacted as Acts by notification in the Gazette.<sup>10</sup> A majority



of these 17 bills were in the education sector (See Figure 3). Three bills were carried forward to 2023 as they were passed by the Uttarakhand Legislative Assembly but did not obtain assent from the Governor.<sup>11</sup>

## Emphasis on Education

Uttarakhand's political landscape is shaped by a dual-party system, comprising the Bharatiya Janata Party ('BJP) and the Congress Party, which are both prominent national

<sup>8</sup> Payoja Ahluwalia *Vital Stats: Profile of the 5<sup>th</sup> Uttarakhand Legislative Assembly*, PRS LEGISLATIVE RESEARCH, March 11, 2022, available at <https://prsindia.org/legislatures/state/vital-stats/profile-of-the-5th-uttarakhand-legislative-assembly> (last visited on January 24, 2024); also see Rahul Lahoti & Soham Sahoo, *Are Educated Leaders Good for Education? Evidence from India*, Vol. 176, JOURNAL OF ECONOMIC BEHAVIOR & ORGANIZATION 42 (2020).

<sup>9</sup> UTTARAKHAND GOVERNMENT ORDERS / SHASANADESH PORTAL, available at <https://go.uk.gov.in/en/Search/index> (last visited on January 31, 2024).

<sup>10</sup> Acts no 1-16 & 25 of 2023 are available online but Acts no 17-24 of 2023 are unavailable as they are awaiting the Governor's assent, as confirmed by the State Governor Secretariat's office.

<sup>11</sup> Uttarakhand Public Services (Horizontal Reservation for Women) Bill, 2022, which was passed by the Legislative Assembly on November 30, 2022, received the assent of the Honourable Governor on January 10, 2023 and became the 1<sup>st</sup> Act of 2023 of Uttarakhand, The Indian Stamp (Uttarakhand Amendment) Bill, 2022, which was passed by the Legislative Assembly on November 30, 2022, received the assent of the Honourable Governor on February 21, 2023 and it became the of 2<sup>nd</sup> Act of 2023 of Uttarakhand, and , Haridwar University Bill, 2022 which was passed by the Legislative Assembly on November 30, 2022, received the assent of the Honourable Governor on May 16, 2023, and became the 16<sup>th</sup> Act of 2023 of Uttarakhand, for the acts, see Uttarakhand Public Services (Horizontal Reservation for Women) Act, 2022, The Indian Stamp (Uttarakhand Amendment) Act, 2022, and Haridwar University Act, 2022

parties in India. This contrasts with the fragmented, multi-party system that exists in Uttar Pradesh and other nearby states. The efficacy of two-party systems in India lies in their ability to deliver public goods effectively. This is attributed to the fact that political parties strive to garner support from many social factions, hence incentivizing the provision of public goods to secure victory in elections.<sup>12</sup> Partly for this reason, public spending on education is comparatively high in Uttarakhand. The state allocated 16.6% of its expenditure on education in 2023-24. This is higher than the average allocation for education by states in 2022-23 (14.8%).<sup>13</sup> It is worth mentioning here that social service provision is far more costly in hilly terrain, which also contributes to the higher spending .

### ***The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Bill, 2023***

Incidents of cheating and paper leaks have occurred on several occasions in Uttarakhand with over 800 persons being arrested in 2022-23.<sup>14</sup> The Uttarakhand Public Service Commission papers were also leaked in January 2023,<sup>15</sup> leading to protests and unrest in Uttarakhand.<sup>16</sup>

Such incidents not only undermine the fairness and integrity of the examination process but also disrupt fair competition when some individuals succeed through illicit means rather than through genuine merit and hard work. In response, the state promulgated an ordinance to bar and penalise the use of unfair means in public examinations.<sup>17</sup> The Uttarakhand Assembly passed the Bill replacing the Ordinance in March 2023.<sup>18</sup> The law aims to ensure

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<sup>12</sup> Pradeep Chhibber & Irfan Nooruddin, *Do Party Systems Count? The Number of Parties and Government Performance in the Indian States*, Vol. 37(2), Comparative POLITICAL STUDIES, 152 (2004).

<sup>13</sup> *Uttarakhand Budget Analysis 2023-24*, PRS LEGISLATIVE RESEARCH, available at <https://prsindia.org/budgets/states/uttarakhand-budget-analysis-2023-24> (last visited on January 22, 2024).

