CHAPTER 1: INTRODUCTION

1.1 Development of Law Libraries in India

1.2 Computerised Systems in Law Libraries

1.3 Importance and Functions of Law Libraries

1.4 Types of Law Libraries

1.5 Supreme Court Library of India

1.6 High Court Libraries of India

1.7 M.P. High Court Libraries

1.8 Need and Scope of the Study
INTRODUCTION

India has three branches of government - the legislative, the executive, and the judiciary - and the written law plays an important role. There is an enormous amount of litigation\(^1\); the number of practising lawyers is second only to the United States\(^2\). In the words of Justice P.N. Bhagwati of the Indian Supreme Court, "the judicial system is by far the most important and significant instrument in preserving democracy and the rule of law."\(^3\)

Indian law is a unique blend of centuries of English, Hindu, Islamic, and other influences upon a culture well over 3,000 years old. Because "the present is the living sum-total of the past," one must first briefly examine the past to understand law and law libraries in India today. Hindu, Islamic, and English/European law and cultural influences must be examined and analysed.

Indian history can be divided into approximately four periods: ancient India, including Hindu India; the Muslim period; the British/European colonial period; and India today.

ANCIENT INDIA

The earliest traces of human activity in India date between 400,000 and 200,000 B.C. The Indian subcontinent is the cradle of one of the
world's oldest civilizations - the Indus civilization, or Harappa culture, which flourished from about 2700 to 1500 B.C. The society was essentially an urban culture centred among the cities of Mohenjodaro and Harappa in the north-west part of the Indian subcontinent. Archaeological evidence indicates urban planning: each city had a citadel where governmental and religious activities took place. Outside of these centres were residential areas where the urban population lived. In succeeding centuries, from roughly 1500 to 500 B.C., the Harappa culture declined. During this period, successive waves of peoples known as Aryans invaded the subcontinent from Central Asia.

The ethnic composition of the early peoples of north-west India was not identical to that of other areas of the subcontinent. Studies reveal six main races in the north-west. "The earliest was apparently the Negrito and this was followed by the Proto-Australoid, the Mongoloid, the Mediterranean, the western Brachycephals, and finally the Nordic [better known as the Aryans]." The Aryans were derived from Indo-European peoples who migrated from the Caspian Sea region and the southern Russian steppes, and "gradually divided into a number of tribes which spread far afield in search of pasture, to Greece and Asia Minor, to Iran, and to India."

In India the Aryans engaged in a number of wars with the peoples they encountered, and described their enemies as Panis or Dasa. "That the Aryans were finally victorious is clear from the fact that the word 'dasa' later came to mean a slave." According to one historian, the coming of the Aryans was a step backwards, since the Indus Valley Civilisation had been more advanced than the Aryans, who were pre-urban, seminomadic pastoralists living primarily on the raising of cattle.
When the Aryans settled in India, they divided themselves into three classes; the priests, the common people, and the warriors and aristocracy. The Dasas, or indigenous peoples, were considered inferior and treated by the Aryans as beyond the social pale.

Hinduism evolved from Aryan cultural contact with indigenous peoples. Our knowledge of Aryan culture comes from four compilations of prayers and liturgy (the Vedas), commentaries on them (Brahmans and Upanishads), and traditional histories (Puranas), which include several long epic poems. These sources indicate a pastoral, pantheistic tribal people familiar with ironware, horse-drawn chariots, and astronomy and mathematics.

The civilization that emerged from this period came to be known to outsiders as the Hindu civilization - an Arabic word meaning “people beyond the Indus River.” The most distinctive feature of Hindu civilization was the organization of society around the principles of varna-ashrama-dharma. Although central to understanding Indian culture, these three terms are difficult to translate into English. The most common translations define varna as the four castes - that is, Brahman, Kshatriya, Vaishya, and Sudra; ashrama as the “stages of life determining status, goals, duties, and obligations,” and dharma as “righteousness, duty, and sacred law.” These stages in life could be the life of a student, a householder, and a retired person dedicated to religious pursuits. “According to this theory or principle [varna-ashrama-dharma], the achievement of spiritual salvation for an individual, as well as the harmony and stability of society, lay in the pursuit of righteousness by all members of the community but in diverse ways appropriate to their ages and stations in life.”
Duty, or one's "moral or legal obligation, what one is bound or ought to do," was very important in ancient Hindu society. Hindus made no distinction between legal, moral, or religious duties; they were all different aspects of dharma. Furthermore, according to J.D.M. Derrett, in ancient India. "Brahmins alone had the right to say what dharma was and their participation was regarded as essential to the discovery and effectuation of the ultimately righteous solution to any problem."  

Hindu law is one of the world's oldest systems of jurisprudence. The law has its origins in the Vedas, and in Manu's Manava Dharmashstra, or Law Code. Sometime during the first two centuries A.D., Manu, known as the First Patriarch, compiled a series of religious, legal, and moral pronouncements in his Law Code. The Code is divided into twelve chapters. The eighth chapter contains rules on eighteen civil and criminal law areas, including the recovery of debts, deposit and pledge, sale without ownership, concerns among partners, resumption of gifts, non-payment of wages or hire, non-performance of agreements, rescission of sale and purchase, disputes between master and servant, disputes regarding boundaries, assault, defamation, theft, robbery and violence, adultery, duties of man and wife, partition (or inheritance), gambling and betting.  

In the succeeding centuries, most legal texts took the Dharmashastra of Manu as their basis and elaborated upon it. In time, two main schools of Hindu law developed; the Mitakshara and the Dayabhaga. The Dayabhaga school prevailed in Bengali-speaking areas of Bengal and Assam, and the Mitakshara school prevailed in the rest of India. The differences between these two schools were in the law of inheritance, and certain aspects of the Hindu joint family, including the partition of family-
held property. Under the Mitakshara school, each son at birth acquired an equal interest in family-held real and personal property. On the father's death, the son took the property, not as his heir, but by survivorship. "According to the Dayabhaga school, the son does not acquire any interest by birth in ancestral property. His rights arise for the first time on the father's death." The Mitakshara school eventually evolved into four minor schools of legal thought: the orthodox Benares school of northern India; the liberal Maharashtra, or Bombay, school of western India; the Dravida, or Madras, school of southern India; and the Mithila school of Tirhoot and certain districts of Bihar in north-east India. The differences between these four minor schools were in matters involving adoption and inheritance.

When disputes arose in Hindu society, they were not between individuals, but between groups of peoples, neighbours or kinsmen, who had known each other for years. In these situations, mediation and conciliation were used to resolve dispute; and achieve justice. In criminal disputes, consensus, in which all members of the village were given a change to participate in determining punishment, was typically used. Conciliation, consensus, and non-violence were - and still are-the traditional foundations of Indian justice. In classical Hindu society, the internal resolution of disputes on the local level within the villages was preferred. According to Derrett, "preserving the autonomy and peace of the caste or guild or other unit took precedence over the individual's rights and duties, and compromises must have been very frequent."

THE MUSLIM PERIOD

Hinduism has proven to be a remarkably flexible and adaptive religious, legal, and social system, able to absorb many different cultures.
For example, Arabic traders visited India at various times and places over a 500 year period from the eighth to the thirteenth century. At the end of the tenth century, Muslim forces entered north-west India, establishing a base to conquer Delhi and the northern plains of India, which they did in the late twelfth century. From the thirteenth century until roughly the fifteenth century, much of India was under the rule of Muslim Sultanates in Delhi. In the early sixteenth century, these rulers gave way to dynasty of Mughal emperors, the most famous of whom are Akbar (1556-1605) and Aurangzeb (1658-1707). Each greatly expanded and consolidated the Islamic-based Mughal empire. Today, Islamic law and religion are a part of the country’s legal and social heritage. Under the rule of the Mughals, Hindu law continued to be fully recognized and enforced; only under the British did Hindu law and society change.

The Mughals established royal Courts in major cities throughout their domain. In rural areas, their legal system was relatively undeveloped, since most disputes were settled within village or caste panchayats. Although little is known about the Mughal royal Courts, much is known about Islam as a religious and legal system.

Islam dates its existence to the seventh century A.D., with the revelations of the prophet Muhammad. After the seventh century, Islam spread throughout Egypt, the Iranian plateau, as far west as Spain, and as far east as India and Indonesia. The twelfth century marked the beginning of a long period of Muslim dominance, first in northern India, and later, under the Mughals, in almost all of the subcontinent. This domination lasted until British colonial times. Although it may seem odd in light of the Arabian environment in which it was founded, Islam is largely an urban phenomenon, a religion of settled peoples.
The basic doctrines of Islam can be grouped under five headings, which are collectively called *iman*, meaning "faith". The first doctrine is faith in the absolute unity and oneness of God - that there is only one God, who transcends all living things. The second doctrine is the belief in angels and their work as messengers and helpers of God. The third belief concerns prophetic messengers. The prophet of Islam, Muhammad, is believed by Muslims to have been the last in a line of prophets who had been entrusted to bring their scriptures to their peoples. "The Qur'an [Koran] lists some twenty-five prophets in a line from Adam to Muhammad, including Abraham, Elijah, John the Baptist, and Jesus." The fourth belief is in a final judgement, or "doctrine of the last things." This belief parallels antecedents in Judaism and Christianity about a final judgement day. The fifth fundamental Islamic belief is "divine decree and predestination," known in Arabic as *al-qada was 'l-Qadar*.

As with Hindu Law, Islamic law is inherently religious; there is no distinction between law and religion. This is why "every book of Islamic law starts with a discourse on religious duties." Under Islamic law, God is the ultimate sovereign; man must discover, formulate, and execute his will. Because Islamic law is a religious system, it is a system of "oughts" and "ought-nots," rather than a specific legal code. Acts are classified into five categories; obligatory, recommended, permissible or indifferent, reprehensible, and forbidden.

The word that best conveys the sense of Islamic law is *Shari'a*. Literally, "the way to the water hole," it has come to mean "the right path [to follow]."

According to Islamic scholar Frederic M. Denny:
Like the Jewish notion of Torah, Shari'a is more than law; it is also the right teaching, the right way to go in life, and the power that stands behind what is right. For Muslims, God is the sole legislator, and jurisprudence.26

As with Manu's Hindu Dharamashastra, so in the Islamic Shari'a, people have no "rights," only "duties".

