

CENTRAL INFORMATION COMMISSION

(Room No.315, B-Wing, August Kranti Bhawan, Bhikaji Cama Place, New Delhi 110 066)

Prof. M. Sridhar Acharyulu (Madabhushi Sridhar)

Information Commissioner

CIC/SS/C/2013/900008-SA

Vansh Sharad Gupta v. PIO, Legislative Department

Important Dates and time taken:

RTI: 23.07.2012	FAA: 08.11.2012	
SA: 19.11.2012	Hearing: 10.09.2015	Decision: 04-11-2015
Result: Disposed of with direction.		

Parties Present:

1. Complainant is not present. Mr. S. K. Chitkara, D.S. & CPIO represents Public authority.

FACTS:

2. Complainant filed this RTI application through e-mail, to know the e-mail ID of Mr. S. R. Dhaleta, Joint Secretary and IT Manager, Legislative department. Having received no information within the prescribed period, complainant filed his first appeal through e-mail. Claiming non furnishing of information, complainant approached the Commission.

Proceedings Before the Commission:

3. Complainant is a law student from National Law School of India University, Bangalore. He wanted to have the e-mail ID of CPIO of Legislative Department. He claimed that he could not file his RTI application on email ID cpio-rti-legis@nic.in as the email bounced back. He

then made several efforts to get working email ID. After a very long effort, he made a contact with Mr. K. Saji Kumar, IT Manager and sent his RTI application.

4. The Law student wanted to study Indian Christian Marriage Act, 1972 from the website <http://lawmin.nic.in/contact.htm>, but he couldn't. Though he could find the Bare Act from <http://indiacode.nic.in>, it was impossible to read as that PDF of Bare Act was not at all formatted. *(For sample, the first page of that Act as extracted from website is added to this order)* The sentences were not continuous and it was so confusing and difficult to correlate content and make out even a single sentence. He contended that as a student of law, for his course work he required to refer to several Bare Acts to ascertain the correct position of law, but <http://indiacode.nic.in> website is not in position to help the students of law in any way. He appealed to provide such Bare Acts in a readable PDF format. The student wanted to correspond with concerned officers of the department, such as Mr. Yerram Srinivasa Rao, or Mr. K. R. Saji Kumar etc. and explained his difficulties in accessing information about enactments. He was advised to go through several links and he was surprised to see un-amended original enactment (without incorporation of amendments) was made available. He stated that if he has to access Code of Civil Procedure of 1908, he was getting first ever copy of Act though it was amended more than 100 times. It will be difficult and time consuming for a law student to get access to the updated CPC. Students are forced to click on every single year to get to know amendments.

5. The CPIO of the respondent authority informed the Commission that Ministry has approved budget for updating the enactment, appointed four consultants, (two for English and two for Hindi) and most of the officers are also reading, supervising, collecting data etc. Updating of laws in English version will tentatively take less time and the task of Hindi version will take more time. He stated it was impossible to talk about time it might take. He assured that public authority took up 2014 enactments, and it will go back in reverse order to back years.

6. Needless to say that a duty upon the state to inform citizens about the Law as and when it was made and the citizens also have right to know of the Law. It is impossible for any

Government to expect obedience to their Law without informing the people in legible form. It is more difficult especially when the text of Law is not available in easy accessible format. It will result in two major problems, (1) People will be kept in dark about their Laws, (2) Private Publishers will exploit this in-access to Law to make money by publishing updating Acts as their copyrighted work. It is surprising that the Ministry has not used the Information technology to provide access to text of law.

7. The Law and enactments are in public domain and none can claim copyright in the law. Apart from this general right to know, RTI Act has offered a specific and enforceable right to information. Section 4 mandates the Ministry of Law to place the texts of enactments. It is the duty of Legislative Department to provide information about access of every updated enactment. It is not just an recommended obligation under Section 4 (1) (a) of RTI Act, but a constitutional mandate, a legal necessity, and an essential requirement for peace. It is not possible to imagine 'enactment' becoming secret because of this ambiguity and non-legibility.

8. The CPIO informed Commission about updating of enactments, though he could not authentically say anything about realization of the access. The respondent authority has to accelerate the process and access should be assured.

9. The Commission records its appreciation for Mr. Vansh Sharad Gupta. Although he filed his RTI application in 2012 when he was a 2nd year student, his complaint has reached this Commission for hearing 10.9.2015. Even though the information sought by him will be irrelevant due to delay, the issue raised by him is significant not only for law students like him but also for common citizens. Needless to say that in the absence of access to law there would be no access to justice.

10. Legal consultant of the Commission tried to access the Code of Criminal Procedure Act, 1973 as amended by The Criminal Law (Amendment) Act, 2013, after Nirbhaya incident in Delhi. But the amended version of this Act was also not available on the public domain. If a woman wanted to know what exactly is the latest law on the rights of women, she has to take the trouble of researching through websites or have to buy it from publishers who sell Bare

Acts at exorbitant rates after owning it with short notes, exploiting this complexity of access and non-availability of updated version, officially.

11. It is the minimum responsibility of state to provide updated information about amendments, which will go in long way in helping people. The access to law is not just a requirement of Law student and law researchers, but a necessity of all citizens. For instance, the Parliament by the Criminal Law (Amendment) Act, 2013, has amended section 100 of Indian Penal Code, which provide a right of private defence of body even to the extent of causing death in case of acid attack. Many men or women are not even aware of self defence right that they can even kill assailant if the later is attacking to kill, rape or throw acid, or cause grievous hurt etc.

