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PROBLEM, PLAN AND METHOD

"The Law Library is truly a vital factor for the administration of justice, an institution of extraordinary social significance, in a free society."

A Law Library is a specialised library because it has to have its collection up-to-date. It keeps up-to-date legislation, the judicial decision, administrative orders and notification. It has to keep a record of legislative changes brought about by repeals and amendments. The Law Library provides report of the select committee on a particular bill and whether its suggestions have been incorporated in the ultimate Act. The library service provides whether a particular judgement has been over-ruled by a subsequent ruling of the Court. The Law Library gives us information of such judgements of the Supreme Court which settled a controversy of two or more High Courts on a particular point.¹

To achieve the standards of Court and also to improve quality and adequate library services, the researcher has taken the following topic for research.

¹
3.1. Statement of the Problem:

“A study of Organisation, Administration and Services of Supreme Court Library and M.P. High Court Libraries to propose a model judicial Library system.”

3.2. Definition of Terms:

The terms used in study need elaboration and explanation, as such they are explained as under:

**Study:**

To apply the mind to books; to learn systematically; to fix the mind intently upon a subject.

The act or process of applying the mind in order to acquire knowledge, as by reading, investigation, etc.

A careful attention to, and critical examination and investigation of any subject events, etc.

To apply the mind attentively; to read and examine the purpose of learning and understanding, as to study low or theology, to study language.²

**Organisation:**

Organisation is “the form of every human association for the attainment of a common purpose”. “Organisation is the design of the structure, the grouping of positions, which will best carry out the library’s planned objectives”.³

Organisation involves the designing of the structure of authority, defining and classing of posts, their relationship with each
other and ensuring proper co-ordination for achieving the objectives of a library.

According to Gaus, White and Dimcock "Organization is the arrangement of personnel for facilitating the accomplishment of some agreed purpose through the allocation of functions and responsibilities. It is the relating of efforts and capacities of individuals and groups engaged upon a common task in such a way as to secure the desired objective with the least friction and the most satisfaction to those for whom the task is done and those engaged in the enterprise".

In other words, organisation means that:

1. There should be a common objective of an institution, and

2. All its members must subordinate their individual will to the common will. After the selection of proper staff, the directive function of the leader starts which is the province of administration.

Further, "Organisation implies the process of analysing into component parts and assembling the resultant units into a pattern for the attainment of the object in view".

"Organisation implies a structure of authority which requires a single directing executive authority and many workers. In setting up such an organization one must

1. Define the objectives of the organisation very clearly;
2. Elect the leaders or directors of the enterprise who lay down the general policy of the enterprise in terms of the objectives;

3. Nominate the Managing Director or Chief Librarian whose task it is to see that the objectives are realized;

4. Determine the nature of the whole organizational framework, the number of specialized work units into which the task will have to be divided and the number of workers, as well as the various categories of workers required. Subdivision into sections, divisions or departments depends on the nature and extent of the task undertaken;

5. Establish and perfect the structure of authority between the managing director and the various work departments.⁴

Administration:

Administration involves the techniques by which the purpose of an organisation is fulfilled at minimum cost with minimum effort. Administration is, in fact, mainly concerned with the directive function through which an administrator unifies the efforts of all individuals engaged in an enterprise and guides their activities in the right direction. The administrator directs the energies of the personnel in the right channels so as to achieve the objectives for which the enterprise is brought into being. "Administration or direction is that function of management which actually executes or carries out the objectives for which the enterprise is organised. This function indicates the work to be performed, sees that personnel is fitted to the task, and trained to operate properly, and in general cases for every
day routine necessary to ensure that men, materials and equipment are functioning properly towards the desired end."

Administration concerns with following functions.

1. Planning;
2. Organising
3. Staffing;
4. Directing;
5. Co-ordinating;
6. Reporting; and
7. Budgeting.

The following devices and methods are used by an administrator for performing the above-mentioned functions:

1. He provides for unity of management;
2. He divides the whole organization into various departments;
3. He delegates authority to various units;
4. He finds out ways and means for proper co-ordinate between various parts of the organization;
5. He plans for keeping as limited span of control as is possible;
6. He works as leader of the organization; and
7. He arranges periodical staff meetings, conducts inspections and tissue administrative orders from time to time for smooth working of the organization.
Services:

The act of helping or doing work for another or for a community etc.\(^6\)

Assistance or benefit giving to someone.\(^7\)

Court:

One or more judges who have authority to decide disputes between citizens, and disputes between citizens and their governments. Courts are an essential part of the machinery of government in all civilised nations. Without Courts to interpret the law and apply it to the facts of specific cases, law itself would be meaningless. If every men were free to disregard any rule of society that he disliked or found inconvenient, anarchy and brute force would prevail. Without law, government manifestly would be impossible.