Islamic law is derived from two main sources: the Qur'an and the Sunna of the Prophet Muhammad.29 The Qur'an is divided into 114 chapters of suras. How Muhammad lived his life is embodied in the Sunna. Sunna literally means "a trodden path."30

In addition to the Qur'an and the Sunna, early Islamic jurists exercised personal opinion, known as ra'y. The practice of analogical reasoning known as quiyas developed from ra'y, but was "generally logically stricter. When a problem arose that, "the Qu'ran could [not] resolve, an attempt was made to find an analogous situation in which a clear determination had already been made."31 A final source of law, known as ijma, ("consensus") developed alongside ra'y and quiyas. The consensus of those Muslims who were learned and whose opinions were respected and accepted was regarded as authoritative. "The doctrine of ijma is characteristicly Islamic; and reflects the tradition's preoccupation with the community," which Muslims call umma.32

As with Hindus, Muslims evolved different schools of legal thought. For example, the Sunni came to recognize four main schools of legal thought, whereas the Shi'i developed three schools. "In Sunnism, the law is fixed, and so even the highest religious and political authorities are bound by it. But at the same time, there is a place for [ijma or] consensus,
although [it has been applied largely to] imitating the past (taqlid), rather than creating new [legal] solutions." The Shi'i is do not recognize ijma. Instead, they acknowledge the ideal of a perfect leader, known as imam, who exerts divine influence and makes decisions as God's agent on Earth. Sunni Muslims developed four schools of legal thought: the liberal Hanafi school, the orthodox Hanbali school, the Shafi'i school, based on verbal tradition as the sole vehicle or Sunna, and the Maliki school, based largely on the Sunna of Muhammad and embodied in a work entitled al-Muwatta, or "the leveled path." The Hanafi school is predominant among Muslims in India as well as in Pakistan, lower Egypt, and western Asia; the Maliki are found in north and west Africa and in upper Egypt; the Shafi'i in Indonesia; and the Hanbali in northern and central Arabia. The three main schools of Shi'i legal thought are the Zaydis, the Isma'illis, and the Ithna-'asharis'.

Most legal issues that touch a Muslim's life pertain to matters that do not require formal adjudication. This is because these issues can be mastered and followed by the ordinary Muslim. "Muslims learn early what the Shari'a requires in the way of devotional life [e.g., worship and almsgiving] and by adulthood they generally are aware also of social and familial responsibilities. Law therefore is internalized in the community and is not the preserve of specialists."

There are many similarities between the Muslim and Hindu legal systems. Both legal cultures used consensus and stressed the importance of maintaining harmony within the community when disputes were resolved. For both cultures, there were no individually based rights in the western sense of the term. Instead, people had duties - obligations that they were expected to carry out. In contrast to the British common law
system later instituted in India, law was not the preserve of layers in either the Muslim and Hindu cultures, law and religion were treated as the same.

The European traders and warriors who visited India at an early period discovered a rich, complex culture with highly developed legal and social systems. European interest in India has persisted since ancient times for economic and religious reasons.

THE BRITISH/EUROPEAN PERIOD

The East India Company was granted a charter by Queen Elizabeth on December 31, 1600, to trade in India. Through this company, the English established a colony at Surat, a small port on India's west coast, in the early seventeenth century. The British extended their influence by clever commercial and political tactics and military force. In the eighteenth century, they established three main settlements known as "presidencies," at Madras, Bombay, and Calcutta, with factories attached to them. The British Governors at Madras and Bombay had their own navy, a standing army, a militia, their own Court system, and a mint. In the 1760s, in the states of Bengal, Bihar, and Orissa, the British became the zamindar - an intermediary between the Muslim ruler and the people. As zamindar, the British collected revenue and administered the diwani, or civil department, for the ruler. By the early nineteenth century, through the use of skilful commercial policies and the backing of the British Empire's military forces, the Company's supremacy over practically the whole of India was an accomplished fact. By the early nineteenth century, through the use of skilful commercial policies and the backing of the British Empire's military forces, the Company's supremacy over practically the whole of India was an accomplished fact. By this time, "British policy they termed one of non-interference. But the impact of British rule was to alter the social order
profoundly, especially with a new legal system that relied upon *stare decisis*, and legal texts often written in a foreign language (English) that few natives understood at first.

One of the first British-induced legal changes in India occurred in 1772, when the East India Company administered the diwani for the Muslim ruler of Bengal. This included the administration of civil and criminal justice. The English did not directly introduce their substantive law. On the contrary, the Company undertook to administer the local inhabitants' own personal laws, in the Company's own adversary-based Courts, staffed by English judges. In Bengal, under Governor-General Charles Cornwallis, civil district Courts were formed in twenty-three districts with four Courts of appeal. Islamic law was valid for Muslims only; Hindu law was administered to Hindus. In order to carry out this policy, the British consulted the local elites. Then they codified the information they received in a series of legal texts. As a result, Hindu and Muslim "laws" were applied uniformly throughout India.

There were many problems with this policy. First, the British directly applied ancient Hindu and Muslim law books that often had little relation to actual custom. Second, the codification of ancient Hindu legal texts added authority to high-caste Brahman law, completely disregarding the customs and practices of the lower castes. Finally, the attempt to impose legal uniformity where there had been diversity was disastrous. "Codification rendered the laws more inflexible and rigid compared with a fluid system of local usage and practice." The English lawyer John D. Mayne wrote that "the law had outgrown the authorities. Native judges would have recognized the fact. English judges were unable to do so, or else remarked ... 'that they were bound to maintain the integrity of the law.' [The
consequence] was a state of arrested progress in which no voices were heard unless they came from the tomb."\textsuperscript{38} It was as if, in our own country, the Japanese were to administer American law using only a 1776 copy of the U.S. Constitution, with no amendments, no Bill of Rights, and no case law annotations.

Muslim law was also affected by the British. Under Muslim law, crime was generally a private offence. Although punishment was a public responsibility, the complain needed to institute punishment remained the prerogative of the affected family. For example, "[i]f the family of a murdered man for whatever reason did not take the initiative, a Court could not [punish the offender]." In 1792, the British also made the administration of criminal justice more humane by abolishing amputation as a form of punishment.\textsuperscript{39}

In 1857 a series of uprisings, called the 'Sepoy Mutiny' by the British, resulted in a full-scale war throughout India in 1857 and 1858. Called the "First War of Independence" by Indian nationalists, it was a reaction to the colonial take-over of the subcontinent by the British. When Indian forces surrendered on June 20, 1858, the Mughal Empire was formally terminated, and the rule of India passed from the East India Company to the British Government. A viceroy, assisted by an executive and a legislative council but responsible only to London, was appointed by Queen Victoria. British India was divided into provinces, each headed by a governor. Provinces were further subdivided into districts for collecting revenue and administering justice. In 1861 a judicial system of mutually independent superior appellate Courts called "High Courts" was established at Calcutta, Bombay, and Madras, subject only to the English Privy Council sitting in London. These Courts replaced the earlier East
India Company Courts. Each High Court had civil and criminal jurisdiction, and was at the top of a pyramid of inferior Courts in the districts. "While the most humble of these series of Courts were staffed by Indians, the higher [Courts] were presided over by junior British officials. Outside the High Courts the practitioners were Indians, none of whom learnt the English legal system in England". In addition, "[t]he new system of Courts with British judges led to the adoption of many English procedural rules." As a result, a formal legal system was created, based on the same adversary principles as the ones the British established in America a century earlier.

Adversary proceedings are based on the premise that out of the conflict of two parties, justice will emerge. "The psychological quality of adversary relationships is self-interested and contentious; in a legislature, election, or Court, one side wins and the other side loses. The relationship between opponents is meant to be critical and combative, not conciliatory and accommodating".

In contrast to the adversary method, Indian society traditionally stressed arbitration, consensus, and compromise in conflict management. For example, in the panchayat tribunals found in Indian villages today, the traditional values of consensus, arbitration, and compromise are used to resolve conflicts. These tribunals are as old as Hindu culture. "When the council of five, the panchayat, spoke as one, it was said to be the voice of God; it gave expression to the consensus of the traditional moral order." Adversary Courts usually treat dispute in insulation; in contrast, in the panchayat, any related dispute is brought before the village council and decided as well. Compromise is necessary for the group to remain together. Unresolved conflict can splinter the village or caste.
In certain respects, Mahatma Gandhi, born in 1869 in the small princely state of Porbandar on the Arabian Sea, represented the traditional values of Indian society. Gandhi's ideology and tactics stressed compromise, non-violence, and consensus. He was extremely successful in harnessing these attribute of Indian society to free India from British imperialism. To Gandhi, as to most Indians, there was "no distinction between politics and religion," nor between law and religion. Litigation is often referred to by the Hindi phrase khrava sehata, meaning "ill health."

The consensual process, unlike the adversary, assumes that will be found (not made) and decisions arrived at by some traditionally recruited body, such as the general panchayat dealing with the village affairs or the caste panchayat dealing with the affairs of a single jati(subcaste). All who should be heard will be, and discussion will reveal what most, if not all, agree is the proper disposition of the problems. Ascertaining facts was less of a problem in the traditional panchayats than in the state adversary Courts, since those involved in a case usually had personal knowledge of the case. In contrast, a judgement in the state judiciary is designed to be free from community opinion. Claims in the state Courts are isolated and treated independently.

Traditional panchayats were self-contained political units. They drew their authority from within the village and reflected the hierarchical nature of their social system. They were not "democratic" in the western sense of the word, for the majority could not impose their decision upon a minority; decisions had to be agreed upon by everyone in the panchayat.
When the British consolidated their rule over India in the eighteenth and nineteenth centuries, they were proud that they had established the rule of law, that “they had substituted legal security for disorder, predictability for uncertainty, and impartiality for whim and nepotism. ‘Under the old despotic systems,’ [Englishman] James Fitzjames Stephen told his readers, ‘the place of law was taken by a number of vague and fluctuating customs, liable to be infringed at every moment by the arbitrary fancies of the ruler.

However, the introduction of the rule of law and an adversarial judicial system resulted in vast social and legal changes. One change may have been increased divisiveness and factionalism. For example,” “in his psychoanalytic study of the twice-bon castes in a Rajasthan village, Morris Carstairs found two basic and interdependent patterns - one of mistrust and hostility, which destroyed mutual confidence and often erupted into violence, the other of self-restraint, which characteristically depended on a third person to intervene and bring the antagonists back to their senses.” Conflict was feared because it could release uncontrolled anger. Since the adversary method has been introduced into law and politics, violence has accompanied village elections on some occasions. Communities no longer needed to be concerned with everyone concurring in a decision as long as there was a majority in politics or a single judge to decide in their favour.

There were other changes. With the introduction of wills came a weakened family and a culture more oriented towards the individual. The joint family system was an essential feature of classical Hindu society. Under this system “[fathers and sons had equal ownership in ancestral property and the sons had equal ownership in the property of the father.”
Hindu law recognized the partition of joint family property, but only rarely. In introduction wills, the British introduced choice into a culture that had previously known none. Now individuals had the right to divide their property or to transfer it to whomever they pleased. At first the Courts applied restrictions to protect joint family property, but later these restrictions were eased as a more "liberal", individualistic society came into being under British influence.

