Application of Information and Communication Technology in Judicial Library System

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Abstract

Describes the Indian judiciary is in urgent need of reengineering its process, optimize the use of its human resources, and bring about change management by harnessing the potentiality of the available Information and Communication Technology (ICT) to its fullest extent. The objective of this exercise is to enhance judicial productivity both qualitatively and quantitatively as also make the justice delivery system affordable, accessible, cost effective, transparent and accountable. Information and Communication Technology can help us change this impression and Courts can became more efficient, fast, responsible and user friendly.

Keywords :   ICT, Information System, Judicial Information System, Librarianship

1.   Introduction

Law librarianship, especially the librarianship in Judicial Institution, is different from librarianship in any other organisation. What makes it different is the degree of urgency. This aspect is more fully explained by Prof. Iger I. Kavass that "the reason for law libraries being different from other types of libraries is that they serve a profession which is literally unable to exercise its work without the use of books."[1]

While Librarians in other organisation may convince their users to give them some time for catering to their information requirements, a Court Librarian has to furnish the desired information at once because the case is being argued in the Court and desired information is needed in the course of the argument. So a law Librarian has to provide the information instantly without any excuse. It is because of this reason; a law librarian has to be a very alert professional and must develop his/her own tools and expertise to provide the desired information instantly.

2.   Types of Law Libraries

Law Librarianship is a challenging profession and information requirements of the user in this field vary much. "The Law Library is truly a vital factor in the administration of justice, an institution of extra-ordinary social significance in a free society." Users of law libraries may be law students, teachers, practitioners, judges, civil servants, local government officials, legislators, jurist, research scholars and public. Hence, their information requirements also vary with the purpose of using the library and a law librarian has to develop his library collection in accordance with the needs of their sers. On the basis of different type of users, law libraries could be categorized as under:

S.No	Type of Library	Clientele/Patrons
1	Academic Law Libraries	Law students, Research Scholars and teachers
2.	Judicial Libraries attached to Courts	Judges, Jurist
3.	Government departments Law Libraries	Civil servants and Government Officials
4.	Legislative Libraries	Legislators
5.	Bar Association Libraries	Legal Practitioners
6.	Practitioner's Libraries	Practitioners

3. Use of Legal Literature

The theory of binding force of precedent is firmly established in England. A Judge is bound to follow the decisions of any Court recognized as competent to bind him, and it becomes his duty to administer the law as declared by such a Court. The system of precedent has taken a powerful factor in the development of common law in England. As the Indian legal system had its roots in the British system, a similar theory has come to prevail in India and the binding force of precedents is firmly established. The theory of precedents brings in its wake the system of law reporting as its necessary concomitant. Publication of decisions is a condition precedent for the theory to operate. It is because of this reason; legal practitioners have to depend on the "Law Reports" for identifying the decisions having similar issues with the case in hand. A law library, therefore, has to acquire all reliable and authentic reports of Courts containing precise records of what they lay down and it is only then the doctrine of Stare decisis can function meaningfully.

A law library contains highly specialized materials, and this requires special skills to handle. Basically legal material consists of statutory law and reports of decided cases. Both these types of legal materials relate to the "authority" and "precedent" respectively. Legal fraternity may need different types of information such as case laws, Statutory Provisions, rules framed under any Act, object and reasons of any Act, Amendment of any Act, Notifications issued under any particular statute, debates in Parliament at the time of enactment of any particular Act or academic Articles on a given topic in different situations.

Types of Legal Literatures

♦ Bare Acts
♦ Commentaries on specific Laws
♦ Manuals/ Local Acts
♦ Reports
♦ Law Commission Report
♦ Committee/ Commission Reports
♦ Annual Reports

- Parliamentary Committee Reports
- Joint Committee
- Select Committee
- Standing Committee
- Gazettes
- Central Government
- State Government
- Parliamentary Debates
- Constituent Assembly Debates
- Lok Sabha Debates
- Rajya Sabha Debates
- Parliamentary Bills
- Lok Sabha Bills
- Rajya Sabha Bills
- State Legislative Bills
- Law Journals
- Academic Journals (Containing only Articles)
- Law Reports (Containing Full text of case laws only)
- Hybrid Journals i.e. combination of both containing Articles and case Laws. Some of the Journals also publish Statutory material such as Acts, Amendments Rules etc.
- Journals containing only Legislative materials such as Acts, Rules, Notifications etc.
- Digests
- Legal Dictionaries/ Law Lexicons
- Legal Encyclopaedic Works
- American Jurisprudence
- Corpus Juris Secundum
- Halsbury Law of England
- Halsbury Law of India

