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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4761/2016 & CM APPL. 22914/2016

UNION OF INDIA ..... Petitioner  
Through Mr. Ruchir Mishra with Mr. Mukesh  
Kumar Tiwari, Advocates  
versus

VANSH SHARAD GUPTA ..... Respondent  
Through Mr. Jayant Bhushan, Sr. Advocate  
and Amicus Curiae with Mr. Ketan  
Paul and Ms. Reeja Varghese,  
Advocate .  
Mr. Abhijat, Advocate and Amicus  
Curiae with Ms. Daksha Arora,  
Advocate.

**CORAM:  
HON'BLE MR. JUSTICE MANMOHAN**

% **ORDER**  
**25.05.2017**

Today in Court, learned Amicus Curiae, Mr. Jayant Bhushan, Senior Advocate has handed over a note which highlights not only the critical shortcomings but also gives valuable suggestions. The same is taken on record. The aforesaid note is reproduced hereinbelow:-

*“1. The present matter has brought forth the problems faced by citizens in free access to accurate and comprehensive sets of laws in India. The availability of accurate legal texts, at minimal cost, is fundamental to the rule of law and a basic responsibility of the Government. With the advent of the internet, it is imperative that*

*the Government make all efforts possible to provide comprehensive access to legislations and subordinate legislations online. While efforts have been made in this arena, a lot remains to be done.*

**2. Critical shortcomings –**

- a. Searchability - Older laws, which usually form the bulwark of the legal system, are typically uploaded in inaccessible formats like scanned images of pdfs or unintelligible, unformatted text boxes. This means that machines cannot process the text without additional effort, and relevant content within these laws is lost.*
- b. Updation - Even though the government is the most authentic source of legal information, almost all its web portals suffer from content and design flaws. The laws are often not updated to reflect latest amendments.*
- c. Cross-linking - The legal system does not consist of standalone laws. It consists of an intricate framework of laws, rules, regulations, circulars etc. which refer to and build on one another. Government websites have not made use of available tools to make the inter-connections of laws apparent in an automated, cost-friendly manner.*
- d. Representation - Representation of laws on government websites have not followed user-centric and mobile-friendly approaches. PDFs are not mobile compatible and websites ignore basic rules of design.*

**3. Suggestions –**

- a. **Development and adoption of technical standards in the publication of all legislative documents including rules, regulations, notifications and any other form of subordinate legislation –***

- i. A core component to making laws more accessible and resourceful is (i) the adoption of a system for uniquely identifying each individual legislative document and (ii) the adoption of a standard system of legislative XML<sup>1</sup>. Many developed nations like the United States and the United Kingdom have applied such standards to legislative information.*
- ii. Every law should have a unique ID so that each new rule, regulation, notification etc. can be tagged with the unique ID of the parent law. At the push of a button, the website can display all new regulations, notifications etc. in one place. Not only will this enable citizens to have a complete understanding of all legal information on a subject in one place, it will enable the Government to function more efficiently.*
- iii. It is imperative to conduct research on adoption of global technical standards for legislative mark-up in India.*

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<sup>1</sup> Extensible Markup Language (XML) is a markup language that defines a set of rules for encoding documents in a format that is both human-readable and machine-readable. This allows documents to be identified and structured in a way that both machines and humans can identify. This in turn allows automated processing of these legislative documents, as well as more sophisticated applications to be built on top. Ultimately, it broadens and simplifies access to legal information.

*Adapting a UN accepted standard like Akoma Ntoso<sup>2</sup> for Indian laws could be a potential option. This India specific standard must work for laws at the Central, State and municipal level and should be applicable to all kinds of legislative documents. Once such a standard has been developed, all government departments and other competent authorities should publish legislative documents using drafting tools which apply such standards. They should also compile and publish all previous documents (including notifications, circulars etc.)*