An individualistic society, less concerned with family and community ties, was fostered by the British in other ways. During the British colonial period, "those who attended the new English-inspired institutions of higher learning often emerged as professional men earning substantial incomes". As the joint family often financed the education of these men, the family typically felt that they had a right to the income of these wage-earners.

Family, caste, and locality were the units of social, legal, and religious life in traditional Hindu law. Classical Hindu society considered duty a moral, legal, and religious matter; it did not accept individuality, considered all rights and duties subjective phenomena, and could not understand how justice could involve the gain of one party to the detriment of another. On the other hand, in British common law, the individual and his "rights" were valued over any group. "For Englishmen, the law, if it is to be universal, universal, impersonal, and impartial, ought to be blind. Unable to see differences in men's condition, justice holds all men equal before the law." The times when an Englishman ascertained his duty were few and easily analyzed, because obligations were legally determined, not morally or religiously determined.

Indian society was affected in other ways. In Southwest India, society was matrilineal, but young men were able to win rights to paternal
property by invoking patrilineal British Indian law. In other areas, the British abolished sexual distinctions in inheritance, permitting daughters to inherit their parents' property on equal terms with sons.

In addition to these changes, the British undermined village life by treating land as a commodity. In Bengal, under the Regulation of 1793, The British sold land and personal if the owners failed to meet tax payments. The British were interested in creating a class of landlords who would pay taxes and revenue. Before the British, during the reign of the Mughal emperors and Hindu kingdoms, land was held in a kind of primitive socialism in which one could pass the right of cultivation to his children. "The characteristic form of assets under Indian law was collective and fixed: land inalienably vested in families of lineage's and was transferable only by inheritance within the blood line," Villagers could not lose their for not paying taxes. However, under British policies, land became "individual and mobile: alienable by individuals as well as families, through commercial transactions or by will." As a result, "the structure of the old society of the old society were weakened and in some places destroyed as merchants with capital and lower level public servants with inside knowledge of revenue arrears and low assessments took advantage of forced sales." 45

INDIA TODAY

India established itself as an independent nation in 1947. Like other countries that had colonial rule, India inherited its Court system from foreign administrators. Independence leaders like Nehru and Gandhi Choose to maintain the adversary Court system with its rule of law,
individualistic rights, and ideas of equality. Today, India is a dynamic Third World country governed by the statutory laws of the national Parliament and state governments, and the common law of the High Courts of the state. On the other hand, the nation is also strongly linked together by families ties, villages, and caste associations. In analyzing how this mix of past and present has shaped Indian law and society, there are legal culture:

(a) The traditional panchayat village councils, which use customary law and procedure to settle dispute and maintain social controls

(b) The official state legal system, which relies upon common law and the adversary method

(c) Influencing both, the social norms of Brahman high-culture law

There is also a hybrid of (a) and (b), the statutory Nyaya panchayat.

Nyaya panchayats are village councils created by the state. Councils without caste and Courts without legal professionals, they are an attempt at “democratic decentralisation-insistence on public participation by villagers in formulating and implementing, planned social change,” according to Marc Galanter and Upendra Baxi. “However, the statutory Nyaya panchayats “lack the roots of either the traditional panchayats or the colonial Courts,” and “over the years, the number of cases filed with them has dwindled.”

According to Justice Bhagwati of the Supreme Court of India, “everyone in the country is interested increasing the effectiveness of the [judicial] system, and to see that we deliver what I call ‘social justice’. Justice Bhagwati and other lawmakers have instituted many reforms,
including small claims Courts, legal aid, and efforts at reducing backlog in the disposal of cases. Some feel that aid program, though desirable, are inadequate to meet India’s pressing problems. As a result a controversial “Public Interest Litigation” movement has development among some lawyers and judges to provide legal help to those unable to afford it.

Public interest cases have involved environmental and social issues. One recent case involved the protection of a re Indian bird, the Great Indian Bustard.\textsuperscript{46} Other cases have evidenced a level of judicial activism unknown in the United States. For example, Justice M.P. Thakur of the Gujarat State High Court recently converted a letter to the editor into a legal case. The letter was from a widow who had not been paid by her pension fund after her husband had died. After reading the letter, the judge issued a “show cause” notice, without any further formalities, to the Regional Fund Commissioner, to find out why the widow had not been paid. Shortly after the first hearing, the widow’s funds were paid, Letters have been converted into writ petitions by the Courts on the logic that Article 32(1) of the constitution does not say “who” shall have the right to petition the Supreme Court of India, nor by “what” proceedings. Although this method of bringing cases to the Courts’ attention has generated some controversy,\textsuperscript{47} it nevertheless is a speedy and inexpensive means of providing justice to people who do not have access to the Courts.

1.1 LAW LIBRARIES AND ITS DEVELOPMENT

Like any other library a law library is a trinity of men, material and building. It has been aptly remarked that “the law library is truly a vital factor in the administration of justice, an institution of extraordinary social
significance in a free society. Inspiring is the example of men and women of vision who devote their talents to the creation and perpetuation of law libraries whose benefits reach out far and beyond the personal interests of the original creators. In addition the law library is a “community trust”, which Gilbert Stephenson defined as “an ocean liner receiving its cargo in part from living trusts, which are private ships and carrying it over into successive generations as to a distant port, there to be distributed for the common good.”

A law library is different from others in the sense that, by its nature, it has to be a reference library. Mainly it is a research library where one reference leads to another and, therefore, a reader may have to consult a number of books simultaneously to solve one problem.

Another peculiar nature of a law library is that it has to keep its collection up-to-date. The legislative material and the law reports have to be brought up-to-date and the law librarian has to see that he supplies his readers the latest material as far as possible. As such, he cannot merely depend on the books and reports which are available in the market but, at times, has to take help from newspapers, departmental reports, and cyclostyled materials etc. He has to keep track of the legislation, the judicial decisions, and administrative orders and notifications issued by the various ministries and departments of the government. He has to know whether a particular legislation has been repealed or amended, and if so, when and why; of if a bill to amend a particular legislation has been introduced then at what stage is it lying; he has also to know whether there was any report of the select committee on a particular bill and whether its suggestions have been incorporated in the Act. Similarly, he has to know whether a particular judicial decision has been overruled by a subsequent
ruling of the Supreme Court, or whether there are two different rulings on
the same type of case by two high courts and, whether this controversy
has been settled by a decision of the Supreme Court.

As a result of the changes in the laws as passed by the legislatures
and as declared by the courts, the text books and commentaries also
become out of date and the law librarian has, therefore, to see that he
supplies the latest book to the reader or, if a latest edition is not available
then he should supplement the old edition by the latest case law or the
statute law as the case may be. This up-to-dateness of a law library is of
prime importance to all kinds of readers of a law library, i.e., the students,
the teachers, the researchers, the clients and advocates, the legislatures,
and the judiciary. Every one of them will require the latest position on a
particular law, the difference would be only of details and depth of study.

The nature of law libraries and their difference from other libraries
has been very well summarised by Prof. Derham in the following lines:

"The law library is the most important part of any law school. The
lawyer's tools are the books of the law. A law school's undergraduate
laboratory is its law library. And a law library is different in many important
respects from other libraries - sufficiently different to require different
standards of accommodation, different methods of management and
administration, and different staff qualifications, from other libraries. As
compared with libraries provided to serve the needs of other university
departments, particularly those of the humanities and the social sciences,
the main incidental differences may be summarised as follows:

1. Actual "bookuse' by law students should be ten to twelve times
the "books use' by arts students.
2. Very frequently the study of a particular topic requires quite large numbers of books to be simultaneously available to one reader - hence a large reading space per student is needed.

3. Much of the use of law books by law students is of a kind which makes it desirable that they should be able to carry on discussion with their fellows while they work.

4. There has not yet been developed, or if developed then not yet widely adopted, any satisfactory cataloguing system for a "common law" law library. The Dewey system, for example, is not applicable to law libraries - except to the frustration and fury of lawyers.

5. A very large proportion of the total holdings of a law library are in series - whether in the form of case reports, legislation, or periodical literature.51

But there is a fundamental difference which in the last resort controls the nature, the structure, and the management of a good law library.

Unlike almost all other libraries, a law library, while it serves the purposes of all other libraries, is not merely a collection of books and other writings containing information, reason, argument, and opinion to be organized by skilled librarians for convenient use by readers. It is such a collection, but, more important, it is a repository of living systems of authority as well as of reason - systems which change and grow from day to day. Most law books, once on the shelves, are not left unchanged and merely made available for use. They are effected by the new materials added to the library from day to day and the effects of the new materials
must be entered on the old. For example, legislative material must be amended and annotated in the light of new legislation; case reports must be "noted up" in the light of new cases. However skilled and experienced he may be, a general librarian is not adequately equipped to organise and manage such a library.\textsuperscript{52}

The development of Indian law libraries parallels the early history of American law libraries. For example, there was a preponderance of English works in American law collections for decades after the United States achieved independence. This abundance of English works evidenced the dependence of the American legal system upon English precedence and authority. However, early Americans displayed a strong reaction against English common law in the years immediately following the Revolution (citing English law was actually prohibited by statute in some jurisdictions).

The Development of Law Libraries and law information centres in India has been at a snail speed so much so that hardly any significant development appears to have taken place in this area. Very few law libraries can claim the calibre of being a live, active and aggressive institution. The custodians of these libraries have not attempted any improvement in their conditions in a systematic and marked way. In the western countries computers and new technologies are being effectively utilised in the organisation and dissemination of legal knowledge. Though made in a different context, the following observation of Gerhard J. Dehlmanns appears to be equally apt and relevant to the insipid situation of libraries in India too:

"In this concerned effort, law library planning has only played a minor role, however, and the adverse effects of this are clearly visible. In
large parts of the world, legal materials are still badly surveyed and often inaccessible for lack of basic organisation and trained manpower. In other areas, adequately identified and well-serviced resources are beginning to be drained by insufficient funds, while in other places the absence of coordination and common policy has led to an irresponsible wasteful overlap of material. This state of affairs is the more disturbing since legal education, legal research and the practice of law literally depend upon the availability of the written word.53

1.2 COMPUTERISED SYSTEM IN LAW LIBRARIES:

In 1958, at an international conference on the 'Mechanisation of Thought Processes', Dr. Lucien Mehl envisaged two ways in which computers and the law might interact - he divided 'law machines' into two categories:

1. the documentary machine might be used to search for relevant legal texts, and

2. the consultation machine which would be used to give legal advice.