Different type of legal literature is to be consulted for different type of information needs. In order to develop an appropriate and proportionate collection; a Law Librarian has to acquire each type of legal literature in his library. Besides, acquiring legal literature of different types, a law librarian has to develop many indigenous tools to cope up with the information requirements of the users, for example:-

- Alphabetical Index to all Acts including details of amendments
- Topical alphabetical index to important landmark cases
- Topical bibliographies on important legal aspects

- ◆ Union catalogue of current periodicals
- ◆ In house Databases of case laws
- ◆ In house Databases of articles published in journals subscribed in the library
- ◆ Indexing of Government Gazettes

4. Library and Information System of High Court Judges Library

The High Court Judges Library was established in 1866 then known as N.W.P. High Court Library. In 1869 High Court shifted from Agra to Allahabad. Library contains significant legal literature to support the need of Hon'ble Courts and Judges. It has a collection of about more than 2,50,000 legal documents, which includes books, monographs, commission reports, government publications, Centre and State legislations and other legislative materials. It subscribes to about 60 Indian and foreign legal journals, both academic and reporting, magazines, newspapers and CD-ROM databases. The Library has staff strength of 25 including 4 professional librarians.

The High Court Judges Library is a grid of libraries. In addition to Library, it also maintains workable collection in Court libraries and residential libraries of Hon'ble Judges. The High Court Judges Library is essentially a reference of Court. It has to keep close watch over the multifarious literature requirements of Hon'ble Judges and Court functionaries. It functions as throbbing heart of the Court.

High Court Judges Library subscribes to many computerized legal databases, namely, SCC-ONLINE, MANUPATRA, and All India Reporter.

High Court Judges Library has also developed many indigenous Legal databases of Case Laws, Articles, Books, Legislative Materials, and Law Commission Reports, respectively to provide pinpointed, exhaustive and expeditious information services. Foreign Case Laws and other legal information is readily provided through use of "Internet".

High Court Judges Library has also developed many useful reference tools for internal use such as "Indexes to Central and State Acts" list of periodicals subscribed in the Library for providing efficient services to the Hon'ble Courts and Judges.

For the current awareness purposes, Library provides "Press Clippings" from leading National Dailies. Selective Dissemination of Information on legal subjects is a regular Service for Hon'ble Judges. The High Court Judges Library has developed some very important indigenous databases.

4.1 Database of Case laws

This case indexing database contains reported cases decided by the High Court from 1975 onwards. Case laws can be retrieved by date of judgment, Party Name, Citation, Judge Name, Petition Number, Famous Case Name and Subject. Retrieval of any case law through provision to find out all equivalent citations of a Case Law is unique feature of this database.

4.2 Database of Legal Articles

This database contains more than 10,000 articles from Indian and Foreign Journals subscribed in the library of the High Court Articles on a given topic or subject could be retrieved instantly with the help of this database.

4.3. Legislation Information System

This database contains bibliographic details of State Acts/ Amending Acts and other statutory materials such as Rules, Bills etc. This database is very useful for tracing the complete legislative history of any particular State Act. Sources/Citations of any Act/Amendments or Rules framed under any particular enactment could be readily identified and retrieved.

5. Judgment Information System

It consists of the judgment of the Allahabad High Court. In the case of the Allahabad High Court it provides free text base retrieval system of the decided cases from 2004 onwards. It provides retrieval through various fields such a Title, Judge, Time, Act & free text. It is a comprehensive online case law database, which can be access through the website of the Allahabad High Court i.e. www.allahabadhighcourt.in

6. Computer Infrastructure of Court Libraries in India

Computerization of library operations and development of indigenous databases may be very useful to law librarians to record, store, process and retrieve the huge amount of legal information scattered in variety of sources. But application of information technology in law libraries for house keeping activities is still not up to the mark.

Though most of the court libraries are having needed computer infrastructure for automation of library operations and some of them are also having library automation software but use of computer for house keeping activities is initial stage. Lack of provision for in-service training in computerization activities resulting in inadequate professional skill to use the computers for house keeping activities may be one of the reasons for this.