The basic functions of Courts are everywhere the same: (1) to determine the guilt or innocence of persons accused of crime and impose punishment on those found guilty; and (2) to give authoritative decisions in civil disputes between private individuals. In performing these functions, the Courts operate in conjunction with the other two branches of government. The rules they apply are furnished by the legislative branch of government with some assistance from the Courts themselves while enforcement of the law is supplied by the executive branch. The role of the executive branch can be seen most clearly in the field of criminal law.

Apart from their basic functional similarity, Courts differ widely from one nation to another and even from one community to another in their composition, structure, procedure, and administration. At any
time in any given place the Courts in operation are more likely to be
the product of haphazard historical growth than of national planning
as to how judicial work should be distributed and processed.³

**Supreme Court:**

The Supreme Court in the Indian polity stands at the apex of
the elaborate judicial system. It may be said to be the concrete
expression and also the symbol of the acceptance of the rule of law by
the Indian people. The Supreme Court owes its existence to the
Constitution, though the Judges are appointed by the President of
India. In the appointment of other Judges, the Chief Justice is
consulted but that appears to be a mere formality as the Chief Justice
cannot veto any appointment.

The Judges of the Supreme Court stay in office up to the age of
sixty five, unless they resign earlier, or are removed.

The Court in vested with a three-fold jurisdiction, namely, the
original the appellate, and the advisory. Under the original jurisdiction
it is arbiter between the Union and the Constituent units and, in
respect of fundamental rights, between the individual and the
Government. As the highest Appellate Court it is vested with the
jurisdiction to hear appeals in civil, criminal and constitutional matters.
Lastly, it may give it advisory opinion as and when the President
makes a reference to it. It is a Court of record and has been invested
with the power to punish for its contempt.

As a guardian of the Constitution and of the liberties of the
people, the Supreme Court is entrusted with the task of interpretation
of the Constitution. The Supreme Court has been expressly endowed
with the power of judicial review. Under Article 246 of the Constitution, the Parliament and the State Legislatures are supreme in their respective spheres of legislation. In case of transgression by either, that is the Parliament or the State Legislature, it is the Supreme Court which is to declare the validity of such legislation when challenged.⁹

**Madhya Pradesh:**

Madhya Pradesh is centrally situated state of India. King Ashok first of all ruled over Ujjain. A sizeable portion of central India was part of the Gupta empire (300-500 AD). The Muslims came in to central India in the beginning of 11ᵗʰ century. First of all Mahmud Ghazni came over here and then Mohammad Gouri who incorporated some parts of central India in to his ruling territory of Delhi. Central India was also part of the Mughal empire. During the period between the beginning of the influence of Marathas and the death of Madhoji Scindia in 1794, Marathas were on the ascendant in central India but later on the small states started coming in to existence. These small states became the cause of perpetuation of British power in the country. Queen Ahilyabai Holker of Indore, the Gond Maharani Rani Kamla Devi and Queen Durgawati, etc. were some women rulers whose names has left an indelible imprint on Indian History for their outstanding rule. Madhya Pradesh came into being on 1ˢᵗ Nov. 1956.¹⁰

Madhya Pradesh is a state of India. The largest state of India in terms of area. Madhya Pradesh is unique in the sense that it has no sea and no connection with the Himalayas and yet it has some hills
and mountains and has some big rivers with an area of 4,43,446 square kilometre.

It is bounded by as many as seven states by Rajasthan on its north west, Uttar Pradesh on the north, Bihar on the North East, Orissa on the East Andhra Pradesh and Maharashtra in the south and Gujrat on its West.11

**High Court:**

In the hierarchy of the judicial structure, next to the Supreme Court of India, stand the High Courts in the States. The Constitution provides for a High Court in each State, though there can be one High Court for more than one State. Like the Supreme Court, a High Court is also a 'Court of Record' and is vested with the power to punish for its own contempt and for the contempt of courts subordinate to it.

The State High Courts are at the apex of the State judiciary. Apart from the jurisdiction of the High Court under Article 226 or Article 227, the High Court is the highest court in a State. It is virtually the highest court of appeal in all cases. It is only in exceptional cases that appeals for the final orders and decrees of the High Courts go to the Supreme Court. The State High Courts exercise very little original jurisdiction. In some special matters and in Constitutional law matters, including the enforcement of fundamental rights, the High Court exercise original jurisdiction. Article 227 of the Constitution of India confers powers of superintendence over all courts throughout the territory of the State. It envisages by the Constitution that each State will have a separate judicial service. The appointment of the District
Judge, who is the highest judicial officer in the hierarchy of subordinate judiciary is appointed, posted and promoted by the Governor in consultation with the High Court.