<sup>14</sup> Over 800 Arrested for Rigging Exams in Uttarakhand in 1 Year: Police, NDTV.COM, <https://www.ndtv.com/india-news/over-800-arrested-for-rigging-exams-in-uttarakhand-in-1-year-police-3943763> (last visited on January 26, 2024).

<sup>15</sup> TNN, *Uttarakhand Public Service Commission paper leak: Questions were sold to over 50, say police* | THE TIMES OF INDIA, January 17, 2023, available at <https://timesofindia.indiatimes.com/city/dehradun/uttarakhand-public-service-commission-paper-leak-questions-were-sold-to-over-50-say-police/articleshow/97043240.cms> (last visited on January 26, 2024).

<sup>16</sup> *Protests against multiple paper leak scams continue in Uttarakhand*, THE TIMES OF INDIA, February 11, 2023, available at <https://timesofindia.indiatimes.com/city/dehradun/protests-against-multiple-paper-leak-scams-continue-in-uttarakhand/articleshow/97812483.cms?from=mdr> (last visited on January 22, 2024).

<sup>17</sup> The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Ordinance, 2023 (February 9, 2023).

<sup>18</sup> Avaneesh Mishra, *Fine of Rs 10 Crore, Life Term: What Is Uttarakhand's New Anti-Cheating Law*, THE INDIAN EXPRESS, February 14, 2023, available at <https://indianexpress.com/article/explained/fine-of-rs-10-crore-life-term-what-is-uttarakhands-new-anti-cheating-law-8443033/> (last visited on January 26, 2024).

that students can obtain their qualification through honest and fair means and to promote a culture of academic integrity.

The Act introduces a comprehensive definition of “unfair means,” including a wide array of illicit activities beyond traditional cheating. This includes the leakage, possession, or distribution of question papers and answer keys; impersonation; tampering with answer sheets or digital systems; and any form of conspiracy or abetment to commit such acts.<sup>19</sup> Crucially, the law extends liability to printing presses, service providers, coaching centres, examination authorities, and their employees, if they are found to be complicit in malpractice, thereby targeting the entire ecosystem of cheating.<sup>20</sup>

One of the Act’s striking features is its extraordinarily stringent penalties. For those involved in organized crime, paper leaks, or large-scale facilitation of unfair means, the law prescribes life imprisonment, fines up to ₹10 crore, and the confiscation of property acquired through illegal gains.<sup>21</sup> This severe deterrence is specifically designed to incapacitate the “cheating mafias” that have plagued the examination system.<sup>22</sup> Individual candidates caught using unfair means face a minimum of three years imprisonment and a ₹5 lakh fine for a first offense, escalating to a minimum of ten years imprisonment and a ₹10 lakh fine for subsequent offenses. Furthermore, candidates can be debarred from all competitive examinations for periods ranging from 2 to 10 years, and even lifetime debarment for repeated convictions.<sup>23</sup> All offenses under the Act are classified as cognizable, non-bailable, and non-compoundable, emphasizing the gravity with which the state views these crimes.<sup>24</sup> The Act also provides for the establishment of Special Courts to ensure speedy trials.<sup>25</sup>

The law’s key strength is its rather strong deterrent focus on organized malpractice, with the goal of dismantling networks behind exam fraud through severe penalties. However, one significant concern is the proportionality of punishment for individual candidates,

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<sup>19</sup> § 2 (g), The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023

<sup>20</sup> § 12 and 21, The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023

<sup>21</sup> § 12, The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023

<sup>22</sup> Statement of object and reasons, The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023

<sup>23</sup> § 12, The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023

<sup>24</sup> § 22, The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023

<sup>25</sup> § 26, The Uttarakhand Competitive Examination (Measures for Control and Prevention of Unfair Means in Recruitment) Act, 2023

particularly the fixed three-year imprisonment for a first offense, which might be deemed excessively harsh for minor infractions. The provision to debar candidates from future exams upon the filing of a chargesheet rather than upon conviction raises serious questions about the presumption of innocence, potentially prejudicing individuals before their guilt is legally established.<sup>26</sup> This could lead to the premature termination of careers based solely on accusations. Furthermore, while the law excels at punishment, it does not directly address the underlying socioeconomic drivers of cheating, such as high unemployment, intense competition for limited government jobs, and disparities in educational quality. Its effectiveness will also heavily depend on the investigative agencies' capacity to handle sophisticated cybercrimes and gather robust evidence, as well as the judiciary's ability to conduct swift and fair trials in a high volume of cases.

