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## **Transformational Role of Law Libraries in Access to Justice in India: Time to Act Locally and Think Globally**

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### **Abstract:**

*Indian government has ushered a number of digital preservation and network based projects for strengthening democracy and maximum disclosure of information through open accessible government data for the benefit of common men. The paper codicillary highlights importance of open access to public legal information and benefits of adoption of innovative approaches for facilitating organization and delivery of legal information services to foster effective and efficient administration of justice and promoting rule of law and access to justice as social justice. The article will focus on various government and non-government initiatives connecting legal institutions of India. The article critically evaluates the integral role of law libraries in providing basic understanding to researcher and litigants about various e-resources and databanks through outreach plain and promotion strategic programmes in India.*

**Keywords:** Open Access to Law; Public Domain Resources; Indian Legal Information

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## 1. Introduction:

India is the 3<sup>rd</sup> largest Economy of Asia and setting new cornerstones in the field of law and legal research. From ancient kings rules to the largest democratic system of the world, Indian law has been developed to serve more than 1.27 billion of its citizens. The Constitution of India provides a bicameral Parliamentary system consisting of the President and two Houses known as the Rajya Sabha and Lok Sabha. In the due process of making law, a number of information like Parliamentary Debates, Bills, Committee Reports and Legislation are generated. Over three million cases are pending in India's 21 High Courts and 26.3 million cases are pending in subordinate Courts across the country with only 14.7 Judges available per million people. Implementation of ICT tools has opened up new cost effective ways of dealing with burden on judicial system. India have more than 17 Law schools/universities and 1200 law colleges/departments but we are still lacking on the part of establishing legal institutional repository. Legal Information professionals have a greater responsibility to contribute firm and first development of legal information system to support best legal system in the country.

## 2. Legal System of India: A Brief Timeline

India had one of the most ancient and flourishing civilization in the world and very well established legal traditions. The ancient Indian judiciary consisted of a hierarchy of courts with King's court being the highest court. Below this court, there was a court of Chief justice (Pradvivaka) having a board of judges. The board of judges was responsible for constituting separate tribunals dealing with specified territorial jurisdiction. There were local village councils or arbitrator called Kulani to provide justice to villagers.

The Mugal Period established a new era in legal history of India. They invaded India in 8<sup>th</sup> century and brought with them a new social system. Muslim political theory was based on the legal sovereignty of Islamic Law. **THE MUGAL PERIOD** begins form 1526 when Baber won over the Lodi Sultan of Delhi and continued till 1750. At that time, the highest court was Emperor's court. The Emperor's Court was responsible as court of appeal for the court of chief quazi (Chief Justice) and below to that there was court of Quazi for civil and criminal matters. The revenue matters were handled by chief revenue court presided by Diwan-e-Ala. The origin of the present system of courts in India could be traced to the British period from 1757 to 1947. The Privy Council exercised appellate jurisdiction and it contributed a lot in the development of different branches of law. For the purpose of constituting the federal policies in India, the government of India act 1935 established the Federal court in India. The court has conferred with limited appellate jurisdiction. The appeals could be made to federal court of any judgment, decree or final order of high court with a certificate. On January 1950 the Federal court was converted into the Supreme Court of India.

Presently, India judiciary consists of single integrated system of the court for Union as well as for the state's law. India is a union of States. The constitution of India has declared the Supreme Court as the apex court and considered the significance of Judiciary as a guardian of fundamental rights of citizens of India. *Under article 141 of constitution of India "the law declared by the Supreme Court shall be binding on all the courts of India."* The High Courts are the courts of record in the States and have to perform the general functions of superintendence and control over the subordinate courts within its territorial jurisdiction. High Courts govern subordinate courts such as the civil court family court, criminal courts and various other district courts.

A well administered and socially relevant legal education is the sine qua non for a proper dispensation of justice. We have more than 1200 law colleges/universities and institutions imparting legal education and research at various level in India. The *advocates act 1961 empowered to constitute Bar Council of India to regulate the legal profession in India formulating rules and laws of professional standards by the legal profession to prescribe minimum curriculum requirements, recognizing law degree and regulating the legal education. In the year 1983 Bar Council of India introduced five year intermediate course direct after Senior secondary School. In the Year 1986 the Bar Council of India on suggestion of Law Commission of India set out first Law University India National Law School of India University (NLS). Currently India has 17 law schools a prototype model of NLU Bangalore. The introduction of concept of law Schools has changed the scenario of legal education system and approach in India. The law libraries being integral part of academic endeavors of the law schools.*

### **3. UNESCO Policy Guidelines for Greater Access of Public Governmental Information and the Role of Indian Government**