DECISION :

11. The Commission directs the respondent authority, Legislative Department to inform the complainant and the Commission as to what action has been taken including details of the programme of updation, the possible date of its completion, expenditure involved, personnel employed etc. The Commission also recommends the department to recognise urgency and significance of the issue, expedite the process, allocate more fund to employ more personnel and complete the process of updation as soon as possible.

12. The Commission also directs the respondent authority to examine the functionality of the email ID in view of the Complainant's claim that most of the email ID have failed. The Legislative Department also should have perfect RTI filing system and answer mechanism.

13. For the failures of the above, the Commission, exercising its powers under Section 19(8) (b) of RTI Act, directs the respondent public authority to pay Rs.10,000/- (Rupees Ten Thousand only) as a token compensation to the library of the National Law School of India University, Bangaluru, for causing loss of time of several law students, more specifically of the appellant, not providing easy access to email, or not making email ids easily available, delaying the information etc, within one month.

14. The Commission directs the respondent authority to explain the measures that they have taken in this regard, within **one month** from the date of receipt of this order. With above direction, appeal is **disposed of**.

(M. Sridhar Acharyulu)
Information Commissioner

Authenticated true copy

(U. C. Joshi)
Deputy Secretary

Addresses of the parties:

1. The CPIO under RTI,
Legislative Department, Gol,
M/o Law & Justice, Room No. 411,
A-Wing, 4th Floor, Shastri Bhawan,
New Delhi.

2. Shri Vansh Sharad Gupta,
106, Ganga Hostel,
National Law School of India University (NLSIU),
Nagarbhavi, Bangalore-560072.

On <http://indiacode.nic.in/> First page of the Indian Christian Marriage Act, 1872 bare Act looks like this:

THE INDIAN CHRISTIAN MARRIAGE ACT, 1872 ACT No. 15 OF 1872 [18th July, 1872.] An Act to consolidate and amend the law relating to the solemnization in India of the marriages of Christians. Preamble. Preamble.-WHEREAS it is expedient to consolidate and amend the law relating to the solemnization in India of the marriages of persons professing the Christian religion ; It is hereby enacted as follows:-
PRELIMINARY 1. Short title. 1.Short title. This Act may be called the Indian Christian Marriage Act, 1872. Extent. Extent.-1*[It extends to the whole of India 2*[except 3*[the territories which, immediately before the 1st November, 1956, were comprised in the States] of Travancore-Cochin, Manipur and Jammu and Kashmir].]4* 5* * * * * 2 [Enactments repealed.] 2. [Enactments repealed.] Rep. by the Repealing Act, 1938 (1 of 1938), s. 2 and Sch., Pt. I. 3 Interpretation clause. 3. Interpretation clause.-In this Act, unless there is something repugnant in the subject or context,- " Church of England " and " Anglican " mean and apply 'to the Church of England as by law established;

1. Subs. by A. O. 1950, for the second para., as amended by A. O. 1937 and A. O. 1948. [NOTE: The Act does not extend to the State of Manipur, vide Act 30 of 1950, s. 3(2A) and Sch. as amended by Act 68 of 1956, s. 2. The Act has been extended to and brought into force in Dadra and Nagar Haveli (w.e.f. 1-7-1965) by Reg. 6 of 1963, s. 2 and Sch. I.] 2. Subs. by Act 3 of 1951, s. 3 and Sch., for "except Part B States". 3. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for "the States",. 4. In its application to Pondicherry, in section 1, the following shall be inserted at the end- Provided that nothing contained in this Act shall apply to the Renoncants of the Union territory of Pondicherry. "--(Vide Act 26 of 1968). 5. The commencement cl. rep. by Act 16 of 1874, s. 1 and Sch., Pt. I.

< 100 "Church of Scotland" means the Church of Scotland as by law established ; " Church of Rome" and "Roman Catholic" mean and apply to the Church which regards the Pope of Rome as its spiritual head; " Church " includes any chapel or other building generally used for public Christian worship ; 1*["India" means the 2*[territories] to which this Act extends;] "minor" means a person who has not completed the age of twenty-one years and who is not a widower or a widow; 3* * * * * the expression " Christians " means persons professing the Christian religion; 4*[and the expression "Indian Christians" includes the Christian descendants of natives of India converted to Christianity, as well as such converts;] 5*["Registrar General of Births, Deaths and Marriages" means a Registrar General of Births, Deaths and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1886 (6 of 1886).] PART I THE PERSONS BY WHOM

MARRIAGES MAY BE SOLEMNIZED PART I THE PERSONS BY WHOM MARRIAGES MAY BE SOLEMNIZED 4 Marriages to be solemnized according to Act. 4. Marriages to be solemnized according to Act.-Every marriage between persons, one or both of whom is 6*[or are] a Christian or Christians, shall be solemnized in accordance with the provisions of the next following section; and any such marriage solemnized otherwise than in accordance with such provisions shall be void. 5 Persons by whom marriages may be solemnized. 5. Persons by whom marriages may be solemnized.-Marriages may be solemnized in 7*[India]- (1) by any person who has received episcopal ordination, provided that the marriage be solemnized according to the

1 Ins. by Act 3 of 1951, s. 3 and Sch. 2 Subs. by the Adaptation of Laws (No. 2) Order, 1956, for "territory comprised in the States". 3 The definition of "Native State " rep. by the A. O. 1937. 4 Subs. by A. O. 1950, for the original definition. 5 Ins. by Act 6 of 1886, s. 30. 6 Ins. by Act 12 of 1891, s. 2 and Sch. II. 7 Subs. by Act 3 of 1951, S. 3 and Sch., for "Part A States and Part C States ".
