



THE THIRD BIENNIAL CONFERENCE OF  
THE ASSOCIATION OF PARLIAMENTARY  
LIBRARIANS OF ASIA AND THE PACIFIC  
MAY 9-12, 1994. BANGKOK, THAILAND.

**RESOURCES AND INFORMATION**  
**SHARING OF LEGISLATION**

**BY**  
**G. C. MALHOTRA**  
**INDIA**

**MAY, 1994**

# **.RESOURCES AND INFORMATION SHARING OF LEGISLATION**

## **— THE INDIAN EXPERIENCE**

**— by G.C. MALHOTRA<sup>1</sup>**

Legislation has been the major function of a legislature <sup>at</sup> ~~all times~~ from times immemorial, and in all countries of the world with a representative form of Government. The term 'legislature' is said to have been derived from the word 'legislation'

The law of a country can broadly be classified into three types. The first is the fundamental law enshrined in the Constitution of the Country given by the people unto themselves and framed by the representative Constituent Parliament. Then there is a set of laws framed by the elected national, provincial and municipal legislatures and confined within the parameters of the fundamental law. Finally there is the executive framed subordinate legislation which is generally required, within the stipulated period to be endorsed by the elected legislature.

The content and the style of drafting are the two important ingredients of a law. As regards content all pieces of legislation relate to some or the other political social, economic, cultural or spiritual needs of society and aim at enrichment of the life of the people. With the change of society, its legal needs also change. The law has, therefore, always been changing, developing new doctrines and expanding old ones to meet the changing needs of society. Although Parliament of every country in the world legislates for the promotion of welfare of its people, the rate of proliferation of laws is more in the developing countries than the developed ones, because the former are faced with pressing

---

<sup>1</sup> Director(LARRDIS), Lok Sabha Secretariat, New Delhi, India.

economic and social problems requiring legislation. Besides, there is a tendency of the Governments in such countries to try to regulate as many activities as possible

Although the science of law is quite intricate and complicated, a legislative text, as far as possible has to be intelligible and drafted in a manner that it can be understood by all affected by it. For example, an author should be able to understand a statute on copyright; a family man, a statute on family law; and a landlord and a tenant on the law of land ownership and tenancy. A statute on any subject should also be readily comprehensible to Ministers, Members of Parliament and lawyers

### **Legislative Process**

Beginning from the state of its conception, a legislative proposal traverses a long path before it finds a place in the statute book. A Bill is a statute in draft and no Bill in India, whether it is introduced by a Minister on behalf of the Government or by a private Member, can become law until it has received the approval of both Houses of Parliament and assent of the President. Before passing of a Bill, it is open to both the Houses of Parliament to refer the Bill to a Select Committee or circulate it for the purpose of eliciting public opinion. With the recent constitution of 17 Departmentally Related Standing Committees in the Parliament of India, all important Bills can be referred by the Presiding Officer to the Standing Committee of the concerned Ministry for detailed scrutiny. The Report of the Committee reflecting a thorough discussion with various persons, civil servants and specialists and setting out amendments proposed along with the existing and proposed legislative

measures, is a helpful guide to the House when the bill comes up before the House for discussion and passing.

### **Printed Sources of Legislative Information**

Prior to the introduction of a legislative measure and during the course of its deliberation and passing, lot of literature on the subject including press comments, articles, Seminar proceedings, views of lobbyists and other interested parties etc., are published. Besides, Bills, as introduced, along with statements of objects and reasons, Memoranda relating to financial business and delegated legislation and the relevant reports of Select Committees contain useful material for study.

### **Reference Tools and Bibliographic Control**

All books, articles, reports, Bills, Acts, gazettes, etc., properly classified, catalogued and well documented, are available in the Parliament Library for consultation and use by the Members of Parliament. There is also a comprehensive Press Clipping Service which contains subject-wise press-cuttings taken from all national newspapers. "Parliament Library Bulletin", a monthly publication and "Parliamentary Documentation", a fortnightly periodical are brought out by the Parliament Library regularly to apprise Members of Parliament of latest arrivals of books, reports and articles. Recently, we have started a Selective Dissemination of Information(SDI) Service through which all Members of Parliament are informed every fortnight of new additions to the Library on as many as three topics of their interest.

## **India Code and its Index**

During the period after independence Parliamentary Legislation in India has added in the Statute book a large number of new Acts besides making extensive alterations and modifications in the older ones. The *India Code* published by the Ministry of Law of the Government of India is a compilation of unrepealed Central Acts arranged under 81 subject headings in accordance with their subject-matter. Each subject-heading is treated as a separate part and arrangement of the Acts in each part is chronological. The *Index to India Code*, also published by the Ministry of Law, arranges all the Central Acts enacted so far chronologically, alphabetically and subject-wise

## **Legal Digests**

Two quarterly publications viz., *Digest of Central Acts* containing summaries of all the Acts passed by Parliament and *Digest of Legislative and Constitutional Cases* providing gists of all important cases decided by the Supreme Court and High Court having a bearing on important legislative and Constitutional provisions are brought out by the Library and Reference, Research, Documentation and Information (LARRDI) Service of the Lok Sabha Secretariat.