UNESCO took forward a positive step to support open access of information generated by governmental institutions viewing that the information generated by the governmental institutions involve public fund, hence the outcomes must be made available to the general public. Policy Guidelines for the Development and Promotion of Governmental Public Domain Information was framed by UNESCO to support promotion and Use of governmental information. The Policy Guidelines explains public domain as under:

*“Public domain information refers to publicly accessible information, the use of which does not infringe any legal right, or any obligation of confidentiality. It thus refers on the one hand to the realm of all works or objects of related rights, which can be exploited by everybody without any authorization, for instance because protection is not granted under national or international law, or because of the expiration of the term of protection. It refers on the other hand to public data and official information produced and voluntarily made available by governments or international organizations.<sup>1</sup>”*

In pursuance of UNESCO’s Guidelines, India Government has assigned the responsibility of managing mammoth of information and providing digital preservation solutions to National Informatics Centre (NIC) for e-governance through "NICNET" project, which supports series of comprehensive set of web resources providing legislation, case-laws, legal scholarship, law reforms and treaties. The official portal designed by NIC i.e. [www.india.gov.in](http://www.india.gov.in) weaves all Indian Governmental resources and other information to extend its access to its citizens and rest of the world too.

### **4. Free Access to Law Movement in India**

India is known for its Information Technology hub. A number of specialized organizations have been set up since for supporting information system. National Institute of Science Communication and Information Resources<sup>2</sup> (NISCAIR) under the flagship of Centre for Scientific Information and Research (CSIR) has been set up up keeping information in physical and digital format as well. NISCAIR also maintain open access repository know as NOAR (NISCAIR Open Access Repository) providing access of scientific as well as journals from other steam also. Government of Indian set up National Informatics Centre (NIC) in 1976 with a view to support Information and Communication Technology in India.<sup>3</sup> Free

Access to Law Movement is traced in India by initiation of Information Technology Act 2000. NIC played a major role in this direction.

NIC initiated launching a number of web portals connecting with databases containing government generated information like Parliament of India Resources, decisions of Supreme Court of India, High Courts and Subordinate Courts, Commissions and Committee Reports, Ministry and Departmental information and legislation passed by centre government as well. The other official websites of India, a Government of India Directory [www.goidirectory.gov.in](http://www.goidirectory.gov.in) provides an index of central government and its departments, state legislators and state departments, judiciary i.e. Supreme Court of India and High Courts established in the states. Law librarian practicing Indian Legal Information must aware about such resources for assisting researchers due to number of reasons as discussed in section 5.

#### 4.1.1 Parliamentary Procedures and Debates

Parliament of India is responsible for making laws for the Country. The website of Parliament of India [www.parliamentofindia.nic.in](http://www.parliamentofindia.nic.in) is a rich source of legal information. You can find Parliamentary Debates or Parliamentary Proceedings of both house i.e. Lok Sabha and Rajya Sabha, which is very essential research material for a research want to know about the origin, objectives and procedure adopted during law making process. Web portal of Parliament of India also contains a number of information like bills introduced, legislation passed, business, committee reports, commission reports and secretariat level information. The final text of the debates on bills is readily accessible on the website of Parliament of India since 11<sup>th</sup> Lok Sabha i.e. 1996 onwards. The table 1 shows the sessions and period for which the Parliamentary Debates of the Lok Sabha is made available online accessible for general public.

S.no.	Lok Sabha	Sessions	Period
1.	11 <sup>th</sup> Lok Sabha	I to VI	May 1996 to Dec 1997
2.	12 <sup>th</sup> Lok Sabha	I to V	March 1998 to April 1999
3.	13 <sup>th</sup> Lok Sabha	I to XV	October 1999 to February 2004
4.	14 <sup>th</sup> Lok Sabha	I to XV	June 2004 to February 2009
5.	15 <sup>th</sup> Lok Sabha	I to XV	May 2009 to December 2013

*Table 01: Sessions of Respective Lok Sabha Proceedings available for Public Access*

#### 4.1.2 Legislation

Legislation also quoted as Statute, Code, or Act is an outcome of Parliament of India. The Laws introduced, discussed, analysed, researched and finalized for the sake of betterment of the Country are called legislation. Ministry of Law and Justice has a separate division for recording and assisting parliament called Legislative Department. NIC performs remarkable steps in extending open access to almost all legislation passed by Central Government of India and Local Legislation passed by states in some extent as well. Legislations since 1876 can be viewed through a web portal called INDIA CODE ([www.indiacode.nic.in](http://www.indiacode.nic.in)).