The Judges of the High Courts (whose number varies) are appointed by the President of India in consultation with the Chief Justice of India, the Governor of the State concerned and the Chief Justice of that High Court. Their tenure is fixed at sixty two years of age.

Before the Forty-second Amendment, the High Courts were invested with very vast and extensive powers of superintendence and the power to issue directions, orders or writs in the nature of habeas corpus, mandamus, prohibition, qua warranto and certiorari to any person or authority for the enforcement of rights conferred by Part III and "for any other purpose".

Under the original Article 227 the High Courts had power of superintendence over all Courts and tribunals existing in the State. Now, the High Court's jurisdiction of superintendence over the tribunals has been taken away. The Forty-second Amendment enacts a separate Part for administrative Tribunals.

The Forty-second Amendment further restricts the power of the High Courts to determine the constitutionality to State laws. The High Courts are no longer competent to determine the constitutional validity of Central laws. The Bench which determines the constitutional validity of a law must consist than five, all the Judges must sit for the determination of constitutional validity or invalidity of a law. A State law can be declared invalid only by two-thirds majority, in case the
Bench consists of five or more Judges, but unanimously if the Bench consists of less than five Judges.\textsuperscript{12}

Library:

A place set apart to contain books and other material for reading study or reference, or set of rooms or building where books may be read or borrowed.\textsuperscript{13}

A collection of books; a collection of books for public use or loan, the building or room in which such a collection is housed.\textsuperscript{14}

Room or building for a collection of books kept there for reading.\textsuperscript{15}

Library is the keeper of our history and culture. In modern sense it is an information dissemination centre or a service institution.\textsuperscript{16}

A Library is a collection of graphic materials book, films, magazines, maps, microfilms, manuscripts, disc and tape recordings, computer tapes - organised for use.\textsuperscript{17}

Dr. S.R. Ranganathan, father of Library Movement in India, has rightly said that libraries are not mere store houses, they are rich springs from where knowledge flows out to irrigate the wide field of education and culture.

Corter V. Good defines library as under:

1. A building or room equipped for housing books and other reading materials of communication for reading, listening or viewing purposes.

2. A collection of books of various kinds, and
3. A collection of films recording, etc.

In simple words, a library is a place or room or building where a collection of books, documents or collection of specific things is kept for reading as reference and for loan to the users.

**Propose:**

Put forward for consideration or as a plan.\(^{18}\)

To offer or suggest for consideration, acceptance, or action; to suggest.\(^{19}\)

**Model:**

A representation of something, usually smaller than the original.\(^{20}\)

**Judicial:**

Pertaining to Judgement in Courts of Justice or to the administrative of Justice; judicial proceedings.\(^{21}\)

Pertaining to Courts of Law or to Judges; judicial functions.\(^{22}\)

Giving or seeking Judgement as in a dispute or contest; determinative.\(^{23}\)

Of relating to, or concerned with a Judgement. The function of judging the administration of justice, or the judiciary.\(^{24}\)

Ordered or enforced by a Court or other legal tribunal.\(^{25}\)

**System:**

A complex whole: a set of connected things or parts; an organised body of material or immaterial things.\(^{26}\)
Any formulated, regular, or special method, or plan of procedure.  

3.3 Objectives of the Study:

Following are the main objectives of this study:

1. To study present condition of Supreme Court and High Courts libraries of M.P.

2. To study the organisation of Supreme Court and High Courts libraries of M.P.

3. To study the administration of Supreme Court and High Courts libraries of M.P.

4. To study the collection of books, reference books and journals.

5. To study technical work.

6. To study the services referred by Supreme Court and High Court libraries of M.P.

3.4. Delimitation of the Study:

The study is delimited to Supreme Court library and three libraries of M.P. High Courts i.e. Jabalpur, Gwalior and Indore.

3.5. Plan of the Study:

The outline of the plan of the investigations is as under:

The first chapter deals with the introduction. It includes development of law libraries in India, Computerised system in law libraries, importance and functions of law libraries, type of law
libraries, Supreme Court library of India, High Court libraries of India, M.P. High Court libraries, need and scope of the study.

The second chapter deals with the review of related studies in India and other countries.

The third chapter deals with problem, plan and research method used.

The fourth chapter deals with analysis, interpretation of data.

The fifth chapter deals with norms for model judicial library system.

