



The Uttar Pradesh State Law Commission Act, 2005  
Act 3 of 2005

**Keyword(s):**

Chairperson, Commission, Full Time Member, Ex-Officio Member, Member, Part-time Member, Secretary

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Dated Lucknow, March 17, 2005

IN pursuance of the provisions of clause (3) of article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Rajya Vidhi Ayog Adhiniyam, 2005 (Uttar Pradesh Adhiniyam Sankhya 3 of 2005) as passed by the Uttar Pradesh Legislature and assented to by the Governor on March 16, 2005.

## THE UTTAR PRADESH STATE LAW COMMISSION ACT, 2005

(U.P. Act No. 3 of 2005)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

*to provide for the Constitution of State Law Commission in the State for identifying the matters for the reform of State Laws and for matters connected therewith or incidental thereto.*

IT IS HEREBY enacted in the Fifty-sixth Year of the Republic of India as follows :—

## CHAPTER-I

## Preliminary

Short title,  
extent and  
commencement

1. (1) This Act may be called the Uttar Pradesh State Law Commission Act, 2005.

(2) It extends to whole of Uttar Pradesh.

(3) It shall be deemed to have come into force on January 12, 2005.

Definitions

2. In this Act,—

(a) "Chairperson" means the Chairperson of the Commission appointed under clause (a) of sub-section (4) of section 3;

(b) "Commission" means the Uttar Pradesh State Law Commission constituted under section 3;

(c) "Full time Member" means a Full time Member appointed under clause (b) of sub-section (4) of section 3;

(d) "Ex-Officio Member" means the Ex-Officio Member mentioned in clause (c) of sub-section (4) of section 3;

(e) "Member" means a Full time Member or an Ex-Officio member of the Commission and includes a Part-time Member of the Commission;

(f) "Part-time Member" Means a Part-time Member of the Commission appointed under clause (d) of sub-section (4) of section 3;

(g) "Secretary" means the Secretary appointed under section 7.

## CHAPTER-II

## The State Law Commission

Constitution of the  
Commission

3.(1) The State Government shall, by notification, constitute a body to be known as the Uttar Pradesh State Law Commission to perform the functions assigned to it under this Act.

(2) The Commission shall consist of :—

(i) Chairperson One

(ii) Full time Member One

(iii) Part-time Members Two

(iv) Ex-Officio Member One

(v) Secretary One

(3) The Head quarters of the Commission shall be at Lucknow.

(4) the Chairperson and the Members shall be appointed as follows by the State Government :-

(a) the Chairperson shall be a retired Chief Justice of High Court or a retired Judge of the High Court having at least ten years experience as such;

(b) Full time Member shall be a retired Judge of the High Court;

(c) Part-time Members of which one shall be a retired Judge of the High Court or a retired District Judge of Super Time Scale having at least 25 years of Judicial Experience and having specialized experience in Legislative and Parliamentary affairs and the other shall be distinguished Jurist or Legal expert or law academican, or Law Professor or a person having specialized and expertise knowledge in the matters referred to in section 5;

(d) the Director, Institute of Judicial Training and Research Uttar Pradesh shall be the *Ex-Officio* Member of the Commission;

4.(1) Every person appointed as the Chairperson or a Full time Member shall hold office for a term of five years from the date on which he assumes office, or up to the date of his attaining 67 years of age, whichever is earlier. Term of office

(2) The Part-time members shall hold office during the pleasure of the State Government.

(3) The Chairperson or a Member may , by writing under his hand addressed to the Governor, resign his office.

(4) If the office of the Chairperson or a Member becomes vacant, or if the Chairperson or a member is by reason of absence or for any other reason whatsoever, unable to perform the duties of his office, such duties, shall until some other person appointed under section 3 enters upon such office or, as the case may be, until the Chairperson or such member resumes his duties, be performed :-

(a) where the office of the Chairperson becomes vacant or where he is unable to perform the duties of his office, by such Member as the State Government may by order direct;

(b) where the office of a Member becomes vacant or where he is unable to perform the duties of his office, by the Chairperson himself, or if the Chairperson so directs, by the other Member or, as the case may be, such one of the other Members as may be specified in the direction.

(5) On ceasing to hold office the Chairperson or the Full time Member shall be ineligible for further employment whether as such or in any other capacity under the Government of Uttar Pradesh or for any employment under, or office in any of the local authority, corporation, Government company or society.

(6) There shall be paid to the Chairperson or a Member such salaries as may be prescribed.