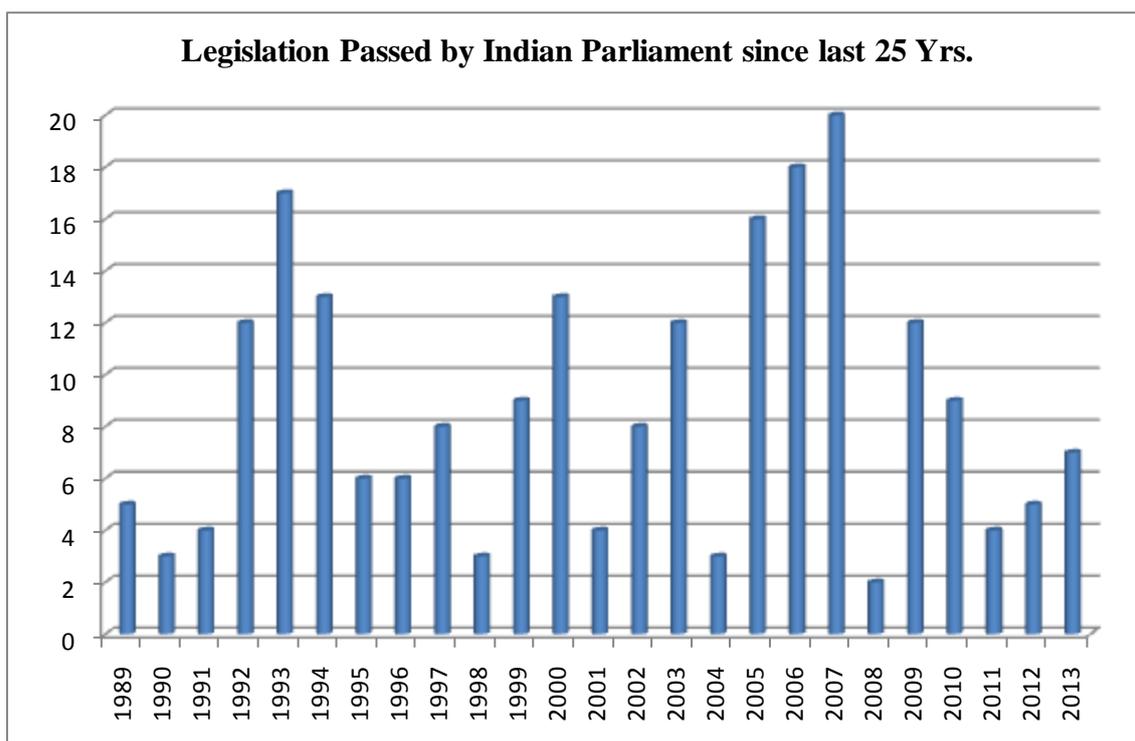
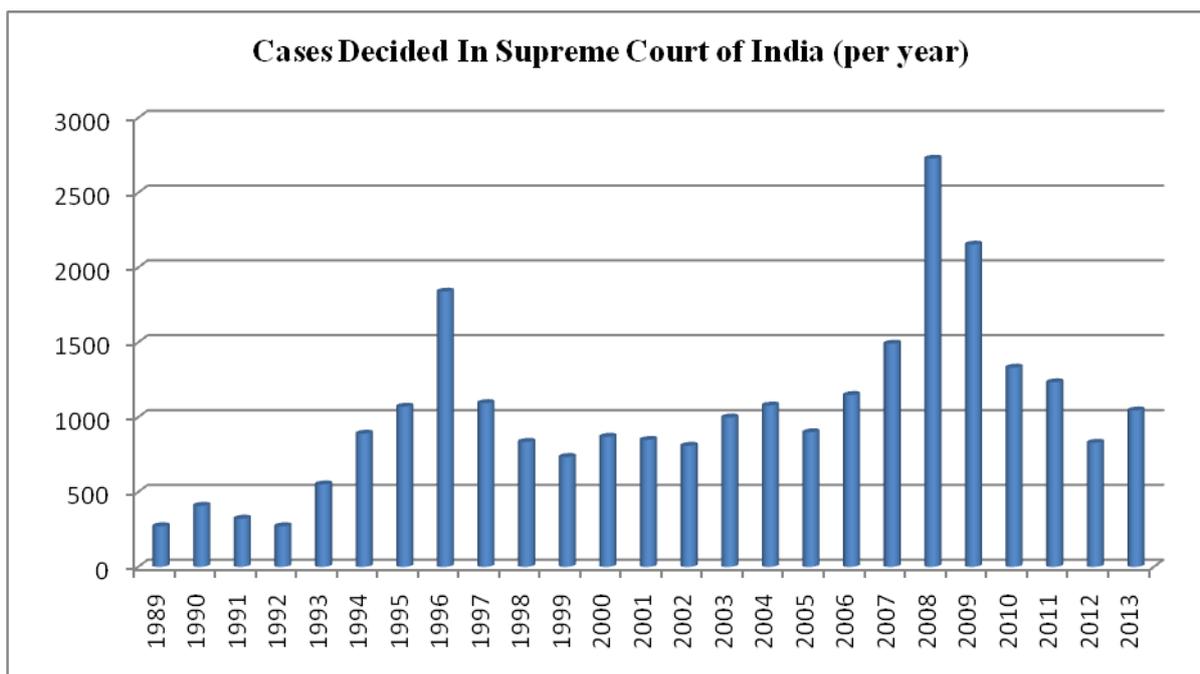


Figure 01: Legislation passed by Indian Parliament since last 25 Yrs (Per Year).

