

(2023) 09 DEL CK 0158

In the Delhi High Court

Case No : Civil Writ Petition No. 4761 Of 2016

Union Of India

APPELLANT

Vs

Vs Vansh Sharad Gupta

RESPONDENT

Date of Decision : 01-09-2023

Acts Referred:

Right to Information Act, 2005 — Section 19(8)(b)

Citation : (2023) 09 DEL CK 0158

Hon'ble Judges : Manmohan, J

Bench : Single Bench

Advocate : Ruchir Mishra, Mukesh Kr.Tiwari, Reba Jena Mishra, Poonam Shukla, Vipul Pathak, Ramneek Mishra, Rishikesh Kumar, Sheenu Priya, Sudhir Kumar Shukla, Muhammad Zaid, Sudhir, Sumit Choudhary, Ketan Paul, Jayant Bhushan

Final Decision : Disposed Of

Judgement

Manmohan, J

CM APPL. 22914/2016

1. Present application has been filed seeking recall of the order dated 24th May, 2016 whereby, in the absence of the learned counsel for the petitioner at the second call, the writ petition was dismissed by way of a speaking order. In the present application, it has been averred that the counsel of the petitioner could not be present for hearing because he was suffering from a severe eye infection.

2. Keeping in view the said averment, the present application is allowed and the writ petition is restored to its original position.

W.P.(C) 4761/2016

3. With consent of parties, the writ petition is taken up for hearing.

4. It is pertinent to mention that the present writ petition has been filed challenging the order dated 04th November, 2015 passed by the Central

Information Commission (for short 'CIC'), whereby it has directed the petitioner to upload all the latest amended bare Acts and to examine the functionality of its E-mail ID and develop an appropriate RTI filing mechanism. The CIC has also directed the petitioner to pay Rs. 10,000/- under Section 19(8)(b) of the RTI Act to the library of National Law School of India University, Bengaluru.

5. This Court vide order dated 8th September, 2016 directed the Secretary, Legislative Department to ensure that Government of India's publications of Bare Acts were easily available. The Court appointed Mr. Jayant K. Bhushan, Senior Advocate as Amicus Curiae in the matter to assist this Court.

6. Thereafter, this Court for the purpose of monitoring the progress called for periodic status reports.

7. In pursuance to the direction of this Court India Code Portal (www.indiacode.nic.in) has been redesigned and made user-friendly. The website contains all unrepealed Central Acts and State Acts and subordinate legislations, namely, Rules, Regulations, Notifications and Orders, etc., issued under a particular Act. Most of the Ministries/ Departments have identified their subordinate legislations and have uploaded the relevant documents as PDF in a searchable format on the India Code Portal. Detailed status (as mentioned in the status report dated 23rd August, 2023) is reproduced hereinbelow:-

8. Further, as per the latest status report dated 23rd August, 2023, the subordinate legislations have been mapped with relevant sections of the principal Acts. Till date, the total number of Central Acts that have subordinate legislations is 460, out of which mapping of the Act with relevant sections of 438 Acts has been completed and the mapping of the remaining Acts is in process. The Nodal officers of the Central Government have been reminded from time to time with the latest reminder on 10th August, 2023. It is stated in the status report that till date 69 Ministries / Departments have furnished completion certificates to the Legislative Department.

9. It is stated that updation and uploading of Central Acts and subordinate legislations is a continuous and ongoing process. As per the status report, there are 903 unrepealed Central Acts including spent Acts which are in force from the year 1836 to 2022 which have been updated and uploaded on the India Code Portal. However, this does not include the Appropriation Acts, Finance Acts, Acts not in force and the Acts passed by the British Parliament.

10. It is also stated that out of 903 Acts currently in force, the Hindi versions of 817 Acts are available with the Correction Section in the Official Language Wing in printed form. It is further stated that as per the scheme of the India Code Portal, all the Central Acts are re-typed and updated from time to time and thereafter uploaded on the website. It is submitted that the infrastructure in the Official Language Wing is not sufficient for the said task.

11. It is stated that there is a different procedure and process for preparation of

Hindi text of Central Acts after the same is passed by the Parliament. In case of English version, the authoritative text in English is introduced in the Parliament in the form of a Bill along with the Hindi translation of the same and after the Bill is passed by the Parliament, it gets the assent of the President and is published in the Official Gazette as a Central Act.