(7) The allowances and pension, if any, payable to , and other conditions of service of, the Chairperson or a Member shall be such as may be prescribe :

Provided that in prescribing the allowances and pension payable to, and other conditions of service of :-

(a) the Chairperson, regard shall be had to the allowances and pension payable to and other conditions of service, of the Chief Justice of the High Court;

(b) the Member who is a retired Judge of the High Court, regard shall be had to the allowances and pension payable to, and other conditions of service of a Judge of a High Court;

(c) the Member who is a distinguished Jurist or Legal expert or law academician, or a Professor of Law or a Judge of the High Court a retired Member of Uttar Pradesh Higher Judicial Service, having specialized experience in Legislative and Parliamentary affairs, regard shall be had to his previous last service status if any and to his experience:

Provided further that the allowances and pension, if any, payable to, and other conditions of service of the Chairperson or a Member shall not be varied to his disadvantage after his appointment:

Provided also that if the Chairperson or a Member at the time of his appointment is in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or any of its predecessor Governments or under the Government of a State or any of its predecessor Government, his salary in respect of services as the Chairperson or, as the case may be, Member shall be reduced—

(a) by the amount of that pension, and

(b) if he has, before such appointment, received *in lieu* of a portion of the pension due to him in respect of such previous service the commuted value thereof, by the amount of that portion of the pension, and

(c) if he has, before such appointment, received a retirement gratuity in respect of such previous service, by the pension equivalent of that gratuity.

Removal of the  
Chairpersons of the  
Full time Member

5. The Chairperson may be removed from the office by the State Government with the concurrence of a sitting Judge of the Hon'ble Supreme Court and the Full time Member may be removed from the office by the State Government with the concurrence of the Chairperson, if he,—

(a) becomes an undischarged insolvent;

(b) is convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government involves moral turpitude;

(c) becomes of unsound mind and stands so declared by a competent court;

(d) refuses to act or becomes incapable of acting;

(e) is, without obtaining leave of absence from the commission absent from three consecutive meetings of the Commission; or

(f) has, in the opinion of the State Government, so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the interest of the State;

### CHAPTER -III

#### Functions and powers of the Commission

Functions of the  
Commission

6.(1) It shall be the duty of the Commission to take and keep under review all the laws of the State with a view to its systematic development and reform, including in particular the codification of such law, the elimination of anomalies, the repeal of obsolete and unnecessary enactments, the reduction of the number of separate enactments and generally the simplification and modernization of the law, and for that purpose—

(a) to receive and consider any proposals for the reform of the law which may be made or referred to it;

(b) to prepare and submit to the State Government from time to time programmes for the examination of different branches of the law with a view to reform, including recommendations as to the agency (whether the Commission or another body) by which any such examination should be carried out;

(c) to undertake pursuant to any such recommendations approved by the State Government, the examination of particular branches of the law and the formulation, by means of draft Bills or otherwise, of proposals for reform therein;

(d) to prepare from time to time at the request of the State Government comprehensive programmes of consolidation and statute law revision, and to undertake the preparation of draft Bills pursuant to any such programme approved by the State Government;

(e) to provide advice and information to the State Government departments and other authorities or bodies concerned at the instance of the State Government with proposals for the reform or amendment of any branch of the law;

(f) to obtain such information as to the legal systems of other States, Central Government or other countries as appears to the Commission likely to facilitate the performance of any of its functions.

(2) The State Government shall consider any programmes prepared by the Commission and any proposals for reform formulated by the Commission pursuant to such programmes.

(3) The Commission shall make an annual report to the State Government on their proceedings.

(4) The Commission shall perform such other functions as may be prescribed.

7.(1) There shall be a Secretary of the Commission who shall be a sitting Additional District Judge to be appointed by the State Government in consultation with the Chief Justice of the High Court of Judicature at Allahabad.

(2) The Secretary shall be the Drawing and Disbursing Officer with respect to the Establishment of the Commission and shall assist the Chairperson in all respect.

(3) The Secretary shall also perform such other functions as may be prescribed.

(4) The terms and conditions of service of the Secretary shall be such as may be prescribed.

8.(1) The Secretary shall with the approval of the State Government appoint, such officers and other employees to assist the Commission in the discharge of its functions under this Act as the Chairperson considers necessary:

Provided that nothing in this sub-section shall be construed to prevent any person who holds a post under the Central or any other State Government from being appointed on deputation with the consent of the Government.

(2) the number and categories of officers and employees who may be appointed under sub-section (1), their salaries, allowances and other conditions of service, the status and administrative powers of the Chairperson, Members and the Secretary shall be such as may be determined by general or special order of the State Government.

(3) Without prejudice to the provisions of sub-section (1), the Chairperson may for the purpose of discharging his functions under this Act utilize the services of—

(i) any officer of a State or the Central Government with the consent of the Government;

Secretary

Staff of the  
Commission

(ii) any other person or agency.

(4) The Commission shall regulate its own procedure.