Parliament Research Studies India (PRS India) is another open access database providing access to Indian legislation through its web portal ([www.prsindia.org](http://www.prsindia.org)). PRS India is supported by Ford Foundation and Google India established since 2005. PRS India has a legal research team and provides legislative bills along with summaries, reports on bills introduced and final text of bills passed in both house of the Parliament.

#### 4.1.3 Judgments by Courts of Judicature

Judgments also known as opinions, decisions or cases are also essential part of legal research. Judgments delivered by higher courts are bound for lower courts. Judgments decided by Supreme Court of India, High Courts of respective states and subordinate courts are available with search facility on various governmental web portals maintained by NIC. Judgement Information System (JUDIS) [www.judis.nic.in](http://www.judis.nic.in) provides access of judgments on various search techniques including party name search, date of the Judgment search, Judge Name and free text search. Interim orders of pending judgments can also be referred through COURTNIC ([www.courtnic.nic.in](http://www.courtnic.nic.in)). Another web portal Indian Courts ([www.indiancourts.nic.in](http://www.indiancourts.nic.in)) also provides judgments of Tribunals along with other courts. Figure 02 is a graphical presentation of cases decided by Supreme Court of India since 1989 to 2013, which are fully accessible through [www.judis.nic.in](http://www.judis.nic.in).



\* Data as per [www.judic.nic.in](http://www.judic.nic.in)

Figure 02: Judgment Pronounced by Supreme Court of India since 1989 (per year)

#### 4.1.4 Commission & Committee Reports:

Other ingredient of Indian law is Commissions & Committee reports of government of India. Indian Government provides almost all commission & Committees report on respective websites. National Human Rights Commission a permanent commission provides its reports and other legal documents through its website [www.nhrc.nic.in](http://www.nhrc.nic.in). The other State Human Right Commission reports are also available at respective State Human Right Commission websites. Law Commission of India, another permanent commission, reports may be referred through its official website .i.e. [www.lawcommissionofindia.nic.in](http://www.lawcommissionofindia.nic.in) since first report in full text. Table 02 gives a brief summary of reports of Law Commission of India as tabled by each Law Commission.

S.no.		Tenure	No. of Reports
1.	1 <sup>st</sup> Law Commission of India	1955-1958	14
2.	2 <sup>nd</sup> Law Commission of India	1958-1961	8
3.	3 <sup>rd</sup> Law Commission of India	1961-1964	6
4.	4 <sup>th</sup> Law Commission of India	1964-1968	10
5.	5 <sup>th</sup> Law Commission of India	1968-1971	6
6.	6 <sup>th</sup> Law Commission of India	1971-1974	17
7.	7 <sup>th</sup> Law Commission of India	1974-1977	9

8.	8 <sup>th</sup> Law Commission of India	1977-1979	10
9.	9 <sup>th</sup> Law Commission of India	1979-1980	7
10.	10 <sup>th</sup> Law Commission of India	1981-1985	26
11.	11 <sup>th</sup> Law Commission of India	1985-1988	18
12.	12 <sup>th</sup> Law Commission of India	1988-1991	12
13.	13 <sup>th</sup> Law Commission of India	1991-1994	10
14.	14 <sup>th</sup> Law Commission of India	1995-1995	3
15.	15 <sup>th</sup> Law Commission of India	1997-2000	18
16.	16 <sup>th</sup> Law Commission of India	2000-2003	11
17.	17 <sup>th</sup> Law Commission of India	2003-2006	16
18.	18 <sup>th</sup> Law Commission of India	2007-2009	33
19.	19 <sup>th</sup> Law Commission of India	2009-2012	9
20.	20 <sup>th</sup> Law Commission of India	2012-2015	1 (Currently working)