The sixth chapter deals conclusions and suggestions.

3.6. Research Methodology

Research has becomes the most remarkable modern phenomena of development, scientific discoveries, technological achievements and scholarly publications are all the fruits of research. Library and information science which has developed as an independent and a vital discipline in the present century, also needs verification, improvement and constant development through research by letters in the field.²⁸

Research is the most important tool for advancing knowledge for enabling man to relate more effectively to his environment, to accomplish his purpose and to resolve his conflicts. It is the use of appropriate methods in attempting to discover new knowledge or to develop new applications of existing knowledge or to explore relationships between ideas or events.²⁹
To collect factual material or data unknown so far is essential in every study. It can be obtained from many sources, directly or indirectly. It is necessary to adopt a systematic procedure to collect essential and relevant data adequate in quantity and quality. The data should be reliable and valid so that correct inferences are drawn.\textsuperscript{30}

The research methods in library and information science have been classified as under.\textsuperscript{31}

1. Historical method
2. Survey method
3. Case study method
4. Delphi method
5. Statistical method

The method of survey research has been defined simply as gathering information about a large number of people by interviewing a few of them.\textsuperscript{32}

In the present study, the survey method has been used.

The term survey is used for the technique of investigation by a direct observation of a phenomena or systematic gathering of data from population by applying personal contact and interviews when an adequate information about a certain problem is not available in records files and other sources.

The survey is an important tool together evidences relating to certain social problem.\textsuperscript{33}
A survey research may be accessioned by a need for some factual information on some aspect of public life or investigate some cause effect relationship or to make detailed study in some aspects of sociological problems either already studied or a fresh.  

A survey is a systematic collection of data concerning a system, its activities operations, person involved in that system also persons who are benefiting from that system.  

The purpose of library survey may briefly be stated as follow:

1. To assert the existing situation in a library.

2. To check the effectiveness of the existing library system.

3. To evaluate that area of librarianship with a view of removing

4. Inadequacies or short coming and to plan for future development.

5. To achieve advancement is study as well as in the field of practical application of library and information science.

Utility of Library Survey:

1. Through a systematic library survey careful evaluation of library services be accomplished and these services can be further improved.

2. Some time the authorities may be indifferent to the problem of library and the librarian may be helpless in the situation.
3. A library draws the attention of the library authorities towards various aspects and problems of library administration and services.

4. A library survey may result in laying down a policy for the library. It helps in developing a programme of action for the library.

5. A library survey may get greater financial support for the library when it is found that fund are a constraint in its effective working.

The main purpose of the survey is to collect, organise and disseminate information useful to the scholars, and all the surveys attempt to further the improvement of services which almost inevitably call for providing evidence that the deficiencies exist.\(^\text{36}\)

The library survey may be defined as a systematic collection of data concerning a library its activities operations, personnel working in the library and its user. The purpose of library survey is to make a specialised type of investigation to improve library services.

The ritual aspect of survey method is collection of data following techniques are mainly employed for data collection in survey method of research.\(^\text{37}\)

**Planning of the Survey:**

It involves a number of stages of work these are - 1. defining the objective of the survey, 2. coverage or scope of survey, 3. choice of the timing, 4. selection of the method for concluding survey, 5. collection of the sample of users, 6. pre-testing, 7. full scale survey itself.
The main aim is to collect and interpret the data and facts regarding the organisation, administration, and services of Supreme Court library and M.P. High Court libraries.

The present study is based on both literature survey and field survey.

**Literature Survey:**

The survey was conducted by taking the help of primary and secondary reference tools and physical verification of the relevant literature pertaining to the service of university libraries.

The following sources of information were consulted for the present study.

**Primary:**


**Secondary:**

Dictionaries, encyclopaedia, handbook, gazetteer, reference book, subject book, etc.

**Field Survey:**

It includes the survey of administrative problems of the university library with regard to the library personal, finance, building, collection, technical, reference, network, etc. The field was undertaken by applying some of the commonly available techniques of investigation.
3.6.1. Tools:

Most of the tools or techniques of surveys are being used for the users and library survey also. These tools are listed as follows:

1. Observation, 2. Questionnaire, 3. Interview, 4. Documentary
5. Sociometry, 6. Psychological tests.

Questionnaire Techniques:

Questionnaire is a formal list of questions, especially as used in an official enquiry. In this technique to collect data essential for conducting research, a set of questions are asked from the participants. Questionnaire is constructed translating the aims and objectives of the survey study. This is a major instrument for data gathering in survey studies. The literature survey reveals that most of the research is conducted by this technique only. The advantage of questionnaire method lies in its more complete coverage of users interests and analysis of their replies, which appear to be relatively simple procedure.  