#### CHAPTER-IV

##### Finance, accounts and audit

Grants by the State Government

9.(1) The State Government shall, after due appropriation made by the State Legislature by law in this behalf, pay to the Commission by way of grants such sums of money as the State Government may think fit for being utilized for the purposes of this Act.

(2) The Commission may spend such sums as it thinks fit for performing its functions under this Act and such sums of money shall be treated as expenditure payable out of the grants referred to in sub-section (1).

Accounts and audit

10.(1) The Commission shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed.

(2) A copy of the annual statement of accounts shall be submitted to the State Government which shall cause the same to be audited.

Annual report

11. The Commission shall prepare annual report for each financial year, in such form and at such time, as may be prescribed, giving a full account of its activities during that financial year and forward a copy thereof to the State Government.

Annual and other reports and audit report to be laid before State legislature

12. The State Government shall cause the annual report, together with memorandum of action taken on the recommendations contained therein and the reasons for the non-acceptance, if any, of any of each recommendations and the audit report to be laid as soon as possible after the reports are received, before each House of the State Legislature.

#### CHAPTER-V

##### Miscellaneous

Chairperson, members, Secretary and staff of Commission to be public servants State Government to consult the Commission

13. The Chairperson, the Members, the Secretary, other officers and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860.

14. The State Government may consult the Commission on such legal matters as it considers necessary.

Provision of action taken in good faith

15. No suit, prosecution or other legal proceeding shall be brought against any person for anything which is in good faith done or intended to be done, in pursuance of the provisions of this Act or the rules made thereunder.

Power to make rules

16.(1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may be provided for all or any of the following matters, namely:-

(a) the salaries and allowances payable to, and the other terms and conditions of services of the Chairperson and Members under section 4;

(b) other functions of the Commission under sub-section (4) of section 6;

(c) the terms and conditions of service of the Secretary under section 7;

(d) the terms and conditions of service of other officers and the employees of the Commission under section 8.

(e) the status and administrative powers of the Chairperson, the Members and the Secretary under section 8;

(f) the form in which annual statement of accounts is prepared under section 10;

(g) the form in which the annual report shall be prepared under section 11.

(h) any other matter which is required to be, or may be prescribed.

17.(1) If any difficulty arises in giving effect to the provision of this Act the State Government may by a notified order, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.

Power to remove difficulty

(2) No order under sub-section (1) shall be made after the expiration of a period of two years from the commencement of this Act.

(3) Every order made under sub-section (1) shall be laid, as soon as may be, before both Houses of the State Legislature and the provisions of sub-section (1) of section 23-A of the Uttar Pradesh General Clauses Act, 1904 shall apply as they apply in respect of rules made by the State Government under any Uttar Pradesh Act.

U. P.  
Ordinance  
no. 2 of  
2005

18. (1) The Uttar Pradesh State Law Commission Ordinance, 2005 is hereby repealed.

Repeal and Savings

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under this Act as if the provisions of this Act were in force at all material times.

#### STATEMENT OF OBJECTS AND REASONS

The revision of Acts is a continuing process which has been needed for a long time. The Central Law Commission has been constituted by the Central Government for the revision of Central Acts and for giving suggestions connected therewith which is a permanent institution and has been working for a long interval. The Central Law Commission had in its Fourteenth Report recommended for the constitution of State Law Commissions in the States in pursuance of which law commissions had been established in many States. In Uttar Pradesh four State Law Commissions were constituted from time to time but since they were constituted by notifications and Government Orders for a fixed period, full advantage thereof could not be taken due to want of permanency. There were more than four hundred Acts of the State Legislature for the time being in force of which some had become redundant and amendments in various Acts were needed. It was, therefore, decided to make a law to provide for the Constitution of State Law Commission in the State for indentifying the matters for the reform of State Laws and for matters connected therewith or incidental thereto.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh State Law Commission Ordinance, 2005 (U.P. Ordinance no. 2 of 2005) was promulgated by the Governor on January 12, 2005.

Thereafter it has been decided to insert in the replacing Bill the provisions regarding appointment of the High Court Judge as Part-time Member and the removal of the Chairperson or the Full-time Member with the concurrence of a sitting Judge of the Supreme Court or the Chairperson respectively.

This Bill is introduced to replace the aforesaid Ordinance with aforesaid amendment.

By order,

D.V. SHARMA,  
Pramukh Sachiv.

पी०एस०यू०पी० ए०पी० 960 राजपत्र-(हि०)-(2404)-2005-597-(कम्प्यूटर/आफसेट)।

पी०एस०यू०पी० ए०पी० 294 राजपत्र-(हि०)-(2405)-2005-850-(कम्प्यूटर/आफसेट)।