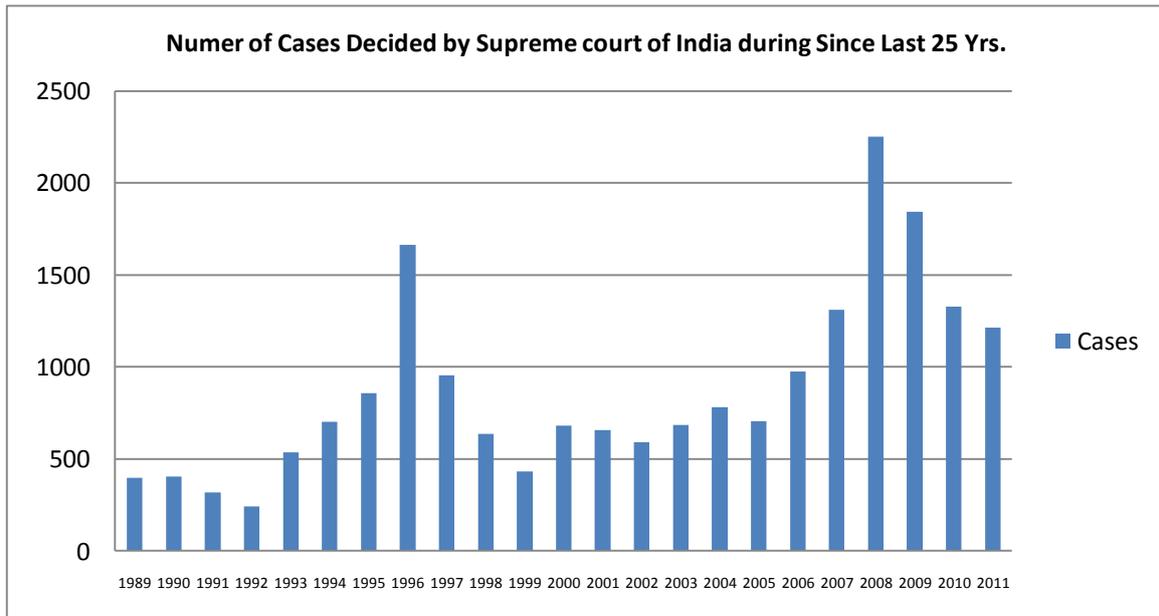
*Table 02: Number of Reports drafted and Submitted by Respective Law Commission of India*

Besides parliamentary committee reports are also available on parliament of India website. One time commission reports are also available on respective governmental department's web portals.

#### **4.1.5 Legal Information Institute of India**

Legal Information Institute of India (LII of India) as 34<sup>th</sup> member of LII family was introduced in 2011. LII of India is maintained and governed by AUSTAD supported by Cornell University, USA and Australian Legal Information Institute. LII of India was inaugurated in Delhi in May 2011. Initially 50 databases containing Indian Legal Information was introduced. Currently 154 databases of Indian Legal Information can be accessed through the web portal. Database provides current updates of Indian law at its Index page accessible through [www.liiofindia.org](http://www.liiofindia.org). Indian Resources have been categorized in various ways. The prime categories of information resources are Cases, Legislation, Journals and Scholarship, Law Reforms and Treaties. Resources have also been arranged on the basis of Indian territories like Central or Union Governmental resources and federal resources including state legal information.

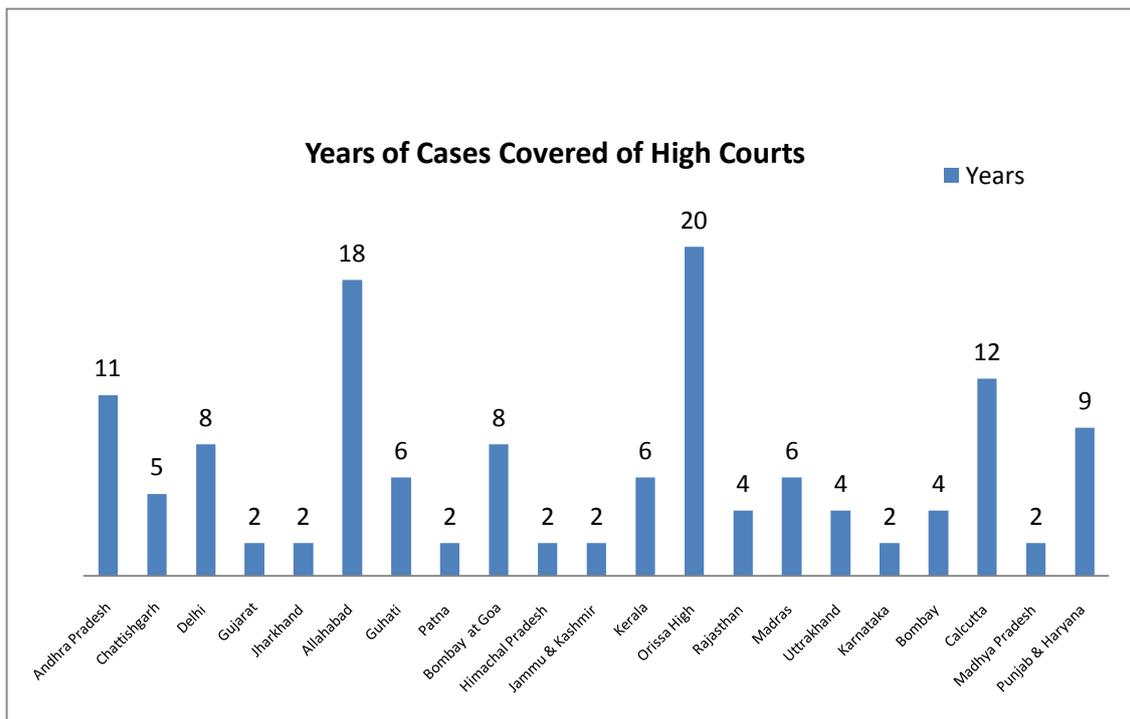
The LII of India provides full access to Supreme Court of India Judgments since its inception i.e. 1950 which can be search chronologically, citation wise, party name wise and full text search.



