

Statement of Objects and Reasons

Due to the heterogeneous geographical structure of the State of Uttarakhand people living in remote areas of the State lead a difficult life. Especially the women of the State lead life in adverse conditions, due to which their standard of living is below from the women of other States. The women of the State have not been able to achieve the expected social, economic and political status and their representation in the public service of the State is very less. Therefore in order to ensure social justice, equality of opportunity, improvement in living standards, gender equality in public planning etc., a bill is proposed to provide 30 percent horizontal reservation to the women of the State of Uttarakhand in State services.

2. The proposed bill fulfills the above objectives.


(Puskar Singh Dhama)
Chief Minister

The Uttarakhand Public Services (Horizontal Reservation for Women) Bill, 2022

[Uttarakhand Bill No: of 2022]

A Bill

to provide the horizontal reservation in public services and posts in favour of the Women citizens, in addition to the existing, reservation applicable in the State and for matters connected therewith or incidental thereto.

Be it enacted by the Uttarakhand Legislative Assembly in the seventy third year of the Republic of India as follows:-

Short title and commencement	1. (1) This Act may be called the Uttarakhand Public Services (Horizontal Reservation for Women) Act, 2022. (2) It shall be deemed to have come into force on the 18 th July, 2001.
Definitions	2. In this Act unless the context otherwise requires:- (a) "Appointing Authority" in relation to public services and posts means the Authority empowered to make appointment to such services and posts; (b) "domicile" means eligibility criteria determined in Uttarakhand G.O No. 2588/F/4/410/2001 dated 20 November, 2001 or any other Government order in force at the time of recruitment; (c) "horizontal reservation" means horizontal reservation given to women candidates, in public service and posts as per Government order issued from time to time by the State Government; (d) "public services and posts" means the services and posts in connection with the affairs of the State and also includes following posts and services:-


Minister

(i) Local Authority;

(ii) Clause (A) of Section 2 of the Uttarakhand Co-operative Committee Act, 2003 in which the holding of State Government is not less than 51 percent of share capital of Committee;


(iii) Any board or any corporation or any legal body established by any central or Uttarakhand State Act which is under the ownership or control of the State Government or Government company defined in the Company Act, 2013, in which the holding of paid up share capital by the State is not less than 51 percent;

(iv) any educational institution under ownership and control of the State Government or which receives grants in aid from the State Government including a university established by or under any Act of State of Uttarakhand, except any institution established and administered by minority section specified in clause (1) of article 30 of the Constitution of India,

(e) "women candidate" means such women citizen of India whose domicile of origin is in Uttarakhand, but she has not obtained permanent domicile certificate elsewhere or a women citizen of India whose domicile of origin is not in Uttarakhand but who has obtained a permanent domicile certificate in Uttarakhand as per the G.O. No. 25/88/F 4/410/2001 dated 20 November, 2001 or any other Government Order related to domicile, for the time being in force.


(Signature)
Date

<p>Reservation for Uttarakhand domiciled women</p>	<p>3. (1) In direct recruitment in public services and posts, in the vacancies to be recruited, 20 percent Horizontal reservation shall be given till 24 July, 2006 and 30 percent after that in the favour of concerned women candidates permanently domiciled in the State of Uttarakhand.</p> <p>(2) In public services and posts, horizontal reservation for the women candidates domiciled in the State of Uttarakhand belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Economically weaker sections and other categories shall be in accordance with the order of Uttarakhand Government in force at the time of recruitment.</p> <p>Provided that if suitable women candidates are not available on the posts reserved for women under the State services, those posts shall not be carried forward rather, it shall be filled with qualified male candidates coming in the order of proficiency of the same category.</p>
<p>Responsibility and power for compliance of Act</p>	<p>4. (1) The State Government may, by notified order entrust the responsibility to any Appointing Authority or any officer or employee for ensuring the compliance of the provisions of this Act.</p> <p>(2) The State Government may, by notified order vest such power or authority to the Appointing Authority or officer or employee referred in sub section (1), as may be necessary for effective discharging of the responsibility entrusted to him under sub section (1).</p>
<p>Power to call record</p>	<p>5. If it comes to the notice of the State Government, that any women candidate defined in sub-section (c) of section 2 has been adversely affected on account of non compliance of the provisions of this Act or the rules made thereunder or the Government orders issued in this behalf by the Appointing Authority, it may call for such records and take such actions as it may consider necessary.</p>


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Power to issue domicile certificate	<p>6. For the purposes of horizontal reservation provided under this Act, a domicile certificate for women candidates shall be issued by such authority or officer and in such manner and such form as the State Government may, by order, provide.</p> <p>Provided that, the said Domicile certificate shall be issued by officer not below the rank of Tahsildar, following the proper procedure after carefully verifying the all relevant rules.</p>
Protection of action taken in good faith	<p>7. No suit, prosecution or other legal proceeding shall lie against State Government or any person, for anything which is in good faith done or intended to be done, in pursuance of this Act or rules made thereunder.</p>
Laying of orders etc.	<p>8. Every order made under Section 3 and Section 4 shall be laid, as soon as may be, before State Legislative Assembly and the provisions of sub section (1) of Section 23A of the Uttar Pradesh General Clauses Act, 1904 (as applicable to the State of Uttarakhand) shall apply as they apply in respect of the rules made by the State Government under any Uttarakhand Act.</p>
Savings	<p>9. (1) The provisions of this Act shall not apply to cases in which the selection process has been initiated before the commencement of this Act and such cases, deemed to be dealt in accordance with the provisions of law and Government orders as they stood before such Commencement;</p> <p>Explanation- For the purposes of this sub section the selection process shall be deemed to be initiated, where under relevant service rules, recruitment is to be made, on the basis of :-</p> <p>(i) written exam or interview only, the written exam or interview, as the case may be, has been initiated, or</p> <p>(ii) both written exam and interview, the written exam, has been initiated.</p>

		(2) The provisions of this Act shall not be apply to the appointment, to be made under "Uttar Pradesh Recruitment of Dependant of Government Servants Dying in Harness Rules, 1974" and "The Dependant of martyr soldiers of Indian Army/ Paramilitary Forces (Permanent Resident of Uttarakhand) on compassionate basis in State Services Employment Rules, 2018".
Power to make rules	10.	(1) The State Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act. (2) All rules under this Act shall as soon as may be after they are made be laid before State Legislature while it is in session.
Overriding Effects	11.	Notwithstanding anything inconsistent therewith contained in any other Act or Judgment/Decree/Order or directions of any courts the provisions of this Act, shall be valid and effective.
Validation of certain actions	12.	(1) Anything done or purport to be done or any action taken, under Uttarakhand Government order no. 1144/Personnel/-3-2-2001-53(1)/2001 Dated 18 July,2001 and Government order no. 1966/xxx(2)/2006 Dated 24 July,2006 related to women horizontal reservation, prior to the Commencement of this Act, shall be deemed to have been validly done under the provisions of this Act. (2) Every order of appointment of a person as a officer, Judge and every order of posting, promotion or transfer prior to the Commencement of this Act shall be deemed to be validly made under the provisions of this Act. (3) Every power exercised and function performed every manner dealt with, every proceedings, every order, judgement decree or sentence passed and every other act done by the officer, judge prior to the commencement of this Act shall be deemed to be validly exercised, performed, dealt with, undertaken, passed or done under the provisions of this Act


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Power to remove difficulties

13. If any difficulties arises in giving effect to the provision of this Act, the State Government may by notified order, shall make such provisions not inconsistent with the provision of this Act and as appears to it to be necessary or expedient for removing the difficulty;

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act;

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