In addition to the aforesaid Government publications, several private publications which give bibliographic information about the Central and State Acts are regularly subscribed by the Parliament Library.

## **Automation and Legislative Information**

For consideration and passing of a current legislative proposal, there may be plethora of past statutes which may be required for consultation. This statutory retrieval is a major information challenge. Computer technology is seen as a tool for managing the legislative database, statutory search and retrieval, bill status tracking, bill drafting etc. There are several other advantages. Besides savings of time, computerisation leads to improved accuracy in legislation. Embarrassing errors in the texts which often occur in the repetitive bill drafting processes can be avoided. There is savings of cost in compiling and printing of the required legislative documents.

In addition, the computer enables reduction of paper work. Rather than printing on reams of paper, the Bills and reports can be stored on cartridge tapes and floppy disks and retrieved quickly. Computer capacity enables easy absorption of increased legislative work loads without staffing increases. The fluctuating and cyclical nature of legislative work makes an accommodating technology very useful.

There is the problem of integrating the capabilities of the technology with the legislative process and realities of the political institution. Outside consultants quite often presume to adapt the legislature to the technology rather than vice versa. Fundamental to this problem has been a shortage of personnel who are experienced and knowledgeable in both the legislative process and in computer technology.

## **PARLIS**

In the Parliament Library of India, the computer based information retrieval system named PARLIS (Parliament Library Information System) was started in December 1985 with the help of National Informatics Centre(NIC). With the benediction and blessings of the present Speaker of Lok Sabha, Hon'ble Shri Shivraj V. Patil, there has been a major thrust and drive towards automating and modernising the Parliament Library and the Lok Sabha Secretariat. As a result, the Computer Centre of the Parliament Library has presently 17 computers of varying capacities with a number of terminals and printers being used for storage and retrieval of legislative data including subject indexed reference to Government and Private Members' Bills

The Ministry of Law has recently scanned through Optical Character Recognition (OCR) System, information about all the Acts of Parliament enacted from 1834 to 1992. The text of these Acts and their index is proposed to be made available shortly on NICNET where from it will be possible for PARLIS to access the same for the benefit of Members of Parliament. For wider circulation and use, another proposal to bring this information on CD-ROM is also under consideration.

## **Microfilms**

On another front all printed parliamentary debates including those on all Central Acts passed so far have been microfilmed by the Parliament Library's Microfilm Unit which was established in 1987

## **Video Recording of Parliamentary Proceedings**

The telefilming of entire parliamentary proceedings and its select telecasting has become a pleasant reality in our country. Keeping in view their archival value, we are keeping a video copy of these recorded proceedings in our Audio-Visual Unit.

## **Sharing of Information**

Broadly there are four types of relationship between the Parliaments and information dissemination. The first is dissemination of information *to* Parliament. This job relates to information management of the Members of Parliament and is generally performed by the staff of Library and Reference Services. Secondly, there is a dissemination of information by Parliaments. It is well known that a lot of information is generated through the business transacted by the Parliament and disseminated all over through the print and electronic media. The next two relationships are dissemination of information about Parliaments and dissemination of information among Parliaments. The concept of sharing of information comprehends all the aforesaid four types of relationship in as much as the dissemination of information *to*, *by* and *about* a Parliament is sought to be further disseminated among Parliaments for the benefit of all.

## **Concept of Sharing**

In matters of legislative drafting, the Commonwealth countries are influenced by the common law style of U.K., notwithstanding its highly complex nature, because of their past colonial relationship. Other countries tend to follow

the continental law which has the reputation of having simpler style of drafting, but is not without the problem of language which is sought to be overcome by qualitative translation. In view of the more or less similar problems that they are faced with, there is a growing tendency among the developing nations to gain from each other's experience.

While drafting a particular piece of legislation, a draftsman generally consults analogous legislation existing on the subject in other countries. The existing law of a State very often serves as a model to the legislature of another State. Roscoe Pound has aptly remarked: "There is little in legislation that is original. Legislatures imitate one another." Being by and large an imitative creature, the legal draftsman is always interested in knowing the related law and the precedents because they can save a lot of time and constitute a source of ideas. Besides, the use of precedents may also contribute towards consistency of approach. While imitating the precedents, the legal draftsman has, however, to carefully ensure that his piece of draft legislation does not come in conflict with any fundamental provisions of the Constitution. The draftsman should, in addition, have thorough knowledge of the judicial decisions on the particular subject because as pointed by a Judge of the High Court of Australia, the judicial unfolding of the common law is "an evolutionary and continuous process."