Documentary Systems:

Most documentary information retrieval systems developed in Anglo-American jurisdictions are full-text, free-search systems. Pioneering work was done at Pittsburg in the late 1950's. The kinds of search strategies allowed within these parameters are now very familiar, as they are used in the vast majority of retrieval systems, legal or other, full-text or other, free-search or other.
The 'documentary' information retrieval systems have made little change to legal data, as yet. The materials stored upon them are written in the special jargon of law, and are as intractable to lay people as are the statutes and cases in print form.

**EUROLEX**

EUROLEX is published by the European Law Centre (ELC), (a subsidiary of the Thomson Organisation). The service was launched in 1980, at which time the ELC faced the formidable task of building up databases of UK and European law from scratch. STATUS software is used for this service, a matter of some incidental interest as the first version of STATUS was developed by the current G.B.F. Niblett, whilst they were working at the UKAEA, for the storage and retrieval of atomic energy legislation. (STATUS software is now used in many other retrieval contexts apart from that of law).

EUROLEX can be accessed through the public telephone network and through a number of data networks both nationally and internationally, and can be used with a wide range of equipment types (terminals, visual display units, word processors and micro-computers) from a variety of manufacturers.

The EUROLEX database consists of a number of libraries. By and large these reflect existing print series, such as The Times Law Reports, Scots Law Times, Statutes in Force, etc. Most materials currently on the system are UK, but EUROLEX has inherited ELC's European slant, and this is reflected in the substantial amount of EEC series on the database. The Official Journal of the European Communities : L series, Common Market Law Reports and the Council of Europe Treatise are three of the
major European series now available. ELC has declared an intention of building up sound libraries for the minority UK jurisdictions Scotland and Northern Ireland, and will load some Irish materials.

Apart from its own libraries, EUROLEX allows users access to foreign services, the most notable of which is WESTLAW, one of the early US services, which was initiated by the West Publishing Co. WESTLAW is a formidable database, containing federal and state primary materials and Shepard's Citations, the grandfather of citation services.

(EUROLEX was acquired by LEXIS in June 1985, and its database will be integrated with LEXIS.)

LEXIS

The LEXIS service was launched in the USA in 1973 by Mead Data Central (MDC), and in the UK in 1980 under the auspices of Butterworth (Tele-publishing) Ltd. Its most unusual feature is that the service is available only through 'dedicated hardware', i.e. machines manufactured to MDC's specification for use with LEXIS alone. LEXIS commenced operations in the UK after a substantial database of American materials had been created. Since 1980 UK and European libraries have been added.

Keyboards, VDUS and printers for LEXIS are hired with the system, and connected to the national telecommunications network. LEXIS keyboards have been designed for use by lawyers, and have many special function keys which eliminate the need to type instructions, for example, 'page back', 'case forward', 'kwic' and 'mail it'. Signing on to the system is as simple as getting a connection to Prestel from an appropriate set. The software used in LEXIS has been described 'horse-and-cart', but as it
allows word-matching and citation searching it appears to be perfectly adequate.

A sister service NEXIS (a library of business information and general news), which is now offered in the USA and the UK, comprises full text of financial newspapers and journals, wire services and economic newsletters. The policy seems to be, 'If you can't join them, beat them'. The success of this remains to be seen.

The LEXIS database gives access to subject libraries of US federal primary materials, and case libraries for individual states. Libraries of French law in the French language are being added to the system. There is a European Communities library, in English, consisting of the European Court Reports and Commission decisions. English and Welsh law can be retrieved from the 'English General Library' (which contains over thirty case reports series), the Public General Acts, and statutory instruments.  

INFOLEX AND LAWTEL

These two services operate on Prestel as 'closed user groups', that is, subscribing customers pay for the right to use the PRESTEL pages rented by the services, and are provided with indexes to the contents of these pages. Both INFOLEX and LAWTEL display indexes to legislation, regulations, cases and some legislative business. The cost of subscriptions is very low in comparison with those of the interactive, on-line systems, but the facilities are not comparable with those systems. It is interesting to note that both PRESTEL services have widened their activities into information broking, and that LAWTEL draws upon LEXIS, and INFOLEX upon EUROLEX. At present the PRESTEL Gateway service is a clumsy mechanism for getting access to computer databases,
but doubtless the technical side will be improved. The on-line service suppliers may absorb their PRESTEL partners, or these may continue to operate as satellites.

Customers requesting text or information from the Prestel services may have responses displayed on Prestel after some hours, or sent to them in printout form. Thus access to the expensive on-line services may be had on a pro rata basis.57

Consultation Systems:

Consultation machines of which one may ask a question and receive back legal advice do not exist, and are not likely to exist for some time. We know really very little about human cognition, and are not in a position to replicate it in a machine. However, machines that use algorithms expressed as question-and-answer structures (whether overt or concealed) are beginning to appear in lawyers' offices and in advice bureaux. Systems are being made which give aid in two spheres; drafting and interviewing. Some combine the two.

Drafting

Work in the area of law, logic and the computer begun in the USA in the 1950s. The journal Modern Uses of Logic in Law (MULL) (now Jurimetrics Journal) commenced publication at that time, and one of its founders, Layman Allen, is still very active in the field of 'jurimetrics'. Allen's chief contribution to knowledge has lain in making us aware of the logical imprecision's embedded in most statutory text. He does not advocate copper-bottomed certainty in legal texts - there is a place for imprecision (an aim with which the Renton Report would have little argument.58
In the UK there has been work at the London School of Economics (LSE) on LEGOL, a high-level language for use in drafting and examining the implications of rules. LEGOL is a mapping system, using techniques of systems analysis, referring particularly to work or relational databases. LEGOL classifies elements into three main groups; things (data elements having a separate existence, e.g. ‘a person’); conditions (whose existence is dependent upon the data elements to which they relate, e.g. ‘employed’ in the context of a person); and states (whose duration is the period of existence of the data elements, e.g. ‘creditor to one’s employer for £50 for a definite period’). These are top classifications. Each entity in LEGOL has a unique name and is accompanied by a list of associated attributes with specific values which are manipulable by the system.

One of the most interesting facilities that LEGOL offers is that of dealing with the concept of time, particularly duration of time.59

**Interviewing:**

Citizens Advice Bureaux (CABx) and other advice-giving agencies need to explain to lay people the technicalities of tax, welfare benefits, rent, rates and other bureaucratic matters. All such agencies, and all central and local government departments which interface with the public have two information problems: how to convey facts and advice to the public in an intelligible and useful manner, and how to update the knowledge of the advice givers.

Blunt data on law and regulations are of little use to advice workers or their clients. The clients are by definition uninformed on these matters, and workers may have received little more than a modicum of education and training on social welfare and the law, or housing and the law, or
whatever is appropriate to their agencies. This knowledge is prone to redundancy. Such printed guidance as exists tends to take the form of versions of the regulations. Question and answer presentations are common.

During the early 1980s a number of computerized welfare benefits systems have been developed, the best known of which is probably that of NACAB, now known as WRAP (Welfare Rights Assessment Programme). NACAB used Cardiff CABx as test-beds for this system in 1981, which will explain references in the literature to the 'Cardiff system'. A number of local authorities, Walsall, Bradford and Gateshead, among others, have developed systems for their own use.60

**COURTNIC (THE COURT INFORMATION SYSTEM ON NICNET)**

The National Informatics Centre has been intimately associated with the Indian Judiciary for the last four years. The successful implementation of an information system to aid the Registry of the Supreme Court of India in decision making, marked NIC's first step towards computerisation of Courts.

When the Chief Justices Conference held in 1991 took an unanimous decision to request NIC to take up the project of computerisation of all High Courts and interconnect them through NICNET, it was but a judicious expression of the Indian Judiciary's confidence in the efforts of NIC. Thus, COURTNIC61 was conceptualised.

COURTNIC is an information system designed to provide information on the Apex Court to a wide range of Users. The utilisation of NICNET ensures speed and easy accessibility. COURTNIC will cater to
the information requirements of:

- Judges of the Lower Courts
- Advocates
- Litigant Public
- Others who are interested in the going on in the highest Court of the Country.

The information will be available to the litigant public at nominal charges.

**How it is Done?**

The information requirements of the different groups of Users is varied in nature and cuts across a host of activities. The required information is derived from the large databases created in the Supreme Court of India by the National Informatics Centre and maintained by the Supreme Court. Though, till recently, the databases were created only for the purpose of decision making by the Registry of the Supreme Court of India, information of common interest to the legal community can also be derived from these databases and made available to speed up the process of litigation.

In addition too the “LISTING” information being derived from the "List of Business Information System"; the judgements which contain information on over-ruleds etc, which are noteworthy for the litigant community, would be of great use. The databases are ready, the required information is there, the only missing component is NICNET with its capability to disperse this information through the length and breadth of the Country. NICNET is soon to be extended to cover 18 High Courts of the Country. The start with, COURTNIC information will be made available
to all NIC Computer Centres located at all District Headquarters and State Capitals, for the litigant community. In the next phase, this information will be accessible from all High Courts once they are connected to the Supreme Court through NICNET. Ultimately, NICNET will enable NIC to take the COURTNIC information to the Courts at the lowest level in the Country.

**Giving You the Edge:**

COURTNIC is expected to prove an excellent communication system for the courts to provide reliable legal court information the common litigant in a short time. The information to be made available on the COURTNIC includes listing information, i.e. status and position of a case filed in the Apex Court, complete daily cause list, eliminated matters, and retrieval through Lower Court case details. The cause list information that will be of interest to common litigants, Advocates and Judges of the Lower Courts is derived from the data banks created by the Registry of the Supreme Court of India during the last three years.

The COURTNIC Software Package is user friendly and menu-driven. It does not require any technical training to retrieve the court information. Help menus are provided wherever necessary.

**Objectives of COURTNIC**

- To provide on-line Apex Court information to the litigant community across the Country within the shortest possible time.
- To inculcate informatics culture among the litigant public to enhance their confidence in the judicial process of the Country.
- To help the Registry of the Apex Court in the execution of its functions by providing easy flow of information.
COURTNIC Contents:

COURTNIC is truly user-friendly. It does not have many menus to confuse the User. It tries to understand the User's query and flashes information in simple English, in all details. It does not engage the User in Question and Answer session. It provides the latest Information regarding a specific case. COURTNIC has just five options in its menu:

- Case status report
- Through Lower Court case details
- Eliminated matters
- Daily cause list
- Help

Case Status Report:

This could be the most widely used option. It gives the latest information with respect to the status of the case which could stand as:

- Disposed of
- Adjourned
- Date on which last listed
- Waiting position
- Appearing in list.

If a matter is already disposed of, it shows on which date it was disposed.
If a matter is adjourned to a specific date and the list is not yet out, it gives information as to when it is going to be listed. If a matter is adjourned and the list is already out at the time of query, it gives information with regard to the date of the listing.