12. It is stated that as per the relevant constitutional and statutory provisions, the preparation of authoritative text in Hindi starts only after the Central Act in English is published in the Official Gazette. The authoritative text in Hindi is sent to the President for her assent for publication in the Official Gazette and thereafter it is sent to Government Press for printing. As per the extant process, a compilation of the Hindi versions of Central Acts is published in the Official Gazette as opposed to the English version, where a single Central Act is published separately in the Official Gazette. As this process takes some time, the availability of Hindi version of Central Acts lags behind the English version by one to two years. The Hindi version of a Central Act can be used for the all official purposes (including the use by the general public) only after it is published in the Official Gazette.

13. The Hindi versions of the Central Acts are available on the website of Legislative Department at www.legislative.gov.in under the heading Official Languages Wing. The link of the same is provided on India Code Portal under the heading Central Acts (Hindi).

14. It is further stated that 3811 repealed Acts from 1834 to 2020 have been uploaded on the India Code Portal and the remaining 450 Acts (approximately) are in the process of being uploaded on the India Code Portal.

15. A hyperlink of the website of Income Tax Department i.e. www.incometaxindia.gov.in has been made available on the India Code Portal for accessing the Rules, Circulars and Notifications etc. made under the Acts administered by them.

16. According to the Union of India, the States have been requested to expedite the updation and uploading of their Acts and subordinate legislations on the India Code Portal in a searchable PDF format after incorporating all the amendments. For this purpose, as per the directions of the Cabinet Secretariat, online training sessions have been provided to all nodal officers of the Departments/Ministries and States/Union territories Governments on 6th September, 2022 and 9th September, 2022 by the National Informatics Centre (for short 'NIC') in coordination with Legislative Department. Additional training session had been provided to the nodal and other officers of the State Government of Maharashtra on 28th October, 2022. The State and UT Governments have also been requested to furnish soft copies of State amendments, if any, made to Central Acts in the Concurrent List to the Legislative Department. The nodal officers of States/Union territories Governments have been reminded from time to time on a regular basis for this purpose.

17. It is stated that thirty State Governments/UTs have taken requisite action in this regard. However, the States/UTs of Arunachal Pradesh, Jharkhand, Mizoram, Punjab, Puducherry and Chandigarh have not yet furnished the State Amendments to Central Acts. It is stated that the process of incorporating all the amendments received from the State Governments/UTs is underway most of them have been uploaded on the India Code Portal. The remaining State Governments / UTs have been requested to furnish the amendments made by them to the Central Acts in the Concurrent List (in the PDF and in MS-Word format) to the Legislative Department. The present status of uploading of the State Acts and their subordinate legislations on India Code Portal is reproduced hereinbelow:-

18. As per the status report, the certificates that have been received from the States/UTs is below:-

Sl.

No.

State/UTs

Remarks

1

Delhi

Completed.

2

Gujarat

Acts uploaded and Partial subordinate legislations are under process

3

Telangana

Acts uploaded and Partial subordinate legislations are under process

4

Orissa

Acts uploaded and Partial subordinate legislations are under process

5

Tripura

Acts uploaded and Partial subordinate legislations are under process

6

Arunachal Pradesh

Completed.

7

Meghalaya

Acts uploaded and Partial subordinate legislations are under process

8

Tamil Nadu

Under process.

9

Karnataka

Completed.

10

Chhattisgarh

Completed.

11

Chandigarh

Completed.

12

Uttar Pradesh

Most of the data is uploaded and remaining is under process.

13

Rajasthan

Most of the data is uploaded and remaining is under process.

14

Andaman & Nicobar

Completed.

19. The India Code website is accessible nationally and globally on mobile, desktop and tablet. According to the status report, the India Code website has 17,736,478 users across the world, 72,353,698 hits for website and 71,679,261 pageviews.

20. In view of the above, this Court is of the opinion that the Petitioner has not

only complied with the directions contained in the impugned order but has gone much beyond it. Consequently, the cost imposed by the CIC by way of the impugned order is waived.

21. This Court places on record its appreciation for the services rendered by the learned Amicus Curiae, Mr.Jayant Bhushan, Senior Advocate and Mr.Abhijat and Mr.Ketan Paul, Advocates.

22. The Secretary, Legislative Department, Ministry of Law and Justice is directed to periodically monitor the status of uploading the Acts on the India Code portal and ensure that the process is completed seamlessly and in a time-bound manner.

23. With the aforesaid direction, the present writ petition stands disposed of.