### **Indian experience**

The Indian Constitution provides an ample testimony of the fact of sharing the sources of legislation. The framers of the Indian Constitution had gained experience from the working of all the known Constitutions of the world. They were aware of the difficulties faced in the working of these Constitutions, and

thus sought to incorporate viable provisions of those Constitutions in order to avoid defects and loopholes that might come in future in the working of the Indian Constitution. Accordingly, they framed the Chapter on the Fundamental Rights on the model of the American Constitution; adopted the Parliamentary system of Government from the United Kingdom; took the idea of the Directive Principles of State policy from the Constitution of Ireland and provisions relating to Emergency were borrowed from the Constitution of German Reich. All these features borrowed from different Constitutions strengthened the basis of our Constitution and made it more effective in its implementation.

Recently when the democracy was taking its roots in Nepal, as and they were in the process of drafting a new Constitution for themselves, they needed some support system to help them in this legislation. Accordingly, on a request received from the Nepalese Government, the Lok Sabha Secretariat sent them a copy of the Constitution of India. Similarly, when democracy was being ushered in Pakistan, we were asked to supply legislative material including that relating to practice and procedure of our Parliament so as to help them appreciate better the working of Parliamentary form of Government.

Parliament Library of India has exchange arrangements with as many as 30 foreign countries including 13 of the Asia and the Pacific viz., Afghanistan, Australia, Bangladesh, Indonesia, Japan, Jordan, Korea, Malaysia, New Zealand, Pakistan, Singapore, Sri Lanka and Turkey. Some of the publications which are exchanged on a regular basis include Debates and Proceedings of the Houses of Parliament, Bills and Acts, Digest of Bills and Acts and Summaries of Legislative and Constitutional cases decided by the Supreme Court

and the High Courts, Reports of Parliamentary Committees including those on Bills etc.

### **Mutual Contacts**

Apart from the regular giving and taking of publications, we also exchange among ourselves information pertaining to rules, rulings, legislations and on other specific points and issues from time to time. In 1993, Parliament Library of India was asked by the foreign Parliaments to supply information and reference material in as many as 173 cases. Similarly, we have also addressed the Libraries and Secretariats of foreign Parliaments several times for the supply of legislative information. Although our Parliament Library is exclusively meant for Members of Parliament, we do provide, on specific requests, library facility to foreign scholars.

Information is also shared quite often among different Parliaments through the publications and agencies of United Nations and other international associations like the Inter-Parliamentary Union(IPU), the Commonwealth Parliamentary Association(CPA), Associations of Speakers and Members of Parliament of SAARC countries, SAARC Law Association, International Federation of Library Associations and Institutions(IFLA) etc. The Association of Parliamentary Librarians of Asia and Pacific(APLAP) can also play a very significant and vital role in exchanging mutually beneficial information among ourselves.

Besides bilateral contacts generated through mutual goodwill visits of Parliamentary Delegations multilateral gatherings at the periodic International Parliamentary Conferences and Seminars organised under the aegis of IPU, CPA

etc. in various parts of the world constitute a very useful for discussion and exchange of information on subjects of parliamentary and legislative interest.

### **Technological Revolution and Linkage**

There has, of late, been a technological revolution in the field of communication accelerating unbelievably the speed of transportation of words and images. Advanced computerisation, imaging, audio-visual media, networking etc., has had a direct impact on information resulting in increased cooperation among parliamentary librarians on a global scale

As mentioned earlier, Indian Parliament Library Information System(PARLIS) is linked with National Informatics Centre(NIC)'s satellite based information network known as NICNET. Through NICNET, national and international linkage is being established. There are also proposals to develop India's own national on-line network for linkage of PARLIS databases with databases of Indian State Legislatures under National Legislative Information System(NATLIS) and a multiple function/service international Parliamentary Information Network(IPINET) for inter-connecting Parliamentary databases the world over.

As at present through NICNET, PARLIS can be linked with international databases like DIALOG. Steps are also being taken to link our PARLIS with Parliamentary Libraries of other countries through international networks like UUNET, INTERNET and other satellite based foreign networks. In response to our request the United States Congressional Research Service have sent their INTERNET electronic mail address and we are now in a position to exchange messages with them. The National Assembly of Korea, the Library and Information Service of Yuan(Taiwan), The Consultative Council of Oman and

the National Assembly of Quebec have also expressed their interest in exploring possibilities of exchanging information. We, on our part, would welcome exchange of information with all sister parliamentary libraries of the world.

## **Conclusion**

The contents of legislation in a country may be influenced by its socio-economic conditions and the political approach to handle the problems of its people. Actual legislation may, therefore, vary from country to country. There may, in addition, be the language problem. Nevertheless the institution of Parliament everywhere has to act as a vehicle of social change striving towards the achievement of the ultimate goal of a Welfare State. Therefore, there has to be a commonality of approach particularly in the countries of the same region with common problems. Moreover, the problems encountered by draftsmen of statute in one country quite often are similar to those faced by their counterparts in other parts of the world. There is, therefore, a definite need for sharing each other's experiences in the process of law making by the legislatures and its interpretation by the courts.