The questionnaire as a data collection device from several perspectives, specifically, the major objectives are:

1. To identify and differentiate between several types of questionnaires.

2. To discuss some of the more important advantages and disadvantages of questionnaires as research tools.

3. To direct attention to situations for which questionnaires are best suited.
4. To delineate some of the problems associated with questionnaire construction and administration.  

The questionnaire is generally sent through the mail to informants to be answered as specified in a covering letter, but otherwise without further assistance from the sender. There is also a vast variety of questionnaires which can be classified in various ways.

The arrangement or ordering of the questions should receive special attention and be protested with care. Every effort should be made to have the order appear logical to the respondent.

1. The questions placed first on the questionnaire should be those easiest to answer.

2. Placing a question early in the questionnaire that can affect answers to later questions on the form should be prevented wherever possible.

3. A time sequence should be observed in the arrangement of question.

4. Subject matter sequence, likewise is important, and in so far as possible all question pertaining to one subject should be grouped to gather.

The important consideration is that questionnaire covers the subject and that the techniques used are those which will meet the demands.

This technique is most feasible and economical for gathering data when the coverage of study is geographically very large and where researcher could not collect it personally. This technique can
be helpful for research studies like functioning of library system, study of library automation, evaluation of library services, etc. The main advantage of a questionnaire technique is low cost for a large coverage. It is suitable for repetitive information with greater variability.41

3.6.2 Construction of the questionnaire

The investigator prepared the questionnaire after observing the Supreme Court library and M.P. High Court libraries and interviewing the librarians. Even though the investigator observed these libraries, it was desirable to use questionnaire technique, keeping in view the time factor and finance limitation.

The questionnaire was constructed by the investigator for the librarians of Supreme Court library and High Court libraries of M.P.

3.6.3. Pre-testing of the Questionnaire:

The questionnaires was distributed to librarians of Supreme Court library and High Court libraries of M.P. for pre-testing. After the necessary modifications in the questionnaire, the final questionnaire was constructed.

3.6.4. Sampling And Population

Once the problem has been decided and the questionnaire has been constructed, the next important step which remain with the researcher is to define the population and then specify the sample on which the study is conducted.

Sampling is simply the process of learning about population on the basis of a simple drawn from it. Under this method a small group
of the universe is taken as the representative of the whole mess and result are drawn. 42

In simple words sampling consists of obtaining information from portion of a larger group or an Universe.

**Characteristics of a Sample**

1. A proper sample must give a precise but correct picture of the population from which it is drawn.

2. The sample must be obtained by probability process.

The sample should be as small as precision consideration permit and It should be as economical as possible and gathered swiftly to be completed within the time schedule. 43

3. A valid sample must be representative of the universe or population. A valid sample also must be adequate in size in order to be reliable.

4. A sample that is not respective is known as a biased sample. 44

A sample is a miniature picture of the entire group of aggregate from which it has been taken. A sample in other words is a small representation of larger whole. The sample has been taken is known as the population. 45

Different types of sampling techniques are used for drawing a sample plan. The various method of sampling may broadly be classified in two categories:

1. Probability sampling. 46
2. Non probability sampling.

The probability designs are based on random selection as the fundamental element or control and permit the specification of the precision that can be obtained and the size of the sample required for the purpose.

The non-probability designs are based on the judgement of the investigator as the most important element of control.

The term population is not necessarily synonymous with a population of people.47

In simple language a population or Universe can be defined as any collection of person or object events in which one is interested.

As defined by Selltiz, Jahoda and others "A population is the aggregate of all the cases that conform to some designated set of specification".

Hence the investigator here employed probability random sampling technique.

Purposive method of sampling has been used for the study. The investigator selected Supreme Court library and M.P. High Court libraries.

The Court libraries selected for the sample of this study are:

1. The Supreme Court of India Library, New Delhi.

2. M.P. High Court Library, Jabalpur.
3. M.P. High Court Bench Library, Indore

4. M.P. High Court Bench Library, Gwalior

3.6.5 Administration of the questionnaire

The questionnaire administrated to the libraries of Supreme Court and M.P. High Court.

The size and analysis of the sample is indicated in the following table.

<table>
<thead>
<tr>
<th>Questionnaire Administered to librarian of Supreme Court library and M.P. High Court libraries.</th>
<th>No. of librarian responded</th>
<th>Percentage</th>
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<tr>
<td>04</td>
<td>04</td>
<td>100</td>
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7. Ibid.


22. Ibid.

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