- b. Subordinate Legislation - Most laws contain accompanying rules or regulations passed either by the Central Government or the State Government. Some of these subordinate legislations are available on the concerned Ministry/Department's website, but many are not, in which case one has to conduct an independent search in the e-Gazette. The e-Gazette search engine is not intuitive and would require familiarity with the kind of gazette it is published in (weekly or extraordinary gazette) or the relevant ministry. Similar difficulties apply to notifications as well. Unless the relevant ministry publishes the notifications, such notifications (which often amend schedules in an Act or the Rules) are not easily accessible. The IndiaCode website has a link for subordinate legislation which links to (<http://subordinatelegislation.gov.in/>) but as of 24.05.2017, the website is not functional and the scope of that website is unknown. It is also unlikely that it will enable tagging and cross-referencing with the parent statutes enabling a holistic view of the complete law. The scope of the IndiaCode website should be expanded to include all subordinate legislation including rules, regulations, notifications and circulars that flow from a particular legislation, in one place.*
- c. Time-bound uploading of legislative text – Every legislative document, including subordinate legislation should be uploaded on the IndiaCode website in a time-bound manner. Currently, a lot of amendments and subordinate legislations are not uploaded due to the same remaining pending with the concerned Ministry for extended periods of time. Guidelines should be developed to ensure timely updation of legislative texts. Even now, a consolidated Income Tax Act and many other laws consolidated with recent amendments are not available on the IndiaCode website. A tracking system mentioned earlier coupled with guidelines mandating time-bound updation will help avoid such delays.*

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<sup>2</sup> <http://www.akomantoso.org/>

- d. **Priority uploading of important pre-1947 legislations** - While the Law Department is attempting to upload post 1947 legislations at a rapid pace, it is understandable that uploading consolidated versions of pre-1947 legislations may take time. However, consolidated versions of certain pre-1947 legislations that are of critical importance, should be uploaded on a priority basis in a time-bound manner. These must include, the Indian Penal Code 1860, Civil Procedure Code 1908, Negotiable Instruments Act 1881 and other such important enactments.*
- e. **IndiaCode platform should be made open to States and other public authorities** - IndiaCode should be a platform where State law departments and other statutory and public authorities, can upload all state laws and subordinate legislation. The laws should themselves be published adopting the technical standards developed for Central laws mentioned earlier. Such a system will enable quicker updation of legal information on the platform, as well as reducing the workload of the Law Department for. updation. In this regard, it will be immensely useful if the Law Department publish lists of applicable and unrepealed laws in each State by requesting the same from all State.*
- f. **Collage information from database/portals** – At the movement, a lot of data on legislations and subordinate legislations is available with the Government on various portals. These include <http://indiacode.nic.in/>, <http://lawmin.nic.in/Legis.htm>, <http://india.gov.in>, <http://egazette.nic.in>. Various ministries publish rules and notifications on their own websites. The multiplicity of fora to publish information online creates unnecessary hurdles in streamlining access to legislative information. Various portals may exist for various reasons, but the Government should move towards a system where at least one portal has access to all legislative information in one place and where every competent authority is mandated to upload such information in a time-bound manner. To that end, the*

*Government should start collating data from its various portals and publish it in on IndiaCode and also identify the gaps in the data available and work towards obtaining that data in a time-bound manner.*

- g. **Content and Format for a Government Portal on Laws** - For a comprehensive resource on Central and State laws (including subordinate legislation), a review of similar portals developed in other jurisdictions such as the United Kingdom ([www.legislation.gov.uk](http://www.legislation.gov.uk)) and Australia (<http://www.thelaw.tas.gov.au/index.w3>) will be helpful. A professional third party agency may also be engaged to improve the website design and functionality.*
- h. **Grievance redressal** - There should be one nodal officer responsible for addressing grievances from the public regarding updation and improvement of content on the IndiaCode website. The officer's name, email address and telephone number should be prominently displayed on the website.*

This Court has perused the aforesaid note and is of the opinion that it contains valuable suggestions which need to be considered at the highest level. Consequently, this Court directs the Secretary, Legislative Department to convene a meeting wherein the said note should be considered.

Accordingly, the Secretary, Legislative Department is directed to invite the Amicus Curiae as well as his authorised representative for the said meeting. The Secretary shall also invite all other relevant stakeholders for the said meeting including senior officials from the NIC, Ministry of Information Technology as well as Directorate of Printing, Ministry of Urban Development.

Let the said meeting be convened in the month of July 2017.

The minutes of the said meeting shall be placed on record two weeks before the next date of hearing.

List on 1<sup>st</sup> September, 2017.

**MANMOHAN, J**

**MAY 25, 2017**

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