

MOST URGENT

No. 62/38/2017-6GS1

From

The Chief Secretary to Government, Haryana

To

1. All the Administrative Secretaries to Government Haryana
2. All the Heads of Departments, Commissioner, Ambala, Karnal, Hisar, Gurgaon, Faridabad and Rohtak Divisions.
3. The Registrar, Punjab and Haryana High Court, Chandigarh

Dated Chandigarh, the 12th April, 2019

Subject: Regarding uploading of all legislative documents i.e Acts as well as subordinate legislation made under such Acts including rules, regulation, notifications and circulars by the State Government on India Code Web Portal

Sir/Madam,

I am directed to invite your attention to this office letter of even number, dated 4.12.2018. On the recommendations received from Cabinet Secretariat, New Delhi detailed instructions were issued for uploading of legislative documents in Searchable PDF format as a single document on India Code Web Portal. It was also requested to provide hyper link to India Code Portal on the websites of your department and furnish the report to the Legislative Department, New Delhi that all the aforesaid actions have been completed.

2. The State Government appreciate the efforts taken by the departments for uploading of their legislative documents on India Code Web Portal. As the work of uploading is still in progress, the Ministry of Law & Justice, Legislative Department, New Delhi vide its D.O.Letter dated 28.02.2019 has made some observations and issued some clarifications and directions to the State Government in detail. Therefore, a copy of said D.O.Letter dated 28.02.2019 is enclosed herewith for necessary action.

3. You are, therefore, requested to personally look into the matter and direct the Nodal Officers to complete the work of updating and uploading of State Acts and relevant subordinate legislation before the next date of hearing i.e. on 26.04.2019. To complete the task of uploading effectively steps to be followed are **ANNEXED** herewith. You are requested to follow the steps meticulously.

These instructions may be brought to the notice of all the concerned for strict compliance.


Superintendent, General Services-1,
for Chief Secretary to Government Haryana.

उदय कुमार, एल. एल. एम
आई. एल. एस
संयुक्त सचिव एवं विधायी परामर्शी
Udaya Kumara, L.L.M
I.L.S
Joint Secretary & Legislative Counsel



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विधि और न्याय मंत्रालय
विधायी विभाग
कमरा नं. 436 ए, चौथा तल
शास्त्री भवन, नई दिल्ली-110001
Govt. of India
Ministry of Law & Justice
Legislative Department
Room No. 436 A, 4th Floor
Shastri Bhawan, New Delhi-110001
28th February, 2019

D.O.No.11/46/2015-RTI

Respected Sir / Madam

General Services Division
D.No. 30703
Date 11-3-19
Chandigarh

Please refer to my previous communications issued from time to time on updating and of State Acts and their related subordinate legislative documents on India Code Web Portal in searchable PDF formats.

2. In spite of several instructions, it has been observed that some of the State Governments/Uts continue to upload Recruitment Rules made in exercise of the powers conferred by the proviso to article 309 of the Constitution and other Constitutional Provisions.

3. In this regard it is once again clarified that the recruitment rules, if they are made in exercise of the powers conferred by any of the provisions of the State Acts, certainly need to be uploaded like any other rule or regulation. However, if such recruitment rules are made under the proviso to article 309 of the Constitution or any other provisions under Constitution, they may not be treated as a rule or regulation made under any State Act and hence need not be uploaded on the India Code Web portal.

4. It may also please be noted that there is no need to upload Finance Acts, Appropriation Acts, Vote on Account Acts and amending Acts of temporary nature. However, the Amending Acts which contain validation or transitory provisions, which are still in force, may be uploaded as separate Acts.

5. It has also been observed that several State Governments/Uts are uploading and removing the Acts and their subordinate legislations frequently which is causing difficulties in monitoring and reporting of status of uploading of State Acts and their subordinate legislations to the Hon'ble High Court of Delhi which is being monitored by the Cabinet Secretariat. In this regard, NIC has communicated the following instructions to be followed by all the Chief Nodal Officers while uploading the Acts and their subordinate legislations on the India Code Web Portal:—

(a) After submitting Acts/Rules finally by the user/ Chief Nodal Officers or other Nodal Officers, all editing related controls will become inactive (disabled/locked).

