

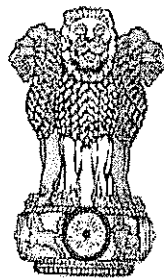
COMMITTEE ON SUBORDINATE LEGISLATION
(2016-2017)

(SIXTEENTH LOK SABHA)

EIGHTEENTH REPORT

DISCONTINUATION OF PHYSICAL PRINTING OF GAZETTE NOTIFICATIONS

(PRESENTED TO LOK SABHA ON 29.3.2017)



सत्यमेव जयते

LOK SABHA SECRETARIAT

NEW DELHI

March, 2017/Phalguna, 1939 (Saka)

PART-II

OBSERVATIONS / RECOMMENDATIONS

1. SUPPLY OF STATUTORY ORDERS BY THE CONCERNED MINISTRIES/DEPARTMENTS:

The Committee note that the legislature can lay down only the broad policy and principles of a piece of legislation leaving the details to be worked out by the Executive. Parliament has, however, the inherent right and obligation to see that the powers delegated under the laws enacted or conferred by the Constitution have been exercised by the Executive in accordance with the terms of the statute delegating such powers and also that they are in accordance with the general principles of delegation. The most effective control that Lok Sabha exercises over Subordinate Legislation is through its Scrutiny Committee i.e. Committee on Subordinate Legislation (hereinafter, the Committee) All rules, regulations, sub-rules, bye-laws, etc. hereinafter called 'statutory orders' whether laid on the Table of the House or not framed under delegated legislation fall within the purview of examination of the Committee mandated to scrutinize and report to the House whether the powers delegated by Parliament are being properly exercised within such delegation. In order that the Committee discharges their mandate efficiently and effectively relating to examination of all 'statutory orders', arrangements were made by the Government, asking the Ministry of Urban Development for supplying three sets of the Gazette of India (both Ordinary and Extra ordinary) published in the Gazette of India through their authorized sale counter, Kitab Mahal. This practice has been in vogue since many decades. Out of the three sets of the Gazette so received, one set is used for the purpose of examination and the other two sets are utilized for maintaining an up-to-date record of the 'Statutory Orders' in the Lok Sabha Secretariat. This has been a continuous practice followed for decades. Whenever an amendment Notification is taken up for scrutiny, the original/updated version maintained by the Secretariat is consulted and in the light of that, the new amendment to Notification is examined. The Library of Gazette Notifications maintained by the Secretariat of COSL facilitates the Committee in discharging their functions. However, the Ministry of Urban Development vide their Notification GSR 746-E dated 30.9.2015 discontinued physical printing of Gazette Notifications and started publishing e-Gazette w.e.f 1 October, 2015. According to the Ministry, the proposal to switch over to e-Gazette was initiated on the request of the stakeholders Ministries / Departments who were requesting for urgent publication of their Gazette Notifications. In addition, the Ministry of Law and Justice, Department of Legal Affairs, were also consulted in the matter for switching over to e-Gazette in terms of Section 8 of the Information Technology Act, 2000 which prescribes that the requirement of publishing of rules/regulation/bye-laws etc. in the official gazette shall be satisfied if the same are published in the Electronic Gazette and the new system

has been fully accepted by all Administrative Departments and Ministries of the Government of India.

The Committee, however, are concerned to note that with the discontinuation of physical printing of Gazette Notifications, the existing arrangement of supply of three sets of the same by Ministry of Urban Development has been suspended and the Committee is getting copies of only those Gazette Notifications which are being laid on the Table of the House. These copies, as per the laid down procedure, are to be used for circulation to the Members of the Committee. As a result, the 'Statutory Orders' including those framed under Article 309 of the Constitution of India which are not being laid on the Table of the House, are now not being received by the Committee. Thus due to non-availability of printed copies of such 'Statutory Orders', it is no longer possible for the Committee Secretariat to keep and update the records thereby hampering the functioning of the Committee in discharging their main function of scrutinizing the 'Statutory Order'. As regards their e-availability, the Committee feel that many Gazette Notifications are voluminous also and it will be an arduous task for the Lok Sabha Secretariat, to take print out of all such Notifications from the e-portal of the Ministry as a substitute of printed copies available earlier. Under such circumstances, the Committee feel that as an alternative arrangement the best course of action could be if each administrative Ministry whosoever notify any Statutory Order, also supply 3 copies of the same to Committee on Subordinate Legislation Branch of the Lok Sabha Secretariat. The Committee, therefore, recommend that the Ministry of Parliamentary Affairs in coordination with the Ministry of Urban Development may issue necessary instructions to all administrative Ministries/ Departments of the Government of India to supply to the Lok Sabha Secretariat, three hard copies of all statutory orders and to also send a soft copy on the email at cosi-lss@sansad.nic.in simultaneously with their notification in e-Gazette format including those framed under Article 309 of the Constitution of India and those published in Part II Section 3 (i), (ii) & 4 of Gazette for scrutiny and upkeep of records. The Committee further recommend that in the case of Notifications amending the earlier statutory orders, the concerned Ministry should also supply by way of suitable annexure the relevant extracts of the provisions which have been amended by the said Notification for the sake of reference during their scrutiny.