Besides, the Act, as currently published, presents notable structural and substantive inconsistencies. The legislation was initially promulgated as an Ordinance, which included explicit provisions regarding disbarment upon the filing of a chargesheet. However, a comparison between the Ordinance and the published Act reveals that key sections, specifically sections 12 (in part), 13, and 14, are missing from the Act. It appears that the sections themselves are absent, and the content of section 12 flows abruptly into what should have been the concluding part of section 14. It remains unclear whether the chargesheet-related provisions have been substantively carried over to the final Act, due to these textual inconsistencies.

### ***University of Engineering and Technology Roorkee (Amendment) Bill, 2023***

The University of Engineering and Technology Roorkee (Amendment) Bill, 2023, primarily focused on changing the name of the “University of Engineering and Technology Roorkee” to “COER University.” This amendment was enacted through Uttarakhand Act No. 14 of 2023, which received the Governor’s assent on April 28, 2023, and was subsequently notified in the Uttarakhand Gazette on May 2, 2023.<sup>27</sup>

The rationale behind this name change is to reflect the historical connection and existing rights of the sponsoring trust, Seth Roshan Lal Jain Trust, which had been operating educational institutions under the “COER” name.<sup>28</sup> The amendment essentially sought to

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<sup>26</sup> § 13, The Uttarakhand Competitive Examination (Measures for control and prevention of unfair means in recruitment) Ordinance, 2023

<sup>27</sup> The University of Engineering and Technology Roorkee Act, 2020.

<sup>28</sup> Statement of Objectives and Reasons, The University of Engineering and Technology Roorkee (Amendment) Act, 2023

align the university's legal name with its operational identity and the history of its sponsoring body.

### ***Haridwar University Bill, 2022***

The Haridwar University Bill, 2022, was among the only two bills that were allocated 20 minutes for discussion before they were approved.<sup>29</sup> The Act's purpose is to construct and integrate a university named 'Haridwar University' with the goal of offering educational, training, and research facilities in many academic fields. Previously known as Roorkee College of Engineering, this institution has been operational since 2010.<sup>30</sup>

### ***Veer Madho Singh Bhandari Uttarakhand Technical University (Amendment) Act, 2023***

Veer Madho Singh Bhandari Uttarakhand Technical University, Dehradun was established in 2005 through the Uttarakhand Technical University Act 2005. The amendment bill was brought in 2023 to allow legal education to be imparted in the University by adding definition of legal education and redefining 'approved institution'.<sup>31</sup>

### ***State Universities Uttarakhand Bill, 2023 and Uttarakhand Private Universities Bill, 2023***

As of today, universities in Uttarakhand are governed through their own respective Acts. A need for an umbrella legislation was felt, to remove the inconsistencies which at present prevail in the governance of different universities and to ensure better education and better teachers.

Following extensive discussions, two separate bills were introduced during the monsoon session: the State Universities Uttarakhand Bill, 2023, which pertains to all 11 government universities in the state, and the Uttarakhand Private Universities Bill, 2023, which applies to the existing 22 private universities throughout the state. Both bills aimed to create consolidated frameworks to streamline university governance and introduce greater accountability and transparency.

The Uttarakhand Private Universities Bill, 2023 has since been enacted as the Uttarakhand Private Universities Act, 2023 (Act no 2 of 2024). This Act came into force following the Governor's assent on January 1, 2024, repeals the individual acts governing private universities and brings them under a unified regulatory framework. Key provisions include a 25% quota for students who are permanent residents of Uttarakhand and a 25 % fee

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<sup>29</sup> The Haridwar University Act, 2022.

<sup>30</sup> Private Universities, Rajbhawan Uttarakhand available at <https://governoruk.gov.in/private-universities> (last visited on July 06, 2025).

<sup>31</sup> The Veer Madho Singh Bhandari Uttarakhand Technical University (Amendment) Act, 2023.

concession for these students.<sup>32</sup> While private universities retain autonomy to set tuition fees, they must now follow a transparent, publicly accessible procedure when determining fee structures.