If a matter is freshly filed and it is not yet listed automatically, it gives its waiting position number. By this waiting position number, the User can have some idea when it is going to be listed.

If the matter is in the Regular hearing (Final hearing) category, or if at all, it is in the weekly list, its position during the week will be indicated.

Wherever no listing date is available, it simply says it does not have any information with respect to the listing. If a matter is ready for listing, it says it is a Ready Matter. If it is not ready matter it shows the same. For every matter it gives the following information:

- Case Number
- Title
- Names of the advocates
- Subject category of the matter
- Information connected with the matter
- How many times it has been listed so far
- Listing details
- Lower Court details
SUPREME COURT OF INDIA

SLP(C)No.572/93

PART-I

NAGAR PARISHAD
Vs.
INDUSTRIAL TRIBUNAL, KOTA & ORS

Petitioner Advocate: SANJAY PARikh
Respondent Advocate: No appearance
[Pending] LABOUR MATTER

Matter is to be listed on 06/04/93
(Subject to exigency of listing)

Answer to a query

Retrieval Options:

The above information can be retrieved with the following options:

■ Case No. wise
■ Cause title wise
■ Advocate name wise

Case No. wise: Just by giving the Case No. of Supreme Court, the above information is displayed.

Cause Title: Through any part of the name of either party and the year, the entire status report of the case is displayed.

Assistance menu helps in locating the exact case.
Advocate Name: Any part of the name of the advocate is sufficient to retrieve the information of entire pending cases pertaining to the advocate. All this information can be taken on a printer.

Through Lower Court Details:

Appeals arising out of Lower Courts and Tribunals and pending in Supreme Court, can be retrieved through Lower Court case details, such as Lower Court impugned Judgement No., date of judgement and name of Lower Court.

Eliminated Matters:

If the Court has already adjourned a matter to a later date but due to a variety of reasons the matter has failed to appear on a day's cause List, it will appear in the ELIMINATED MATTERS list. Matters may be eliminated due to:

- Non availability of the Hon'ble Judge
- Matters noted for the day exceeding the set limits.
- Changes in the Listing procedure
- Special directions with regards to its elimination

For a given date, the User can have the list, containing eliminated matters of that day, if any. Usually the list is out (in case of Admission matters) three days in advance. If one finds one's matter in the "Eliminated list" one need not come from a far flung area. It would go along way in saving time and money of the litigant.

Daily List:

This option provides the User with a complete daily list for a given date. It provides two types of List:
Complete daily list

Daily list for a court

If one knows in which court the matter is appearing, he may need a list of that court only. If one wants to have the complete daily list one can have without any effort. Help Menus are available wherever required.

1.3 THE IMPORTANCE AND FUNCTION OF LAW LIBRARIES:

In the nineteenth and twentieth centuries, as legal materials were needed by the Courts and the government, law libraries were created and became increasingly important. The Indian High Courts and Lower Courts of British India relied upon precedent and stare decisis. In order to function properly, they needed collections of Court reports—the written rulings of Courts in India and England. The volume of legal materials also increased through a number of legislatively enacted codes or acts: the Indian Code of Civil Procedure (1859, now replaced by a Code of 1980), a Criminal Code (1860), a Code of Criminal Procedure (1861, now completely revised by a Code of 1973), the Succession Act 1865 (now replaced by a statute of 1925), the Contract Act 1872, the Evidence Act 1872, the Specific Relief Act 1872, the Negotiable Instruments Act 1881, the Transfer of Property Act 1882 (as amended in 1929), the Trusts Act 1882.62

The sources of law in India today include customary law, case law, the constitution, and statutes enacted by the national Parliament and the various state and local legislatures. Under customary law, there is a group of laws termed "personal laws", which are the laws
relating to inheritance and family law of each religious group. Because more than eighty percent of the population is Hindu, Indians are governed by Hindu personal laws. The second largest group is Muslims (eleven percent of the population), and they, too, have their own personal laws.

The constitution provides for a federal system statutes enacted by the central Parliament and the state legislatures. However, unlike the American system, in which there are separate federal and state Courts, India has a single integrated system of Courts which administer both the central and state laws. At the apex of the judicial system is the Supreme Court of India, with a High Court for each state or group of states. Under the High Courts, there is a hierarchy of subordinate Courts. Written legal materials and the law librarians and personnel that service them are critical to the judicial and legislative system. However, law libraries are important only for written law; they have never been important for traditional village councils or panchayats, which rely on unwritten, customary law.

The constitution offers citizens six board categories of basic freedoms, the "Fundamental Rights," which are analogous to or borrowed word-for-word from the United States Bill of Rights. For example, article twenty of the Indian Constitution provided, in part, that "[n]o person shall be prosecuted and punished for the same offence more than once" and that [n]o person accused of an offence shall be compelled to be a witness against himself. These provisions are analogous to the fifth amendment of the U.S. Constitution. Article fourteen of the Indian Constitution, like the fourteenth amendment of the U.S. Constitution, provides: "The State shall not deny to any
person equality before the law or the equal of the laws within the territory of India."

In interpreting the Fundamental Rights, Indian judges display a strong predisposition to view American constitutional ideas with high regard. For example, since 1950 the Supreme Court of India had had a large number of cases requiring the exercise of judicial review. Two leading cases are Golak Nath v. State of Punjab\textsuperscript{65} and Keshvananda v. State of Kerala,\textsuperscript{66} known as the "Fundamental Rights" case. Of the cases cited in these two opinions, it is obvious in numerical terms that American case law looms large in the minds of the Indian judges," according to one law professor. In Golak Nath the opinions cited forty-three Indian cases, twenty-three American cases, two cases from the Untied Kingdom, two Australia, and one from Sri Lanka. In Kesavananda Bharati, with a bench of thirteen judges, the opinions cited 115 Indian cases, 66 American cases, 35 United Kingdom cases, 35 Irish cases, 26 Australian cases, 25 Canadian cases, and one case from Sri Lanka. Judges in India by rely upon older American leading cases, and in particular, upon the judgement of famous judges such as Chief Justice Marshall, Chief Justice Holmes, and Justice Frank further. Aphorisms of Marshall appear frequently in Smt. Indira Nehru Gandhi v. Raj/Narain.\textsuperscript{67} For example, "[I]n the case of Marbury v. Madison, Marshall C.J. said that 'the government of the United States has been emphatically termed a government of laws and not of men'". In that case, the word "law" was held to include constitutional amendments. Thus the Court concluded that constitutional amendments were not above the Court's power of judicial review and their constitutionality must, if impugned, be passed upon by the Court.
India has been more receptive to the ideas in the U.S. Constitution than to the constitution of any common law. The unofficial version of the law reports of the Supreme Courts, the All India Reporter, actually includes each year a selection of decisions of the United States Supreme Court. In these reports, reference is given to the Indian constitutional provisions that parallel the United States provisions in the cases mentioned.

The function of a good law library is that of responsibility, efficiency, and expediency so that relevant Acts, Rules, Interpretations and Case Laws that are extremely necessary in legal profession to enable the judge and the lawyer in arriving at needed justice. Thus it has been rightly remarked about a law library that:

"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 Supreme 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.
1.4 TYPES OF LAW LIBRARIES

The law libraries in India can be classified into three categories - law libraries as part of the academic institutions like law colleges, law faculties and law departments in the universities; law libraries as part of the legislative infra structure such as Parliament and State Legislatures, Departments of Law of Central and State Governments; Law Libraries as part of judicial infra structure such as the Supreme Court, High Court, etc.69

Law Libraries in Academic Infra Structure:

There are more academic law libraries than any other type. Of the 349 educational institutions imparting legal education in India,70 234 are private colleges and 115 are publicly funded, either by a state or the central government (or sometimes by both).71 Publicly funded academic law libraries are financially better off than their private counterparts, having annual budgets of between Rs. 20,000 and Rs. 400,000.72 Many of these libraries receive ad hoc grants from the central government via the University Grants Commission or from the state governments; the book collections of these libraries range from 10,000 to 70,000 volumes.73

The following table74 shows a geographical scatter of these institutions in India.
### GEOGRAPHICAL DISTRIBUTION OF LAW TEACHING INSTITUTIONS IN INDIA

<table>
<thead>
<tr>
<th>State</th>
<th>No. of Law Colleges</th>
<th>University Departments</th>
<th>Govt. University Colleges</th>
<th>Private Colleges</th>
<th>Full-time Institutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andhra Pradesh</td>
<td>11</td>
<td>06</td>
<td>-</td>
<td>05</td>
<td>05</td>
</tr>
<tr>
<td>Assam</td>
<td>18</td>
<td>02</td>
<td>01</td>
<td>15</td>
<td>02</td>
</tr>
<tr>
<td>Bihar</td>
<td>21</td>
<td>01</td>
<td>-</td>
<td>17</td>
<td>01</td>
</tr>
<tr>
<td>Chandigarh</td>
<td>01</td>
<td>01</td>
<td>-</td>
<td>-</td>
<td>01</td>
</tr>
<tr>
<td>Delhi</td>
<td>03</td>
<td>03</td>
<td>-</td>
<td>-</td>
<td>01</td>
</tr>
<tr>
<td>Goa</td>
<td>02</td>
<td>-</td>
<td>-</td>
<td>02</td>
<td>-</td>
</tr>
<tr>
<td>Gujrat</td>
<td>28</td>
<td>02</td>
<td>01</td>
<td>25</td>
<td>02</td>
</tr>
<tr>
<td>Himachal Pradesh</td>
<td>01</td>
<td>01</td>
<td>-</td>
<td>-</td>
<td>01</td>
</tr>
<tr>
<td>Haryana</td>
<td>02</td>
<td>02</td>
<td>-</td>
<td>-</td>
<td>01</td>
</tr>
<tr>
<td>Jammu &amp; Kashmir</td>
<td>02</td>
<td>02</td>
<td>0</td>
<td>0</td>
<td>02</td>
</tr>
<tr>
<td>Kerala</td>
<td>05</td>
<td>01</td>
<td>03</td>
<td>01</td>
<td>04</td>
</tr>
<tr>
<td>Karnataka</td>
<td>35</td>
<td>02</td>
<td>02</td>
<td>31</td>
<td>02</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>73</td>
<td>04</td>
<td>25</td>
<td>44</td>
<td>01</td>
</tr>
<tr>
<td>Maharashtra</td>
<td>39</td>
<td>03</td>
<td>03</td>
<td>33</td>
<td>02</td>
</tr>
<tr>
<td>Manipur</td>
<td>01</td>
<td>-</td>
<td>-</td>
<td>01</td>
<td>-</td>
</tr>
<tr>
<td>Meghalaya</td>
<td>02</td>
<td>-</td>
<td>-</td>
<td>02</td>
<td>-</td>
</tr>
<tr>
<td>Nagaland</td>
<td>01</td>
<td>-</td>
<td>-</td>
<td>01</td>
<td>-</td>
</tr>
<tr>
<td>Orissa</td>
<td>13</td>
<td>01</td>
<td>-</td>
<td>12</td>
<td>-</td>
</tr>
<tr>
<td>Pondicherry</td>
<td>01</td>
<td>-</td>
<td>01</td>
<td>-</td>
<td>01</td>
</tr>
<tr>
<td>Punjab</td>
<td>03</td>
<td>03</td>
<td>-</td>
<td>-</td>
<td>01</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>32</td>
<td>03</td>
<td>19</td>
<td>10</td>
<td>04</td>
</tr>
<tr>
<td>Sikkim</td>
<td>01</td>
<td>-</td>
<td>01</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>06</td>
<td>02</td>
<td>04</td>
<td>-</td>
<td>05</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>40</td>
<td>05</td>
<td>05</td>
<td>30</td>
<td>08</td>
</tr>
<tr>
<td>West Bengal</td>
<td>08</td>
<td>03</td>
<td>-</td>
<td>05</td>
<td>02</td>
</tr>
<tr>
<td>Total</td>
<td>349</td>
<td>47</td>
<td>66</td>
<td>234</td>
<td>48</td>
</tr>
</tbody>
</table>