The Committee would like the Ministry of Urban Development to intimate the final action taken in the matter.

2. NEED FOR SPREADING AWARENESS ABOUT E-GAZETTE:

The Committee concur in the submission of the Ministry of Urban Development that e-Gazette would help in achieving time saving, cost saving, paper saving, easy accessibility, wider reach-ability and better e-governance besides an environmentally friendly step supporting the concept of 'paperless office' which would help in saving of 90 tons of paper annually. Moreover, it has also enabled the instant availability of the printed copies of all the Gazette Notifications at the official website www.egazette.nic.in which can be downloaded free of cost and the same is treated as authentic version as per the Information Technology Act, 2000. The Committee, however, express their unhappiness at the delayed implementation of e-Gazette publication although the same was made authorized many years earlier after coming into force of the Information Technology Act, 2000. In the considered opinion of the Committee the Ministry could have resorted to e-Gazette publication much earlier. The Committee, however, desire that due publicity be given to this initiative for making the public aware of availability of e-Gazette on the web-portal of the Ministry.

3. COMPLIANCE WITH LAYING REQUIREMENT OF STATUTORY ORDERS:

Laying of the statutory orders before each House of Parliament is an important safeguard against assumption of arbitrary powers by the Executive. In pursuance of the recommendation of the Committee (Second Report/ 5th Lok Sabha) made in this regard, the following provision has been incorporated in all the Acts passed by the Parliament as well as in the Bills to be introduced, involving provision for delegation of Rule making power:-

"Every Rule made by the Central Government under this Act shall be laid as soon as may be after it is made, before each House of Parliament, while it is in Session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of session immediately following the session or the successive session aforesaid, both Houses agree in making any modification to the rule or both Houses agree that the rule should not be made, the rule shall thereafter have

effect only in such modified form or be of no effect, as the case may be, ; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

However, despite their above recommendation, the Committee are seriously concerned that many Statutory Orders and more particularly those notified under Article 309 of the Constitution are not laid before Parliament by the concerned administrative Ministries. The Committee are, therefore, apprehensive that stoppage of physical printing of 'statutory order' may result in further deterioration of the existing compliance level. In this regard, the Committee note that as per the instructions issued by the Ministry of Urban Development, the concerned administrative Ministries have to provide a written undertaking in the prescribed Performa for compliance of timely 'submitting and circulating ' the Gazette Notification, wherever required by law or otherwise, vide their OM dated 25.2.2016 directing that the responsibility of timely submission of copies to all authorities mandated by any law or regulation lies with the concerned administrative Ministry. The Committee, taking note of the instructions issued by the Ministry of Urban Development, recommend that the Ministry of Parliamentary Affairs should also issue necessary instructions to all the Ministries/ Departments of the Government of India drawing their attention to the abovementioned recommendation of the Committee regarding requirement of laying of the statutory orders before the Parliament and also stressing that they will be held responsible for non-compliance. The Committee further recommend that the Ministry may also evolve a mechanism to ensure that their instructions regarding laying of statutory orders before Parliament and supplying of three copies of the same to the Lok Sabha Secretariat, COSL Branch are fully complied with by all the Ministries/ Departments of the Government of India. The Committee would like the Ministry of Parliamentary Affairs to apprise the Committee about the final action taken in the matter.

New Delhi;
15 March, 2017
24 Phalguna, 1939 (Saka)

DILIPKUMAR MANSUKHLAL GANDHI
Chairperson
Committee on Subordinate Legislation


भारत का राजपत्र
The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 602]

नई दिल्ली, बुधवार, सितम्बर 30, 2015/आश्विन 8, 1937

No. 602]

NEW DELHI, WEDNESDAY, SEPTEMBER 30, 2015/ASVINA 8, 1937

शहरी विकास मंत्रालय

(पी एस पी प्रभाग)

अधिसूचना

नई दिल्ली, 30 सितम्बर, 2015

सा.का.नि. 746(अ).—सरकार ने निर्णय लिया है कि सूचना प्रौद्योगिकी अधिनियम, 2000 की धारा 8 के उपबंधों को ध्यान में रखते हुए, भारत के राजपत्र को दिनांक 1 अक्टूबर, 2015 से केवल ई-पब्लिशिंग में बदल दिया जाएगा।

भारत के राजपत्र को सरकारी वेबसाइट www.egazette.nic.in पर अपलोड करके केवल ई-पब्लिश किया जाएगा।