The State Universities Uttarakhand Bill, 2023 also progressed, with cabinet approval granted in September 2023.<sup>33</sup> The bill proposes significant reforms, including granting state universities direct authority to affiliate colleges, which was previously under the purview of the Governor (as Chancellor). It also seeks to standardize governance across state universities, replacing the previously applicable Uttar Pradesh University Act, 1973, and extending the retirement age of vice-chancellors to 75 years. During the time of writing this piece, there is little to no evidence to suggest that it has been enacted.

A similar legislative effort was made in 2020 through a consolidated bill, but it was returned by the then-governor, who raised several concerns, including an objection to the proposed retirement age.<sup>34</sup> The current legislative package incorporates revisions that address some of the earlier objections, particularly those related to administrative processes and university autonomy. However, the retirement age provision remains unchanged at 75 years, despite the Governor's earlier recommendation to limit it to 65 years.

## **Crossroads of Sovereignty and Demands: Dynamics along Reservation Row For Statehood Agitators**

The Uttarakhand Movement<sup>35</sup> emerged from the longstanding neglect of the region's distinct challenges as a hilly area as compared to the plains. The demand for statehood traces back to 1815 after the East India Company's capture of Kumaon, with the first major recognition in 1938 when Jawaharlal Nehru supported the cause at a Congress session, acknowledging the region's unique identity. Despite this, Uttarakhand remained part of Uttar Pradesh post-independence. The movement gained momentum in 1979 with the formation of the Uttarakhand Kranti Dal (UKD), though unlike similar movements elsewhere, UKD failed to become a dominant political force. The BJP's endorsement of the statehood

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<sup>32</sup> § 13, The Uttarakhand Private Universities Act, 2023

<sup>33</sup> Private varsities to keep 25 % seats reserved for Uttarakhand students, THE PIONEER, September 3, 2023, available at <https://www.dailypioneer.com/2023/state-editions/pvt-varsities-to-keep-25---seats-reserved-for-u---khand-students.html> (last visited on January 23, 2024).

<sup>34</sup> *Uttarakhand assembly passes umbrella university bill which was returned by Guv for reconsideration*, HINDUSTAN TIMES, December 23, 2020, available at <https://www.hindustantimes.com/dehradun/uttarakhand-assembly-passes-umbrella-university-bill-which-was-returned-by-guv-for-reconsideration/story-nkSePr3IbLdlmOyZl8OXOL.html> (last visited on January 23, 2024).

<sup>35</sup> Shekhar Pathak, *Beyond an Autonomous State Background and Preliminary Analysis of Uttarakhand Movement*, 60 PROCEEDINGS OF THE INDIAN HISTORY CONGRESS 893 (1999).

demand, coupled with its growing influence through the Ram Mandir movement<sup>36</sup> and the decline of the Congress, significantly shaped the region's political landscape in the 1990s.

Statehood agitators or *Rajya Andolankari* played an immense role in the movement.<sup>37</sup> The demand for employment reservations, as a means of recognizing the contributions of individuals who were injured or jailed during the movement, had been steadily growing among the relatives of such members.

In the monsoon session in 2023, The Uttarakhand Reservation in Government Service for the Identified Andolankari of Uttarakhand and their Dependents Bill, 2023 was agreed to be tabled but many members felt there were still some gaps due to which the State Assembly speaker constituted a seven-member select committee headed by parliamentary affairs minister Prem Chand Aggarwal to examine the bill.<sup>38</sup> The Uttarakhand Reservation in Government Service for the Identified Andolankari of Uttarakhand State Movement or their Dependents Act, 2023 (Uttarakhand Act No. 11 of 2024) was passed by the Uttarakhand Legislative Assembly and received the Governor's assent on August 17, 2024, with official notification in the Gazette on August 18, 2024.<sup>39</sup> The Act mandates a 10% horizontal reservation in direct recruitment to government services in Uttarakhand.<sup>40</sup> This means that within the existing vertical reservation categories (like SC, ST, OBC, and General), 10% of the posts will be earmarked for eligible Andolankaris and their dependents. Importantly, the Act is granted retrospective effect from August 11, 2004, for validating prior selections and appointments, while other provisions apply from the date of

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<sup>36</sup> Anand Mishra, *How the Ramjanmabhoomi Movement Fuelled BJP's Rise and Reshaped India's Political Landscape*, FRONTLINE, January 22, 2024, available at <https://frontline.thehindu.com/the-nation/project-temple-ayodhya-ram-mandir-birth-growth-of-idea-that-changed-india-political-landscape/article67755692.ece> (last visited on January 31, 2024).