In 1972, the University Grants Commission, the central government agency concerned with education, sponsored the Poona
Seminar on legal education in India. Some of the recommendations of the seminar were as follows:

1. Every university and college teaching law should have a minimum collection of law books.

2. For colleges, the minimum holding (apart from multiple copies) should be 5,000 volumes (including books, law reports, journals, and reference material) with an acquisition rate of the least 200 books per year.

3. For the university department, the figure suggested for the minimum holding was 15,000 with an acquisition rate of 750 [volumes] annually. This figure was to be regarded as the bare minimum for any university having a law department. The holdings will have to be substantially more in individual case, depending upon the number of students and research programmes.75

The seminar also found that there was a dearth of qualified law librarians in India. To remedy this situation, the seminar recommended that the Indian Law Institute provide a course, lasting eight to ten weeks, to train those who already have a diploma in library science in the administration and service functions of a law library. 1975 was set as the deadline for achieving these goals. However, due to a lack of funds, these recommendations were not implemented.

The Bar Council issued a number of directives with respect to academic law libraries under Schedule 1(5) as follows:
(a) The library shall be adequately equipped with law reports, books, periodicals, and reference books to meet the requirements of the courses of instruction taught in the college.

(b) The library shall be in the charge of a qualified and trained librarian.

(c) The minimum initial and recurring annual expenditure per each library shall be as below:

<table>
<thead>
<tr>
<th></th>
<th>Rupees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial</td>
<td>50,000</td>
</tr>
<tr>
<td>First Year</td>
<td>15,000</td>
</tr>
<tr>
<td>Second Year</td>
<td>15,000</td>
</tr>
<tr>
<td>Third Year</td>
<td>15,000</td>
</tr>
<tr>
<td>Subsequent Years</td>
<td>10,000</td>
</tr>
</tbody>
</table>

per year

**LAW LIBRARIES IN LEGISLATIVE INFRASTRUCTURE**

These libraries are attached to the Parliament and the State Assemblies. These can hardly be called law libraries as their collections include almost all the subjects but the larger mass in collections is that of legislative material. Since the legislatures are mainly libraries only to that extent. Thus, as a necessity, they have to be equipped with legal material which is directly or indirectly connected with law-making process. The Parliament and all the State Assemblies have a good libraries manned by good staff.
PARLIAMENT LIBRARY

The Parliament Library has many trained professional librarians. It has a well organised Research and Reference Division. Its book collection is the richest as far the legislative material is concerned. At the Second Conference of the Chairmen of Library Committees of Parliament and State Legislatures in India held in March, 1983 at New Delhi, Lok Sabha Speaker, Bal Ram Jhakhar, in his inaugural address, provided the information of library services available to parliamentarians on a wide range of subjects from constitutional, economic, social, commercial, industrial, defence to the cultural heritage of India as also the latest advances made in the field of science and technology.

The Parliament Library in an integrated library with research, reference, information and documentation services (LARRDIS) to meet the demands of the members of both Houses of Parliament. The library has a holding of 600,000 documents with over a thousand periodicals on current subscription. It has a budget of over Rs. 500,000 for books and journals. The LARRDIS is publishing Journal of Parliamentary Information, Digest of Central Acts, Digest of Legislative and Constitutional Cases and other services, such as abstracts of books. The installation of a computer terminal has been planned for storage and retrieval of information along with its setting up a microfilm unit. The library also acquires several Indian publications. The Bureau of Parliamentary Studies and Training also organises full-fledged training courses for librarians of State Legislatures. It is doubtful whether every State has such a good
library collection of material and, therefore, it is difficult to say anything about their services to their members.  

GOVERNMENT LAW LIBRARIES

The Government of India has created a two tier infrastructure of law libraries. At the central level, there is the Ministry of Law, Justice and Company Affairs. The functions of this ministry are to advise to central ministries on legal matters and legal proceedings, to supervise the litigation involving the Union of India, and provide legal aid to the lower strata of the society. The Department of Legal Affairs and Legislation Department of this looks after all the functions of the Ministry. At the second tier, are the Legal Departments and Cells created by the State Governments.  

MINISTRY OF LAW JUSTICE AND COMPANY AFFAIRS LIBRARY

The Ministry of Law, Justice and Company Affairs has a good central library which lends a lot of support to the day-to-day work of the ministry and its departments. This library was established in 1832 and has a collection of 70,000 documents consisting of reports, journals, etc. It has a special collection of 5,000 government reports. It has an annual budget of Rs. 320,000 and receives 170 Indian and Foreign Journals. It is manned by a library officer, 3 professional assistants and 9 supporting staff. The clientele of the library is limited to the officers of this Ministry and related departments of the Government.

The library at one time had one of the oldest collections of Indian legal material which has now been transferred to Nehru Memorial Museum and Library. The services of the library include
reference documentation and bibliographical services. It also brings out the List to Additions of its collection.

The Legislative Department of the ministry has an Official Languages Cell which is responsible for the translation of central acts, rules, regulations into official languages of India. In order to carry out its functions effectively, it has developed effective reference tools which include the compilation of legal glossaries, dictionaries etc. The department maintains a small library established in 1961. It has at present a collection of 25,000 documents and acquires 70 legal journals.  

**LAW COMMISSION LIBRARY**

On the recommendation of Lok Sabha, a Law Commission was appointed in August 1955 to clarify as well as to advise the Government on legal and constitutional matters. It has also a role to suggest the amendments required in legislation. It has so far published more than 100 reports suggesting reforms in legislation.

The Commission also maintains a collection of about 30,000 documents and has an annual budget of Rs. 50,000. The library services are restricted to the members of the Commission only. Its special collection includes of reports and documents from similar law commissions of other countries.

At the State level, we have small libraries attached to state legal departments having collections ranging from 20,000 to 30,000 documents and an annual budget of about Rs. 50,000.  

47
Research Libraries in Law:

There are few social science research institutes which are engaged in legal research and education. In order to support their research and educational programmes, they have developed good library infrastructure, resources and services. The Activities of these institutions are described below:

A few legal, educational, and social science institutions engaged in legal research have research libraries in law.

Indian Law Institute (New Delhi):

Foremost among these is the Indian Law Institute in New Delhi. Established in 1956, the Indian Law Institute is the main legal research institution in India. Modelled after the American Law Institute (ALI) and initially funded with moneys from the Ford Foundation and the Indian Central Government, the Institute has the objective of promoting and developing legal research, legal education, and the administration of justice. The Institute conducts two one-year diploma courses on labour law and administrative law, and publishes a large number of monographs and two periodicals, the quarterly Journal of the Indian Law Institute and the Annual Survey of Indian Law.

Unlike the American Law Institute, where members work out of their respective universities or institutions, the Indian Law Institute has a library centralized in one location. The Indian Law Institute library has a rich collection: 50,000 volumes, of which sixty percent are India, twenty percent are from the United States, and twenty percent are from the rest of the world. The library has a good collection of
older documents, reports, and foreign materials. The collection is
catalogued by AACR1 and the Universal Decimal Classification
system. According to Mr. H.C. Jain, the Institute's law librarian, the
UDC is used because it has a law classification section, while the
Dewey Decimal system does not. The Institute library is accessed by
author, subject, and title card catalogues. Interlibrary loan is
practised with libraries in the Delhi area. Only books are loaned;
periodicals are photocopied free of charge in small numbers. Funds
are derived mainly from the central government, although some
income is obtained from membership fees and the sale of
publications. The Indian Law Institute library maintains press
clippings, reference, subject bibliographies, and copying sections,
which must serve fifteen full-time researchers, in addition to other
scholars. *Index to Indian Legal Periodicals*, an extremely useful
annual publication of periodical literature, which is unique in India.

*Indian Society of International Law (New Delhi)*

Indian Society of International Law was established in 1959 as
an all-India organisation committed to the cause of international law.
The objects of this society are to promote research in international
law, to contribute to the codification and development of international
law, and to further the role of the effectiveness of international law. A
large number of research projects are carried out by the society in the
areas of the laws of the seas, outer space, environment, legal regime
of Antarctica, laws of friendly relations, laws relating to international
economic order etc. The society conducts through its air and outer
space, international law and diplomacy, international law, and law of
international institutions.
The society has been bringing out the quarterly Indian Journal of International Law since 1960 and the annual Proceedings of the Indian Society of International Law. Most of the research projects of the society are published after completion. The society has published from time to time monographs on various contemporary problems and also proceedings of national and international seminars organised by it.

The society maintains a specialised library on international law. The library provides services to its members as well as to research scholars in the field. It has a good collection on different areas of international law. The library has been providing mainly reference services and bibliographical services. It has also compiled several comprehensive bibliographies on different aspects of international law which are published as a part of its quarterly journal.81

Institute Of Constitutional And Parliamentary Studies (New Delhi):

ICPS was established in December 1965 with the objective to promote and provide for constitutional and parliamentary studies with special reference to the evolution and working of the Indian constitution in all its aspects, to undertake comparative studies in the constitutional systems and parliamentary institutions of various kinds and their problems and processes. Its emphasis is on a whole range of multi-dimensional programmes and activities, such as organising of seminars, lectures, symposia, conferences and publications of monographs, books and research papers on developments in constitutional law, conventions and practices, parliamentary institutions and procedures.
The institute has to its credit 74 publications - 60 in English and 40 in Hindi covering a wide range of subjects. It also brings out a quarterly Journal of Constitutional and Parliamentary Studies since 1976, on problems of parliamentary, democracy, the monthly CONPAR-LIST since January 1976 and a quarterly Hindi journal Loktantra Samiksha.