Source: LII of India

Figure 3: Number cases for last 25 years available under LII of India decided by Supreme Court of India

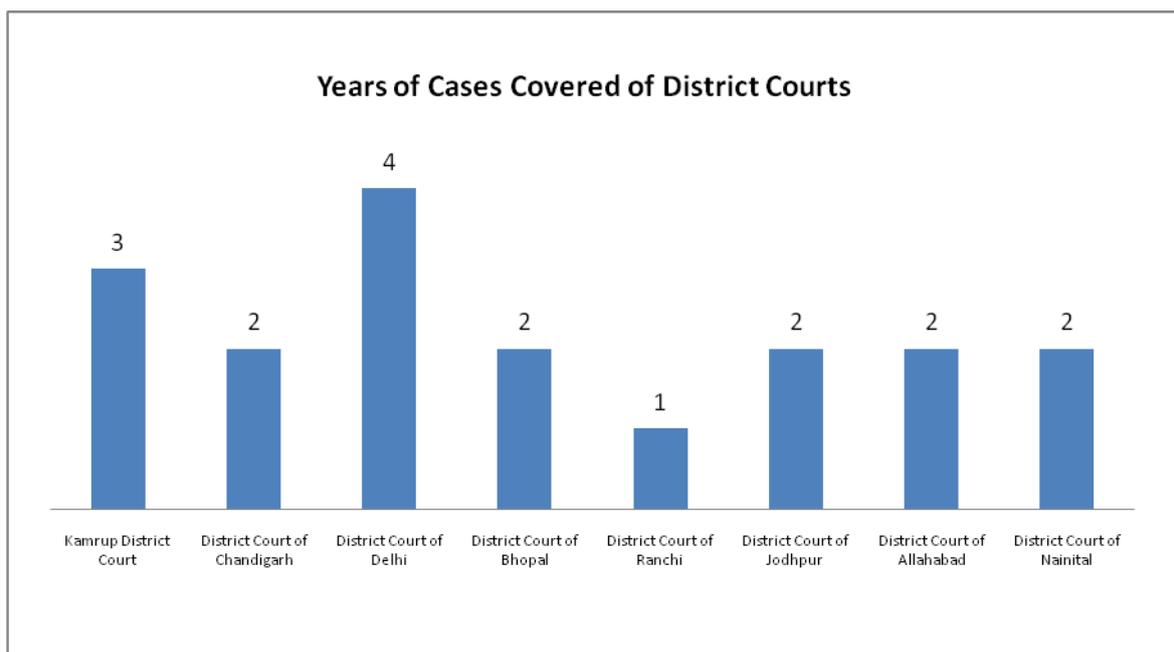
Being recently setup database, LII of India is still developing its coverage facilitating Judgements of High Courts of the state.



Source: LII of India

Figure 4: Number of Years of cases covered under LII of India decided by High Courts

LII of India database is also extending its coverage to provide judgments and orders of various district courts. Till date eight district courts mentioned in below charts have been selected for uploading judgments and orders.