<sup>37</sup> Mohammad Anab, *20 years of Uttarakhand: Statehood agitators recall struggle, press for long-pending demands*, THE TIMES OF INDIA, November 10, 2020, available at <https://timesofindia.indiatimes.com/city/dehradun/20-years-of-uttarakhand-statehood-agitators-recall-struggle-press-for-long-pending-demands/articleshow/79134884.cms> (last visited on January 22, 2024).

<sup>38</sup> *Uttarakhand assembly sets up 7-member panel on job quota for statehood activists*, HINDUSTAN TIMES, September 10, 2023, available at <https://www.hindustantimes.com/cities/dehradun-news/uttarakhand-assembly-sets-up-7-member-panel-on-job-quota-for-statehood-activists-101694351032657.html> (last visited on January 25, 2024); see also BI News Desk, *Uttarakhand Statehood Agitators Demand Passage of Uttarakhand Movement and Dependents Bill 2023 in Upcoming Assembly*, BEYOND INDIA, November 5, 2023, available at <https://beyondindia.in/uttarakhand-statehood-agitators-demand-passage-of-uttarakhand-movement-and-dependents-bill-2023-in-upcoming-assembly/>, (last visited on January 18, 2024).

<sup>39</sup> Page 1, *The Uttarakhand Reservation in Government Service for the Identified Andolankari of Uttarakhand State Movement or their Dependents Act, 2023*

<sup>40</sup> Statement of Objects and Reasons, *The Uttarakhand Reservation in Government Service for the Identified Andolankari of Uttarakhand State Movement or their Dependents Act, 2023*

notification.<sup>41</sup> This retrospectivity provides legal certainty and protection for those who might have previously secured jobs under similar reservation provisions that were later challenged or struck down by courts (as happened in August 2013 with a High Court order).<sup>42</sup> It essentially legalizes and secures their positions. Beneficiaries include identified Andolankaris and their immediate family members, including spouses, sons, daughters, and dependents from vulnerable categories. Initially introduced in September 2023, the Bill was reviewed by a Select Committee, refined, and subsequently enacted. The legislation is expected to benefit thousands of families linked to the statehood movement.

### **For Women**

Uttarakhand's challenging geography disproportionately affects women in remote and high-altitude areas, limiting their access to transportation, employment, and reproductive health services.<sup>43</sup> These constraints contribute to lower living standards compared to women in more accessible regions. High travel costs for administrative tasks further restrict participation, raising concerns about women's representation in local governance. The diverse geographical nature of the state makes life particularly challenging for women.

Responding to the situation, a government order was issued in 2006 that granted 30% horizontal reservations to women with domicile certificates. The reservations were applicable to female candidates possessing domicile certificates appearing for the Uttarakhand Combined Service and Senior Service examinations conducted by the State Public Service Commission. Years later, in 2022, a petition led by 16 women challenged the 2006 order, claiming that reservations in public service recruitments based on domicile were

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<sup>41</sup> § 5, The Uttarakhand Reservation in Government Service for the Identified Andolankari of Uttarakhand State Movement or their Dependents Act, 2023

<sup>42</sup> The Uttarakhand High Court, through Writ Petition (PIL) No. 67 of 2011, struck down the 2004 Government Orders granting direct appointments and 10% reservation for Andolankaris, deeming them unconstitutional. See *In the matter of appointments of activists on Group 'C' and Group 'D' posts under the Uttarakhand Rajya Andolan Ke Ghayal/Jail Gaye Andolankariyon Ki Sewayojan Niyamawali, 2010 v. State of Uttarakhand*, WP No. 67 of 2011, [https://highcourtofuttarakhand.gov.in/files/wppi\\_no67--.pdf](https://highcourtofuttarakhand.gov.in/files/wppi_no67--.pdf)