(b) If there is any change need to be done by the user/ Chief Nodal Officers or other Nodal Officers, then, the said user/ Chief Nodal Officers or other Nodal Officers, as the case may be, has to send a request to India Code Admin at NIC HQ, New Delhi, each time, to unlock the Act for editing purposes.

(c) The Admin, NIC HQ at New Delhi will unlock that Act/subordinate legislation to enable the user/Chief Nodal Officers or other Nodal Officers, to make the changes and submit it finally. After submission, once again, it will be locked and updated information will be available for the public in the finally submitted form.

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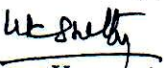
6. In this regard it may be pertinent to inform you that during the last hearing, the Hon'ble High Court insisted to mention the names of States/Uts who have not furnished the completion certificate with regard to updating and uploading of their State Acts and their respective subordinate legislations.

7. I am happy to inform that the re-designed India Code Web Portal with additional search options has been opened for public viewing at <http://www.indiacode.nic.in>.

8. In view of above, you are requested to instruct all concerned Officers to complete the work of updating and uploading of State Acts and relevant subordinate legislations before the next date of hearing, i.e., on 26th April, 2019. To complete the said task effectively steps to be followed by the States/Uts are ANNEXED herewith.

9. For clarifications, if any, you are advised to contact Dr. Surinder Kumar Gaba, Sr. Technical Director at NIC HQ and his team (Tel: +91 11 2430 5503).

With regards,

Yours sincerely,

(Udaya Kumara)

Chief Secretaries/Administrators of all States/Uts.

Copy to :

1. Chief Nodal Officers of all States/Union Territory Administrations
2. The Cabinet Secretariat (Kind Attn: Shri Sandeep Sarkar, Joint Secretary), Rashtrapati Bhawan, New Delhi
3. Dr. Surinder Kumar Gaba, Sr. Technical Director, NIC HQ, New Delhi.

Instructions for Chief Nodal Officers of States/Uts' on updating and uploading of State Acts and their subordinate Legislations

- As per the directions of the Hon'ble High Court of Delhi in W.P(C) No. 4761 of 2016 all State Governments/UTs are required to, in consultation with the NIC, upload legislative documents i.e. Acts and subordinate legislations, including rules, regulations, notifications, circulars, etc., pertaining to their State Government/Uts and relevant authorities under their State Government on the new India Code Portal.
- The re-designed India Code Web Portal has been opened for public viewing at www.indiacode.nic.in.
- **All States Governments and UT Administrations are required to follow the following instructions while uploading their Acts and related Subordinate Legislations: —**
- All State Governments/UTs are required to complete the aforesaid task by **the end of March, 2019.**
- States/UTs are required to upload their respective Acts and subordinate legislations on the India Code Portal by adopting the standard procedure for uploading of their updated Acts and subordinate legislations in searchable pdf format only.
- States/UTs shall upload the Principal Acts enacted by their States/Uts after updating them on the India Code Portal as a single document which should include all the amendments (by providing foot note) **as has been done by the Legislative Department in the Central Government for Central Acts.**

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- Similarly, all rules, regulations, notifications, etc., are also required to be updated and uploaded after incorporating all amendments made to them, respectively, **as single documents**.
- Central Acts will be uploaded by the Central Government-No need to upload them again by States/Uts.
- States with Acts/subordinate legislations in language other than English may have the same translated to English and thereafter upload them on ICP.
- States may upload Central Acts enacted under the Concurrent List, in which they may have made amendments, after inserting the same and indicating name of the respective State in the title of the Act. Example: The Hindu Marriage (Karnataka Amendment) Act, 1995.
- UT administrations may only upload Regulations made under Article 240 of the Constitution and /or subordinate legislation in pursuance of a Central Act.
- No need of uploading Finance Acts, Appropriation Acts, Vote on Account Acts and amending Acts of temporary nature (except in the case of validation and transitory clauses).
- In the case of new Acts/Amendments or issuing of rules, after updating in the parent Act or rule, they have to be uploaded within 15 days of coming into force of such Acts.
- For technical issues, if any, States/UTs are advised to contact local NIC and Dr. Surinder Kumar, Sr. Technical Director, NIC HQs (Tel: +91 11 2430 5503: email id suri@nic.in).