Source: LII of India

Figure 5: Number of Years of cases covered under LII of India decided by District Courts

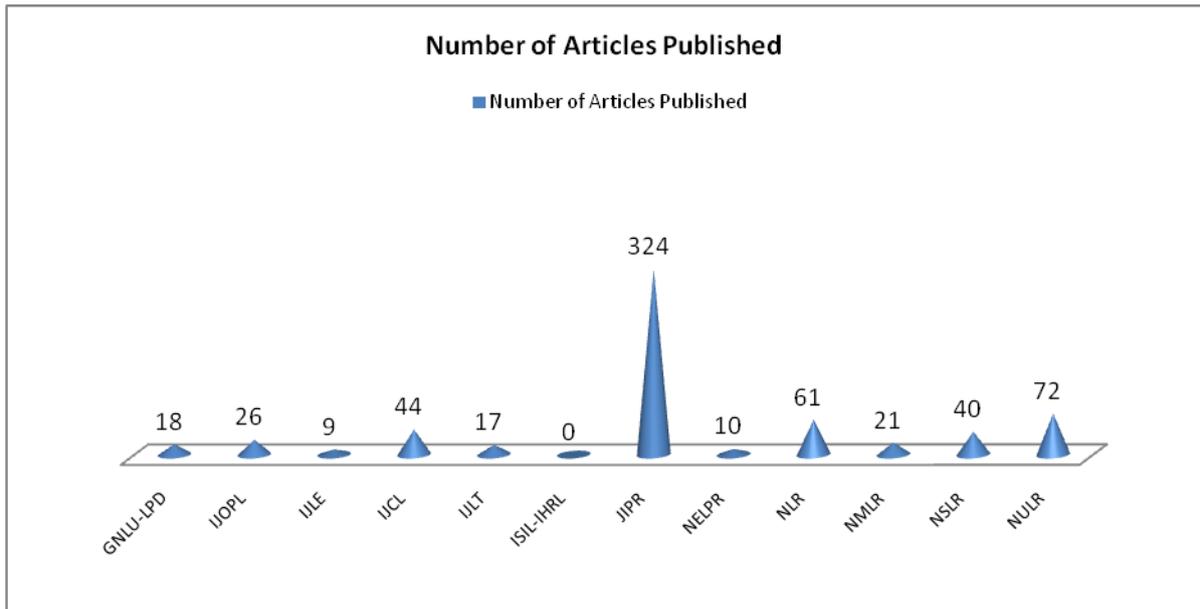
The next pillar of legal information i.e. Legislation are also accessible through LII of India. The web portal provides full text access of Central Government legislation, rules and regulation along with select state legislation through <http://www.liiofindia.org/in/legis/>.

LII of India in its third counterpart extends its coverage facilitating law journals and scholarships. Current 15 scholarships including 12 academic journals are available under LII of India. Two scholarships from NALSAR Law Research Series and NLUD Law Research Series are also available providing research outcomes of respective university.

	Journal Title	Abbreviation	Coverage	No. of Articles
1.	GNLU Journal of Law, Politics and Development	GNLU-LPD	2009	18
2.	Indian Journal of Intellectual Property Law	IJOPL	2008 to 2010	26
3.	Indian Journal of Law and Economics	IJLE	2010	9
4.	Indian Journal of Constitutional Law	IJCL	2007 to 2010	44
5.	Indian Journal of Law and Technology	IJLT	2005 to 2008	17
6.	Journal of Intellectual Property Rights	JIPR	2002 to 2010	324
7.	NALSAR Environmental Law and Practice Review	NELPR	2011	10
8.	NALSAR Law Review	NLR	2003 to 2011	61
9.	NALSAR Media Law Review	NMLR	2010 to 2011	21
10.	NALSAR Student Law Review	NSLR	2005 to 2011	40
11.	NUJS Law Review	NULR	2008 to 2009	72
12.	NLUD Student Law Journal	NLUDSLJ	2012	13

Source: LII of India

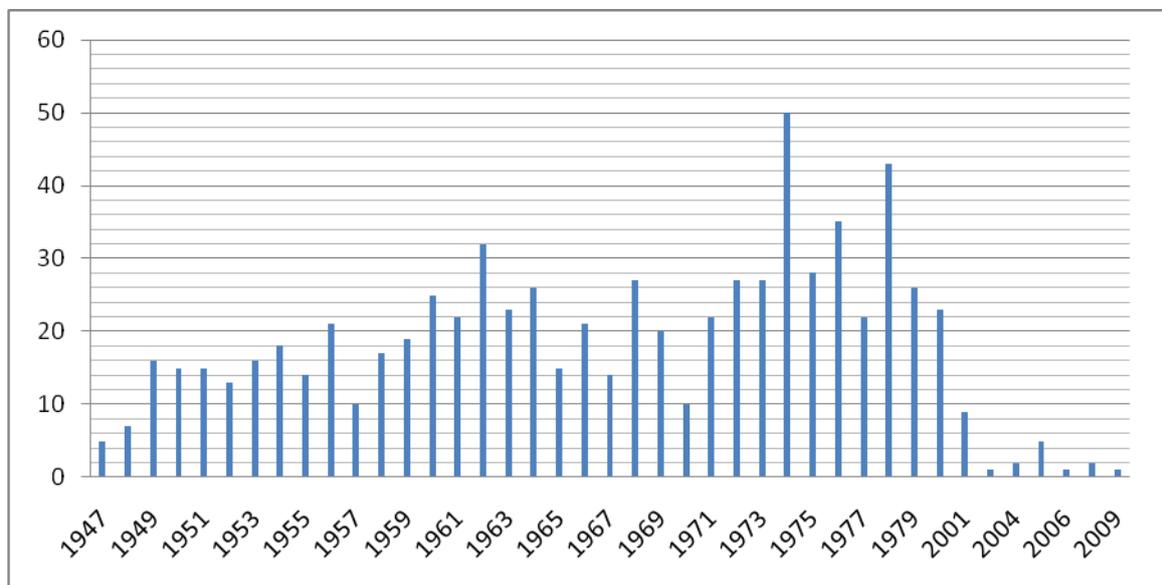
Table 3: Journals and Scholarships available in LII of India