7. Development of Information and Communication Technology

Developments in the field of Information and Communication Technology and its application for information storage, processing and retrieval have also resulted in development of many useful information technology products. Many CD-ROM legal databases are on-line legal portals have been developed and are being used by the law libraries in the country. Some of the most used legal databases by court libraries in India are:

- ◆ SCC Online
- ◆ AIR Online
- ◆ Manupatra

8.   Library and Information Services in Court Libraries

Library and Information Services in Court Libraries that lending, literature search, newspaper clippings, information retrieval by intranet, current awareness search in one form or the other and case law retrieval by CD-ROM databases are provided by most of the Court libraries in India. It is gratifying to note that most of the Court libraries using computers for providing information to their users through various IT products such as CD-ROM databases, e-journals, e-books etc. and are also using internet as an effective tool for providing the desired information to the users.

9.   Computerisation in Indian Judiciary System

As early in the year 1998, the Law Commission of India felt the necessity of computerization in Library & Information Centres in the Courts due to the explosion of legal literature and recommended that "Computerisation of Library is a high priority necessity. The Court's time is wasted in collecting judgments bearing on the same subject. A push button system should be available to make handy all judgments on the subjects".

Chief Justice's conference held in 1991 took a decision to request National Informatics Centre (NIC) to take up the project of computerisation of Supreme Court and High Courts & inter connect them through NIC-NET. Since then National Informatics Centre (NIC) A nation wide satellite based computer communication Network, is looking after the computerization of various activities in the Supreme Court and The High Courts. The two information systems namely COURTNIC & JUDIS had been conceptualised by the NIC. COURTNIC is now renamed as "Case Status".

JUDIS (Judgment Information System) consists of the judgment of the Supreme Court of India and several High Courts. In the case of the Supreme Court of India it provides free text base retrieval system of the decided cases from 1950 onwards. It provides retrieval through various fields such a Title, Judge, Time, Act & free text. It is a comprehensive online case law database, which can be access through the website of the Supreme Court of India i.e www.supremecourtofindia.nic.in or the other website namely Indian Courts i.e www.indiancourts.nic.in

Another important legal website developed by the NIC is "Indian Courts" (www.indiancourts.nic.in). The 'Indiancourts' is a bouquet of Web Sites of the Supreme Court and all 21 High Courts and their Benches in India. It provides a single point access to information related to the Supreme Court and any High Court in India. The Web Sites of the Supreme Court and High Courts provide litigant centric dynamic information like judgments, Cause lists, Case status, etc. as well as static information such as History, Jurisdiction, Rules, past and present Judges, etc.

Cause lists are scheduling of cases to be heard by the Courts on the following day. The cause lists of Supreme Court and almost all High Courts are available on this site. As the Supreme Court of India and all the 21 High Courts and their 10 Benches are fully computerized, all these Courts

generate Daily and Weekly cause lists from the computer servers. As soon as they generate the cause lists immediately they are made available on this website.

Daily orders of the Supreme Court of India and many High Courts can be accessed through this site. These orders are available as soon as the orders are signed by the Court.

Case status site provides the latest status of a case either pending or disposed by the Supreme Court or any other High Court in the Country. The required information is derived from the databases of the concerned Courts.

India Code Information System contains all Central Acts of Parliament right from 1834 onwards. Each Act includes: Short Title, Enactment Date, Sections, Schedule and also Footnotes. Besides this, Statement of Objects and Reasons (SOR), Table of contents and Status of an Act is also available in India Code.

Efforts are being made to make JUDIS more user friendly by incorporating new retrieval options so as to bring it at par with other commercial legal databases. It is being ensured that all the reportable Judgments of the Supreme Court along with the "Head Notes", as had been published in the official Report of the Supreme Court namely "Supreme Court Reports" since 1950, should be made available in JUDIS.

9.1   Level of Judicial System

Judicial Library System consists of:

♦ Libraries established by the court to serve the judges & officer of the court – funded by the state exchequer

♦ Bar Associations' Libraries for the practitioners in the court – managed by the fund available with the respective Bar Association

10.   Status of Law Librarianship in India

Law librarianship in India is still a virgin field and much needs to be done for development of law libraries in a co-coordinated manner in the country. Though there are approximately 600 law schools, 430 sub-ordinate courts, 21 high courts, along with their 14 benches, a supreme court, national/ state judicial academies and many legal research institutions and except sub-ordinate courts, many of them are having good libraries but there is no co-ordination among them.

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