This institute has its own specialised library with special focus on constitutional law and systems.

The legislative reference service run by the institute seeks to provide to members of parliament, state legislators and others information on various subjects which may be required by them in connection with their parliamentary work. The institute has also set up a documentation centre which regularly indexes periodical articles and other materials received in the library since 1966. The library also runs a press clipping service.  

*Indian Council Of World Affairs (New Delhi)*:

ICWA was established in 1943 with a view to encourage in the country the study of international and foreign affairs. Its activities are directed at providing information to scholars as well as the public on developments in foreign affairs and current international problems through publications, books and journals. The council maintains a specialised library. The library specialises in the area of international law and a considerable part of the collection has been built in this area. It is a UN depository library. The library subscribes to around 800 periodicals out of which 35 are in the area of international law alone. The library provides reference indexing and press clipping
services. The library indexes all the major journals received in the library and brings out a fortnightly list of indexed articles including on international law and international relations. 83

**Social Science Documentation Center (New Delhi)**

SSDC is a national documentation centre in the area of social sciences. It is an organ of the Indian Council of Social Science Research (ICSSR) and has been providing guidance in legal research. It also provides grants for publications. The SSDC has been making special efforts to collect publications, namely, research reports in the area of social sciences including law. Another important project of SSDC which is of interest to legal scholars and librarians has been the Union Catalogue of Social Science Serials. This catalogue lists, the current stock of serials available in various libraries including the law journals. SSDC has also been helping Indian Law Institute in the preparation of bibliographies and indexes.

**Law Libraries in Judicial Infrastructure**

Under the judicial infrastructure, there are two tiers in the infrastructure - Supreme Court at the first level and a chain of High Courts at the second level. All of these infrastructures have good library facilities since their establishment.

In India the Supreme Court Library in New Delhi and the High Court libraries in eighteen different states are associated with the Courts, as are the bar association libraries attached to the Supreme Court and to the High Courts. Indian bar association libraries cater to their lawyer-members, providing a working collection for their needs, and are usually privately financed by membership subscriptions. The
librarians at these bar libraries are essentially caretakers. There is no system of locally funded county law libraries, as in some parts of United States. However, like their American counterparts, the collections of these judicial libraries primarily cater to the judges they serve.

1.5 SUPREME COURT LIBRARY OF INDIA

There are many similarities between the libraries of the Indian Supreme Court and those of the United States Supreme Court. Like the Indian Supreme Court (discussed below), there is a chamber library for each justice of the U.S. Supreme Court. Each chamber library of the U.S. Supreme Court includes major federal materials, such as the United States Code, U.S. Reports, Shepherd's Citations, some treatises, and a legal dictionary. These chamber libraries include libraries for the law clerks of each justice. However, unlike the Indian Supreme Court, the U.S. Supreme Court is not divided into various benches, or divisions. Further, unlike India's Supreme Court judges, the justices of the U.S. Supreme Court do not have residential libraries maintained by Supreme Court staff, although some justices might have some law reference materials in their homes. However, this has not always been the case. Until the U.S. Supreme Court moved into its present building in 1935, "the offices of almost all of the Justices were in their homes, at some distance from the Capitol building and available library facilities." Because of this, residential libraries in which each justice had a set of assigned books were maintained, as is done at the Indian Supreme Court today.
In terms of resources, the Supreme Court Library is one of the largest in India, with over 300,000 volumes. Created in 1948 (India achieved independence in 1947), the collection actually comprises five types of libraries: the central library, the legislation department library, chamber libraries, bench libraries, and residential libraries.

The central library at the Supreme Court has approximately 250,000 volumes. Of these, about 100,000 volumes are case law, and 50,000 to 60,000 volumes are legal texts, in addition to other books, monographs, bound volumes of journals, and so on.

The legislation department of the central Supreme Court Library has approximately 60,000 volumes of central and state legislative material, in addition to legislative material from other countries.

There are twenty-six chambers, one for each judge. Within each chamber is a library. There are approximately 2,900 volumes in all the chamber libraries. Each has a complete set of official reports of Indian cases.

There are nine benches, or divisions, of the Supreme Court, each corresponding to an area of the law, such as the constitutional law bench, the criminal law bench, and the commercial law bench. Each bench has its own collection, composed of the All India Report Series, the Supreme Court Cases series, and important books of legislation.

Each judge has his own residential library maintained by the Supreme Court Library staff. Each residential library contains a collection of official reports and additional materials that reflect the
interests of the individual judge (e.g., constitutional law, commercial law).

According to Chander and Jain, the Supreme Court Library "is the throbbing heart of the Court without which the dispensation of justice is not feasible." The library subscribes to about 300 legal periodicals, 140 of which have been indexed since 1970. About 10,000 citations in card form have been accumulated into a database. The library maintains a card file of Supreme Court judgements since 1970, which can be accessed by subject, date, or judge. The library also has one of the oldest collections of law documents in India.

During the 1984-85 fiscal year, about Rs. 400,000 was spent on acquisitions for books and approximately Rs. 600,000 was spent on periodicals. There are separate author, title, and subject card catalogues for the collection. The collection is classified using a Universal Decimal classification. The library is interested in developing an online computer database, initially for Indian case law, and then for central government acts, as well as periodical literature.

The collection is serviced by a large and capable staff, with Mr. Chander as director. Of the seventy staff, three are librarians, and six are assistant librarians. The librarians and assistant librarians are all professionally trained: two have an M.A. in library science and seven have a B.A. in library science. The library staff provides a number of services to the judges, including reference and bibliographic services.

In order to give an idea of old collection of the library, a list of important old Indian law journals-reports available in the library is presented below:
Supreme Court Law Reports

Calcutta Supreme Court Reports : Morton's Reports, 1774-1841; Bignell's Reports, 1830-31 in one volume; Fulton's Reports, 1842-44, in one volume; Boulois' Reports, 1853-59; one volume.

Bombay Supreme Court Reports : Perry's Oriental Cases.

Madras Supreme Court Reports : Strange's Reports, 1798-1816 in three volumes.

Indian Decisions (Old Series) 1-17, 1911-1916.

Sadar Diwani Adalat

Report series 1-7 ; 1791-1849

Early High Court Reports

Official Reports

Madras High Courts Reports, 1862-1876 in 8 volumes.

Bombay High Courts Reports, 1862-1875 in 12 volumes.

Calcutta High Courts Reports, 1878-1883 in 13 volumes.

Private Reports

Calcutta High Court Reports : Hydey E. Reports, 1881-83 in 2 volumes

Kincly and Henderson Reports, 1881-83 in 3 volumes

Bengal Law Reports, 1868-75 in 15 volumes

Official High Court Reports

Indian Law Reports

Bombay 1876-.
Calcutta 1876-.
Madras 1876-.
Allahabad 1876-.
Patna 1922-.
Lucknow 1926-.
Nagpur 1936-.
Punjab 1948-.
Cuttack 1949-.
Assam 1949-.
Rajasthan 1951-.
Mysore 1951-.
Andhra Pradesh 1954-.
Madhya Pradesh 1957-.
Kerala 1957-.
Gujrat 1960-.
Delhi 1968-.

Periodicals

General

Madras Law Journal 1891-.
Calcutta Weekly Notes 1896-.
Patna Law Times 1918-1962.

Indian Cases (Lahore) 1909-1916.

Bombay Law Reporter 1899-.

All India Reporter (Nagpur) 1922-.

Nagpur Law Journal 181801962.

Specialised

Taxation Law Reports 1971-.

Labour and Industrial Cases 1968-.

Company Law Institute of India Reports 1931-.

Election Law Reports 1951-.

Reports of the Privy Council, Federal Court and Supreme Court

Privy Council Judgements of Indian Appeals, 108; 1866-1905.

Jerome William Knapp Collection 1829-1836 in 3 volumes.

Knapp and Moor's Collection.

P.C. Moor's 1836-1862 in 15 volumes.

P.C. Moor's (New series) in 9 volumes.

Moor's Indian Appeals in 1836-1872 in 14 volumes.

M.I.A. Series.

Indian Appeals, 1872-1950 in 77 volumes.

Supreme Court Reports (Earlier).

Federal Court Reports 1935-.

Federal Court Reports 1936-.
**1.6 HIGH COURT LIBRARIES OF INDIA**

The High Courts in India correspond to the state supreme Courts in the United States, although there is not a dual federal and state Court system. The following table gives the list of High Courts along with the year of their establishments, jurisdiction and location.

<table>
<thead>
<tr>
<th>Name of High Court</th>
<th>Establishment</th>
<th>Jurisdiction</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allahabad</td>
<td>1866</td>
<td>Uttar Pradesh</td>
<td>Allahabad Division bench at Lucknow</td>
</tr>
<tr>
<td>Andhra Pradesh</td>
<td>1954</td>
<td>Andhra Pradesh,</td>
<td>Hyderabad</td>
</tr>
<tr>
<td>Bombay</td>
<td>1862</td>
<td>Maharashtra, Dadra &amp; Nagar Haweli, Goa, Daman &amp; Diw</td>
<td>Bombay division benches at Nagpur, Aurangabad and Panaji.</td>
</tr>
<tr>
<td>Calcutta</td>
<td>1862</td>
<td>West Bengal, Andaman &amp; Nicobar</td>
<td>Calcutta division bench at Port Blayar</td>
</tr>
<tr>
<td>Delhi</td>
<td>1966</td>
<td>Delhi</td>
<td>Delhi</td>
</tr>
<tr>
<td>Gauhati</td>
<td>1948</td>
<td>Assam, Manipur, Meghalaya, Nagaland, Tripura, Mizoram, Arunachal Pradesh</td>
<td>Gauhati Temporary benches at Imphal, Agartala and Kohima</td>
</tr>
<tr>
<td>State/Union Territory</td>
<td>Date</td>
<td>State/Union Territory</td>
<td>High Court Location</td>
</tr>
<tr>
<td>-----------------------</td>
<td>------</td>
<td>-----------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Gujarat</td>
<td>1960</td>
<td>Gujarat</td>
<td>Ahmedabad</td>
</tr>
<tr>
<td>Himachal Pradesh</td>
<td>1971</td>
<td>Himachal Pradesh</td>
<td>Shimla</td>
</tr>
<tr>
<td>Jammu &amp; Kashmir</td>
<td>1928</td>
<td>Jammu &amp; Kashmir</td>
<td>Srinagar &amp; Jammu</td>
</tr>
<tr>
<td>Karnataka</td>
<td>1884</td>
<td>Karnataka</td>
<td>Bangalore</td>
</tr>
<tr>
<td>Kerala</td>
<td>1958</td>
<td>Kerala, Lakshadweep</td>
<td>Ernakulam</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>1956</td>
<td>Madhya Pradesh</td>
<td>Jabalpur division benches at Gwalior and Indore</td>
</tr>
<tr>
<td>Madras</td>
<td>1862</td>
<td>Tamil Nadu, Podichery</td>
<td>Madras</td>
</tr>
<tr>
<td>Orissa</td>
<td>1948</td>
<td>Orissa</td>
<td>Cuttack</td>
</tr>
<tr>
<td>Patna</td>
<td>1916</td>
<td>Bihar</td>
<td>Patna division bench at Ranchi</td>
</tr>
<tr>
<td>Punjab &amp; Haryana</td>
<td>1975</td>
<td>Punjab, Haryana, Chandigarh</td>
<td>Chandigarh</td>
</tr>
<tr>
<td>Rajasthan</td>
<td>1949</td>
<td>Rajasthan</td>
<td>Jodhpur division bench at Jaipur.</td>
</tr>
<tr>
<td>Sikkim</td>
<td>1975</td>
<td>Sikkim</td>
<td>Gangtok</td>
</tr>
</tbody>
</table>

The oldest and largest High Court library collections are located at the Calcutta, Bombay, and Madras High Courts.