<sup>43</sup> Rajendra P.Mamgain and D.N.Reddy, *Outmigration from hill region of Uttarakhand: Magnitude, challenges and policy options*, National Institute of Rural Development and Panchayati Raj (2017); NITI Aayog, *Enumeration and Valuation of the Economic Impact of Female Labour in the Hills: A study of Indian Himalayan Region (2022)* available at <https://www.hnbg.ac.in/sites/default/files/2024-09/Theme-1.pdf> last visited on July 6, 2025; Akshay Mangla, *Bureaucratic Norms and State Capacity in India: Implementing Primary Education in the Himalayan Region*, Vol. 55(5), *ASIAN SURVEY*, 882 (2015); Suman Kumari & Vasu Siotra, *Indian Females in the Twenty-First Century: How They Have Fared? An Analysis Using Geospatial Techniques*, Vol. 88(1), *GEOJOURNAL* (2023); Vaneeta Chandna et al., *Status of Reproductive Health of Women in Himalaya: A Case Study of Selective Villages of, Uttarakhand, India*, Vol. 71(1), *JOURNAL OF THE ANTHROPOLOGICAL SURVEY OF INDIA*, 41 (2022).

discriminatory.<sup>44</sup> The petitioners were women from neighbouring states like Haryana and Uttar Pradesh who were not part of any reserved category and had appeared for the civil services examinations in the state. The women alleged that they were refused permission to take the final examination, despite achieving a higher score than the minimum requirement for students with domicile certificates. Responding to the petition, the Uttarakhand High Court stayed the operation of the order only for state-domiciled individuals and said the quota shall be construed as a horizontal reservation for women irrespective of their domicile or place of residence. The learned bench was of the view that the state government cannot, merely by issuing a government order, provide for reservation for women candidates based on their domicile. The state government challenged the High Court's order in the Supreme Court. The state government argued that the 2006 Government Order granting 30% horizontal reservation for women has been in continuous operation for over 15 years, benefiting thousands and forming the basis for ongoing recruitment. The State highlighted the unique geographical and socio-economic challenges faced by women in remote hill regions, justifying the reservation as a measure of social justice and positive discrimination. It also contended that the High Court erred in granting what amounted to final relief at an interim stage. The Supreme Court in November 2022 reversed the Uttarakhand High Court's order which stayed the state government's decision.<sup>45</sup>

Wasting no time, the Uttarakhand Public Services (Horizontal Reservation for Women) Bill, 2022, which was passed by the Legislative Assembly on November 30, 2022, received the assent of the Honourable Governor on January 10, 2023, and became the first act of 2023 of Uttarakhand.<sup>46</sup> According to the Uttarakhand government, the Act ensures “social justice, equality of opportunity, improvement in standard of living” among other guarantees for women.<sup>47</sup>

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<sup>44</sup> Ananya Attri & Ors v. State of Uttarakhand & Anr., *Writ Petition (S/B) No. 492 OF 2022*.

<sup>45</sup> Deepankar Malviya, *Supreme Court Lifts Stay On 30% Quota For Women Domiciled In Uttarakhand In State Services*, LIVE LAW, November 4, 2022, available at <https://www.livelaw.in/top-stories/supreme-court-lifts-stay-on-30-quota-for-women-domiciled-in-uttarakhand-in-state-services-213263> (last visited on January 31, 2024).

<sup>46</sup> Ishita Mishra, *Governor Gave Nod to 30% Reservation in Government Jobs for Uttarakhand Women*, THE HINDU, January 10, 2023, available at <https://www.thehindu.com/news/national/other-states/governor-gave-nod-to-30-horizontal-reservation-in-government-jobs-for-native-women-in-uttarakhand/article66360372.ece> (last visited on January 25, 2024).

<sup>47</sup> *Uttarakhand Passes Bill For 30% Horizontal Reservation For Local Women: What It Means*, OUTLOOK INDIA, January 18, 2024, , <https://www.outlookindia.com/national/uttarakhand-passes-bill-for-30-horizontal-reservation-for-local-women-what-it-means-news-243607> (last visited on January 25, 2024).

During the time of writing of this survey, a division bench of the Uttarakhand High Court is hearing another plea challenging the Act.<sup>48</sup> All the reserved appointments under the Act have been made are subject to the Court's final decision in the matter.