Source: LII of India

Figure 6: Number of Articles covered under LII of India in Journals

Defining as forth pillar of Legal Information, Law Reforms reports are also available in LII of India. Law Commission of India reports can easily be browsed from the web portal. Fifth and final pillar i.e. Treaties are also included for open access to law researchers and general public. It provides Indian bilateral treaties between India and other Countries.



Source: LII of India

Figure 7: Number of Treaties per Year covered under LII of India

## 5. Role of Law Librarians in Legal Information Management

Law libraries play an integral role in the legal information management in courts, law firms and academic institutions in support of justice system in the 21st Century by helping the public access the legal system. (Kesselman and Weintraub, 2004) states that the modern approaches to information management poses challenges to law librarians to pay attention

information flow and access in the international arena, with the appropriate directions law libraries play an integral role in helping researchers and litigants to provide understanding their legal rights and responsibilities and related references in the concerned case. (Zorza 2012)<sup>4</sup> notes the vast changes to the law library landscape over the past twenty years and the potentially critical new role they can play as an access to justice resource for people without lawyers. The Report acknowledges law libraries' changing demographics: the number of lawyers and court staff visiting law libraries is decreasing at the same time that an increasing number of people are approaching law libraries for help. This Report shows changes that are needed to empower law libraries to make this contribution.

1. Law libraries are seeing a changing user base. They need to move towards providing a broader range of services.
2. Law libraries need to fully appreciate the dramatic changes in legal landscape. They need to re-configure their space to meet the needs of different constituencies.
3. Law libraries will need to re-think and re-conceptualize their mission.
4. Technology implementation to reduce the cost of delivering traditional library services.
5. To provide broader services, law libraries will need to train staff, to able to provide them and assist in the development of those services and tools.

Law libraries will need to set goals, establish metrics, and obtain input and perspective from a wide variety of users and constituencies to determine and affirm that they are meeting the needs of all of their patrons.

## **6. Conclusion**

Librarians are crucial players supporting legal research and education and promoting shares vision of information democracy. Public domain resources are alternatives of expensive databases and are very much useful for law universities to cope within the budget. It has been observed that major legal information like case laws, legislation, law reform reports, parliamentary debates and treaties and international instruments are generated out of public fund and available in public domain for general public. India as mentioned above have more than 1200 institutions imparting legal education and it is also very true than only 10% law institutions have good fund for maintaining electronic databases. Here the duty and liability of a law librarian starts facilitating optimum service with the help of public domain. A well planned and information rich library orientation programme is the best way to inculcate information digging habits of the users from the universe of digital knowledge. A Library must always keep him or her updates with the development of new public domain resources. Indian legal information developed by National Informatics Centre (NIC) is provided on a single platform or web portal i.e. <http://india.gov.in/topics/law-justice> . Regular updated information appears in public domain databases must be circulated among legal researchers by the law librarians with a view to speedy development of legal system.

## END NOTES:-

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- <sup>1</sup> Policy Guidelines for the Development and Promotion of Governmental Public Domain Information available at [http://fas.org/sgp/library/unesco\\_govinfo.pdf](http://fas.org/sgp/library/unesco_govinfo.pdf) (Last accessed on 29th June 2014)
- <sup>2</sup> National Institute of Science Communication and Information Resources (NISCAIR) <http://www.niscair.res.in/>
- <sup>3</sup> National Informatics Centre available at <http://www.nic.in/node/41> last accessed on 29th June 2014.
- <sup>4</sup> Zorzo, Richard. (2012). The Sustainable 21st Century Law Library: Vision, Deployment and Assessment for Access to Justice available on <http://chicagobarfoundation.org/wpcbf/wp-content/uploads/2014/01/sustainable-law-library.pdf> last accessed on 30th June 2014.