शहरी विकास मंत्रालय के अंतर्गत प्रकाशन विभाग उपरोक्त प्रकाशित अधिसूचनाओं का रिकार्ड रखता रहेगा और अपेक्षित होने पर संदर्भ के लिए इसे उपलब्ध कराएगा।

सरकार द्वारा राजपत्र के वास्तविक मुद्रण और हार्ड प्रतियों की विक्री 1 अक्टूबर, 2015 से पूरी तरह से बन्द कर दी जाएगी। उपयोगकर्ता उपर्युक्त सरकारी वेबसाइट से ऐसे प्रकाशित ई-गजट को निःशुल्क डाउनलोड कर सकते हैं। इसे विधि कार्य विभाग की सहमति से उनके दिनांक 18 सितम्बर, 2015 के संदर्भ सं. 229536 के तहत जारी किया जाता है।

[फा. सं. ओ-17022/1/2015-पीएसपी-1]

कैलाश चौधरी, अवर सचिव

MINISTRY OF URBAN DEVELOPMENT

(PSP DIVISION)

NOTIFICATION

New Delhi, the 30th September, 2015

G.S.R. 746(E).—The Government have decided that having regard to provisions of Section 8 of the Information Technology Act, 2000, the Gazette of India shall switch to exclusive **e-publishing** with effect from 1st October, 2015.

The Gazette of India shall be only e-published by uploading on the official website www.egazette.nic.in

The Department of Publication under Ministry of Urban Development shall continue to maintain the record of notifications published as above and make available the same for reference whenever required.

The physical printing and sale of hard copies of Gazette by the Government shall cease completely from 1st October, 2015. The users may download the e-gazette so published from above mentioned Official website free of charge. This issues with the concurrence of Department of Legal Affairs vide their reference No. 229536 dated 18th September, 2015.

[F. No. O-17022/1/2015-PSP-1]

KAILASH CHOUDHARY, Under Secy.

No. O-17022/1/2015-PSP-I
Government of India
Ministry of Urban Development
(PSP Division)

Nirman Bhawan, New Delhi
Dated : 25th February, 2016

OFFICE MEMORANDUM

**Subject : E-publishing of Government of India Gazette Notification –
Discontinuing of the practice of physical printing.**

The undersigned is directed to refer Ministry of Urban Development Gazette Notification no. G.S.R. 746(E) in Part II Section (3) (i) Extra Ordinary dated 30.09.2015, according to which all the Gazette notifications shall be henceforth only e-published by uploading on the official website and do away with physical printing and sale of hard copies. This was done in accordance with the provisions of Section 8 of Information Technology Act, 2000 and in consultation with Department of Legal Affairs.

2. It is brought to the notice of all concerned that there may be statutory or otherwise requirements mandating submission of the Government of India Gazette notifications to various authorities, etc. In particular attention is invited towards requirements of submission of such notifications to Committee on Subordinate Legislation, other requirements of laying such notifications on the Table of both the Houses of Parliament, making these Gazette notifications available for various record keeping purposes including Committee Branch Library, Lok Sabha for updation of principle rules, etc. Above mentioned requirements are only mentioned as an illustration and are not exhaustive.

3. It is clarified that the administrative Ministry/ Department submitting the request for publishing the Gazette notification shall be solely responsible for submitting and circulating the Gazette notification wherever required by Law or

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otherwise. It is further clarified that published Gazette notification are instantly uploaded on the official website www.e gazette.nic.in and the downloaded electronic version as well as the downloaded and printed version of these Gazette notifications are to be treated as electronic versions for all official purposes as per Section 4 and Section 8 of Information Technology Act, 2000.

4. Accordingly, the concerned administrative Ministry submitting the request for Gazette notification shall be solely responsible for submitting and circulating the copies of Gazette wherever required by Law or otherwise within the prescribed time frame.

5. This issues in consultation with Department of Legal Affairs.

S. K. Ram
25/12/14

(S. K. Ram)

Joint Secretary to the Govt. of India

To

The Secretary
All Ministries / Departments of Govt. of India

Copy to :

1. The Chief Secretary, all State Governments,
2. The Administrator, All Union Territories,
3. President's Secretariat, Rashtrapati Bhawan, New Delhi
4. Vice-President Secretariat, New Delhi
5. Prime Minister's Office, South Block, New Delhi.
6. Cabinet Secretariat, New Delhi
7. Comptroller and Auditor General of India, New Delhi
8. Central Vigilance Commissioner, New Delhi
9. Secretary, Union Public Service Commission, New Delhi.
10. Secretary, Staff Selection Commission, New Delhi
11. Director, Central Bureau of Investigation, New Delhi
12. Chief Secretary/ Chief Administrator of all Union Territories
13. Registrar, Supreme Court of India
14. Registrar, High Court.