## The Uniform Civil Code in Uttarakhand : Developments in 2023<sup>49</sup>

A Uniform Civil Code (UCC) was part of BJP's manifesto in the 2022 assembly elections, for which a Committee of Experts was established to analyse the current legislation governing the personal civil matters of Uttarakhand residents.<sup>50</sup> In January 2023, the Supreme Court declined to entertain a Public Interest Litigation (PIL) challenging the formation of such a committee. The court held that states had the authority to establish committees to assess the practicality of applying a UCC.<sup>51</sup>

## Concluding Thoughts: Legislative Future in Uttarakhand

Uttarakhand's development policy has increasingly focused on tourism,<sup>52</sup> arguably at the cost of its extremely fragile ecology. The state has experienced a surge in cloudbursts, resulting in widespread flooding and landslides. In 2023, Uttarakhand experienced over

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<sup>48</sup> Pankul Sharma & Sonali Mishra, *HC seeks govt reply on plea over horizontal reservation for women*, THE TIMES OF INDIA, Oct. 12, 2023, available at <https://timesofindia.indiatimes.com/city/dehradun/hc-seeks-govt-reply-on-plea-over-horizontal-reservation-for-women/articleshow/104356023.cms> (last visited on January 31, 2024).

<sup>49</sup> Most of the developments around the UCC in Uttarakhand have occurred in the subsequent years and will be covered in the forthcoming issues of ASSL. Only the start of the saga is being recorded in this year's survey [Ed.]

<sup>50</sup> *Committee of Experts: Laws regulating personal civil matters & Uniform Civil Code*, UNIFORM CIVIL CODE UTTARAKHAND, available at <https://ucc.uk.gov.in> (last visited on January 22, 2024); also see Home Department, Constitution of Expert Committee, No. 452/xx-5-2022-03(32)2022, (May 27, 2022).

<sup>51</sup> Padmakshi Sharma, *States Have Power To Constitute Committees On Uniform Civil Code: Supreme Court*, LIVE LAW, January 09, 2023, available at <https://www.livelaw.in/top-stories/supreme-court-dismisses-pil-challenging-states-forming-committees-for-implementing-uniform-civil-code-218453> (last visited on January 28, 2024).

<sup>52</sup> *Uttarakhand govt rolls back decision to cap pilgrim numbers for Char Dham yatra*, HINDUSTAN TIMES, April 21, 2023, available at <https://www.hindustantimes.com/cities/dehradun-news/uttarakhand-govt-rolls-back-daily-cap-on-pilgrims-for-char-dham-yatra-online-and-offline-registration-to-continue-for-crowd-management-101682081799747.html> (last visited on January 29, 2024); see also *Tourism Police to be formed in U'khand: Radha Raturi*, GARHWAL POST, October 11, 2023, available at <https://garhwalpost.in/tourism-police-to-be-formed-in-ukhand-radha-raturi/> (last visited on January 31, 2024); also see *Uttarakhand govt to conduct comprehensive survey of state's disaster-prone cities*, THE ECONOMIC TIMES, August. 20, 2023, <https://economictimes.indiatimes.com/news/india/uttarakhand-govt-to-conduct-comprehensive-survey-of-states-disaster-prone-cities/articleshow/102879029.cms?from=mdr> (last visited on January 31, 2024); also see Pratima Pandey, *Uttarakhand Government Must Rethink Tourism Development*, POLICY CIRCLE, February 7, 2023, available at <https://www.policycircle.org/environment/uttarakhand-government-tourism/> (last visited on January 29, 2024).

1,000 instances of landslides, resulting in the highest fatality count in eight years, as opposed to 245 incidences in 2022.<sup>53</sup> It has impacted indigenous communities as well.<sup>54</sup> However, no legislation related to environmental damage has been up for discussion since 2021. The Disaster Management Department issued no government orders in 2023.

On the other hand, the Uttarakhand government is keen to introduce an ordinance to tighten the laws for buying land in the state to prevent people with criminal antecedents from making such purchases.<sup>55</sup> Five ordinances<sup>56</sup> were introduced in 2023 and it has been observed that government orders have been relied upon to introduce initial legal changes. Most of the encroachments occurred on land designated as forest areas. Nearly 500 ‘mazars’ (tomb shrines) and around 50 temples have been demolished since the start of this anti-encroachment campaign, which has also been referred to as ‘land jihad’.<sup>57</sup> The term has been used in certain political discourses to refer to alleged instances where certain groups are accused of using tactics such as land acquisition or demographic changes to assert influence or control over particular areas.<sup>58</sup>