The High Court law library collection in Calcutta is housed in an imposing nineteenth-century Gothic building. The library dates from 1862, when the Calcutta High Court was established (soon after the enactment of the High Courts Act in 1861). The collection consists of approximately 150,000 volumes and serves the forty-one judges of the Calcutta High Court. Sixty percent is Indian material, and forty percent is foreign material, of which approximately ten to fifteen percent is United States material, including such works as...
American Jurisprudence, Words and Phrases, U.S. Supreme Court Reports Lawyers' Edition, and Corpus Juris Secundum. Legal materials are arranged into the general categories of statutes, treatises, and law reports. Within each category, specific items can be further accessed via an author or title catalogue; there is no subject access.

A separate catalogue is maintained for materials not classified as statutes, treatises, or law reports; this includes such materials as encyclopaedias, Reports of the Indian Law Commission, Constituent Assembly Debates, and certain specialized publications. A separate section of the library contains dictionaries, including legal, medical, and other speciality dictionaries. During the 1984-85 fiscal year, about Rs. 100,000 was spent on new books, in addition to about Rs. 35,000 on periodicals. A staff of thirteen manages the library. The two librarians and one assistant librarian have a B.A. or an M.A. in library science or an LL.B., or both.

Like the Calcutta High Court, the High Court of Maharashtra at Bombay is situated in an imposing and beautiful nineteenth-century Gothic building located in downtown Bombay and surrounded by palm trees. The library was established in 1862, with the creation of the Bombay High Court, and serves the thirty judges of that Court. The collection has about 100,000 volumes, which includes subscriptions to about 200 periodicals. The collection is catalogued by the library's own system, and is by an author book catalogue or a title book catalogue or a title book catalogue. About Rs. 400,000 was spent on new books and periodicals during the 1984-85 fiscal year. Twenty-two people staff the library; of these, only one has a B.A. in library
science. The others have learned their skills through on-the-job training.

The Madras High Court law library was established in 1862, with the inception of the Madras High Court. It, too, is housed in an imposing and beautiful nineteenth-century Gothic building. It is one of the better High Court libraries in India. Only the judges of the Madras High Court can use it.

The collection consists of approximately 85,000 volumes, of which fifteen percent are foreign legal materials from the Untied States, the United Kingdom and other jurisdictions. The collection is arranged by subject. Within each subject, books are arranged alphabetically by title. There is no catalogue libraries or judges literally must browse the bookshelves to find legal materials. Because the library ran out of shelving space long age, books are stacked in plies on available floor space and on reading tables. Materials are sometimes damaged by mildew and insects because of Madras's hot, humid climate. About Rs. 200,000 was spent on purchasing new books and legal during the 1984-85 fiscal year.

A staff of sixteen, including a librarian and an assistant librarian, manages the library. None of the staff currently has a degree in library science.

The law library at the High Court of Karnataka in Banglore began in 1884, with the establishment of the local Court. In 1930 this Court expanded its jurisdiction with the establishment of a High Court of Mysore at Banglore. In 1973 the High Court of Mysore changed its name to the Karnataka High Court. Housed in classical buildings with
high columns and red sandstone, the library has over 250,000 volumes, and serves the nineteen judges of the Karnataka High Court. The majority of the collection is Indian materials, but some United States materials, including *Words and Phrases*, *American Jurisprudence*, and *Juris Secundum*. The collection has only recently begun to be catalogued, using the Dewey Decimal Classification system. Access to the collection is through subject and author book catalogues. The library is financed by the state government of Karnataka: approximately Rs. 600,000 was spent during the 1984-85 fiscal year for the purchase of new books and other legal materials for the High Court, as well as for subordinate Courts in the state.

The library is maintained by a staff of twenty-four, under the capable management of Mr. K. Shreenivas, the senior officer in charge of the library. No library staff members have formal library education.

In addition to the High Courts, there are subordinate courts in each state. For example, in the state of Maharashtra, there are three benches, or subordinate Court divisions of the Bombay High Court, which sit at Aurangabad, Nagpur, and Goa. Chander and Jain write that these lower Court libraries are underdeveloped due to a "shortage of funds and lack of confidence in the library to provide important services to the judges such as case-searching, reference service, bibliographies, etc." 87
1.7 M.P. HIGH COURT LIBRARIES

Under the State registration act the High Court of judicature at Nagpur has been deemed to be the High Court of the new State of Madhya Pradesh on 1st November 1956. The High Court judicature at Nagpur was established on the 9th January 1936 when Letters Patent from the Crown were handed over to the first chief justice Sir Gilbert Stone by Sir Hyde Gowan the Governor. So the history of M.P. High Court begins with the history of High Court of judicature Nagpur. M.P. High Court has its division benches at Gwalior and Indore.

The M.P. High Court libraries are managed by the M.P. High Court administration. The membership of the library restricted to the Judges, administrative and judicial officers of the M.P. High Courts. These libraries are the parts of respective High Courts i.e. Jabalpur, benches at Gwalior and Indore. The High Court is the present body of the High Court Judges library. The users of these libraries are Judges, Judicial and Administrative Officers. These libraries work under supervision of Registrar General and Chief Justice of the M.P. High Court. All the matters such as financial matter, recruitment of staff, etc. are dealt by the respective M.P. High Court administration. The M.P. High Court libraries of Jabalpur, Indore and Gwalior are situated in the premises of respective High Courts.

With the growth of law libraries, importance of effective library services in legal profession, have much increased and has facilitated the work of lawyers and judges who can easily make use of the law books, law reports, legal periodicals and other materials in writing judgements and making arguments in a case.
While the Court of Law is a temple of justice but a law library is a temple of learning and as such the library service is playing and has to play an effective and efficient role in legal profession."

1.8 NEED AND SCOPE OF THE STUDY

Judiciary is an important base of democracy. The Supreme Court, High Courts, District Courts are main parts of Indian judiciary system. The libraries attached with these Courts play an important role in providing bibliographic information support to the advocates and judges. The law libraries play very important role in legal education and decision making process of the judiciary. If a lower Court or High Court or the Supreme Court has a dominant library services, decision making process of the Court will get speed comparatively. In western countries a lot of research has been done in the field of the law libraries while in the context of India law libraries specially Court libraries are seeking for the same. In India where thousands of cases are in pending only in High Courts and the Supreme Court, if library services of these Courts been enabled, no doubt, it will be helpful in decision making process of these Courts. Thus, libraries are important organs of the judicial organization.

The law libraries are, by and large, special libraries, as they are devoted to special subject fields and serve a specialised clientele. Yet, they are a distinct category by themselves.

The effective use of the library depends upon the organization and administration of the library. This is a lacking point. For the proper functioning of law library, it should be well organised.
To improve the services of libraries of the Supreme Court and M.P. High Courts, it is desired to study the organisation, administration and services of these libraries. The present condition of these libraries are not satisfactory.

This study will help to improve the services, therefore this study is needed.

Scope:

A law library contains highly specialised materials, and this requires special skill to handle. A lot of reference have to made to lawyers and Judges while human mind cannot memorise them all; memories may also be limited and short. Lawyers and their juniors may collect the relevant laws by themselves as far as they can. But this is difficult and involves tremendous task for them. Accordingly, in order to save time, such legal materials have to be drafted promptly and pinpointedly and passed over to proper quarters.

This study shall throw light on the present conditions of organisation and administration of the Supreme Court library and M.P. High Court libraries. It shall also throw the light on the services of libraries and also ways to improve the services and ways by which the Court and other related authorities may be moved to draw their attention for improvement of the conditions of the libraries of the Supreme Court and M.P. High Court.
REFERENCES


2. Ibid.

3. Ibid.


5. Thapar, Romila. A History of India. 1965, p. 26

6. Ibid. p. 29

7. Ibid. p. 34.

8. Ibid.

9. The term “India” also derives from the Indus river. Both “India” and “Hindu” were names given by outsiders. Indian calls India Bharat and have no name for “Hinduism.”


15. Ibid.


18. Ibid. p. 50.


21. Ibid.


23. Ibid. p. 95.

24. Ibid. p. 97.


27. Ibid. p. 216.


30. Ibid. p. 44.


32. Ibid.


34. Denny, F. An Introduction to Islam. op. cit. pp. 227-228.

35. Ibid. p. 223.


39. Ibid. p. 4


41. Rudolph, L and Rudolph, S. The modernity of tradition. op. cit. p. 158

42. Ibid. p. 188


44. Thapar, Romila. A History of India. op. cit. p. 153

45. Rudolph, L and Rudolph, S. The modernity of tradition. op. cit. p. 290

46. Civil Writ Petition Number 1/79, Tej Razdan v/s Union of India & Orissa.


49. Ibid.

50. Jain, H.C. Law Library Administration and Reference. Delhi, Metropolitan, 1972, p. 1

51. Ibid. pp. 2-5

52. Ibid.


56. Ibid. p. 343.

57. Ibid. p. 344.

58. Ibid. p. 345.


64. INDIA CONSTITUTION. Article 20.

65. India, Supreme Court. All India Reporter 1967, p. 1643.

66. India. Supreme Court. All India Reporter 1973, p. 1461.
67. India. Supreme Court. All India Reporter 1975, p. 299.


70. Ibid. pp. 188-189.

71. Ibid.

72. Ibid.

73. Ibid.


75. INDIA CONSTITUTION. Article 20.


77. Ibid.

78. Ibid.


81. Ibid.

82. Ibid.

83. Ibid.

84. Ibid.