In conclusion, the legislative landscape of Uttarakhand stands as a testament to the collective aspirations and endeavours of its people and their struggle to get the Centre’s attention. This contribution attempted to navigate through the State Legislative Assembly’s performance and significant laws implemented in 2023 to provide contextual information to explore the underlying aims of the government. As the State navigates through the intricate

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<sup>53</sup> Gaurav Talwar, *Uttarakhand disasters kill 100 in 3 months, most in landslides*, TIMES OF INDIA, September 19, 2023, available at <https://timesofindia.indiatimes.com/city/dehradun/uttarakhand-disasters-kill-100-in-3-months-most-in-landslides/articleshow/103768992.cms> (last visited on January 25, 2024).

<sup>54</sup> Sushmita Grantee, *Climate Crisis Ravages Uttarakhand’s Nomadic Herders As Government Looks Away*, THE MORNING CONTEXT, January 10, 2024, <https://pulitzercenter.org/stories/climate-crisis-ravages-uttarakhands-nomadic-herders-government-looks-away> (last visited on January 25, 2024).

<sup>55</sup> *Uttarakhand government to bring ordinance to prevent people with criminal antecedents from buying land*, THE ECONOMIC TIMES, May 5, 2023, available at <https://economictimes.indiatimes.com/news/india/uttarakhand-government-to-bring-ordinance-to-prevent-people-with-criminal-antecedents-from-buying-land/articleshow/100007151.cms?from=mdr> (last visited on January 28, 2024).

<sup>56</sup> The Uttarakhand Competitive Examination (Measures For Control And Prevention Of Unfair Means In Recruitment) Ordinances, 2023, (February 10, 2023); Uttarakhand (United Provinces Rakshak Dal Act, 1948) Amendment Ordinance, 2023, (May 25, 2023); Uttarakhand Investment and Infrastructure (Development and Regulation) Ordinance, 2023, (May 26, 2023); Uttarakhand Martyrs Dependent Ex-gratia Grant (Amendment) Ordinance, 2023, (July 5, 2023); Uttarakhand Goods and Services Tax (Amendment) Ordinance, 2023, (August 9, 2023).

<sup>57</sup> PTI, *Illegal Encroachments in Name of “Land Jihad” Will Not Be Allowed in Uttarakhand: Dhami*, THE HINDU, May 26, 2023, available at <https://www.thehindu.com/news/national/other-states/illegal-encroachments-in-name-of-land-jihad-will-not-be-allowed-in-uttarakhand-dhami/article66896362.ece> (last visited on January 28, 2024).

<sup>58</sup> Grantee, *supra* note 105.

challenges and opportunities that define the state's trajectory, it is imperative to recognize the pivotal role of effective legislation in fostering growth and stability, without any interference from the Centre. However, that has not always been the case, as previous instances in Uttarakhand<sup>59</sup> have shown that political calculations frequently take priority over constitutional obligations and federal principles in government affairs. Engaging in short-term political calculations only encourages judicial intervention and weakens the executive branch, while also eroding the government's legitimacy.<sup>60</sup> This statement is particularly relevant today as some previous ordinances and government orders have been held unconstitutional or stayed, as mentioned above, reminding the state government that government orders cannot be a law-making procedure. It will be intriguing to see the outcomes of these legislations for the residents of Uttarakhand in the years to come.

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<sup>59</sup> Utkarsh Anand, *Lessons from Uttarakhand and Arunachal: What court orders on Central rule say*, THE INDIAN EXPRESS July 15, 2016, available at <https://indianexpress.com/article/explained/arunachal-pradesh-verdict-nabam-tuki-harish-rawat-uttarakhand-president-rule-supreme-court-modi-government-2914435/> (last visited on January 29, 2024).

<sup>60</sup> Jayaprakash Narayan, *Reimagining Governor's Institution and Federalism*, Vol. 63, INDIAN JOURNAL OF PUBLIC ADMINISTRATION, 418 (2017); also see Christophe Jaffrelot & Sanskruthi Kalyankar, *To What Extent Is India a Union of States? From "Quasi Federalism" to "National Federalism"*, INSTITUT MONTAIGNE, June 13, 2019, available at <https://www.institutmontaigne.org/ressources/pdfs/blog/indian-federalism-under-modi-theory-practice-policy-brief.pdf> (last visited on January 29, 2024).