

Access to Legal Information in India

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Abstract

The paper briefly describes the existing important legal information systems functioning in Western countries and Australia. It also enumerates the efforts made by Supreme Court of India to organise legal information pertaining to decided cases. The paper also discusses COURTNIC, introduced by National Informatics Centre (NIC) in collaboration with Supreme Court of India. It provides information on the Apex Court to a wide range of users who are interested in legal developments and judicial decisions of the Supreme Court.

1. INTRODUCTION

The paradigm of information is in the process of change. New technology has made it possible to remove geographic distances, changed the form of the book, and has produced the disparities between rich collections and poor collections atleast in the developed countries. The virtual library—a library not as a place but as a concept—will soon be upon us¹, and with breathtakingly rapid advance of computer technology, law libraries and legal practice will also change out of recognition².

The United States, way back in 1967, took a lead to provide financial support to Courts and legal institutions to use computer technology. In allocating funds for the establishment of Federal Judicial Centre in 1967, a provision was made to study and determine ways in which automatic data processing and information system techniques can be applied to the administration of the courts. The US Congress stressed upon

the need for Federal Courts to keep up with the tunes. The Senate Report noted that 'computer revolution, sweeping the financial and industrial enterprises of our nation, has so far made little headway in Courts'³.

Thus institutional support and competition amongst the commercial enterprises in the United States helped in developing legal information retrieval systems, which have wide coverage of legal documents of USA and the European countries.

2. INTERNATIONAL LEGAL DATABASES

Several legal databases are available in Western Countries. Process of computerisation of Case Law started in early 1970's and the two most prominent systems widely used are LEXIS and WESTLAW. LEXIS-NEXIS services with headquarters at Ohio, USA are the world's leading full-text, online legal, news, and business information services. More than 6,70,000 active users have access to the LEXIS-NEXIS services. The two services consist of 5,400 databases containing more than 593 billion characters. An average of 2.5 million documents are added

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each week to the more than 476 million documents online⁴.

Introduced in 1973, the LEXIS service was the world's first commercial on-line legal research service. Six years later, the NEXIS service was launched, and now contains a vast array of news and business information sources from around the world. The LEXIS-NEXIS services contains:

- Cases, statutes, and other legal materials from the European Union, UK, France, Canada, Australia, New Zealand, the Irish Republic and USA;
- Investment analysts' reports from prestigious brokerage firms around the world;
- The full-text of over 1.5 million patents filed with the US Patents Office since 1975;
- Analytical surveys of countries and regions prepared by governments and private organisations. LEXIS-NEXIS provides services to research laws and legal issues, monitor fast-breaking news events, find background information on people, tracking competition in the market place, etc.

The freestyle feature of the service allows a search request to be entered as an actual question or phrase, and no special connectors or format is required. Another option is the Easy Search Library, which provides online menus and screen prompts to assist users in formulating search requests, then automatically selects the appropriate libraries and files to search. Users may also use traditional Boolean techniques to search the LEXIS-NEXIS services.

In 1975 West Publishing Company introduced the West Law service in St. Paul, Minnesota, USA; and now it is available in all the Western countries. Originally, it offered only the headnotes of cases, which are found in its National Reporter system and from 1979 it switched completely to full text. Index of legal terms used in the text of the case is developed by the system and search is based on the Boolean logic. Westlaw has divided its data into different fields for the retrieval purpose. It has very strong retrieval mechanism and provides access to a vast amount of information, including Statutes, Codes, Regulations, Rules,

judicial and administrative decisions, legal articles published in periodicals and other secondary material. The WIN system (West is Natural) has been introduced recently to allow user to type sentence in natural English Language to retrieve results.

In Australia, the Commonwealth Attorney-General's Department commenced development of a national system of legal information retrieval in 1973. It is an interactive research tool for lawyers providing largely full text access and search of primary legal material. It is popularly known as Statutes and Cases-Automated Legal Enquiry (SCLAE). At present SCLAE contain:

Commonwealth Acts	1901-1973. Reprint of Acts and Numbered Acts from 1974.
High Court (Apex Court in Australia)	Cases Reported in Commonwealth Law Reports - Headnotes and Catchwords to 1946. Full Text Thereafter
Federal Courts	Selected Decisions
Administrative Tribunals	Selective Decisions

In July 1983, a national computerised legal information retrieval system covering all states named CLIRS Ltd. was launched. The computer link between Commonwealth's SCLAE system and CLIRS has been operating satisfactorily since 1985. The system is helping the courts in conducting quality legal research and enabling them to check accuracy of statutory and precedent material. The judgements are made available even before formal reporting.

Australian Legal Information Institute has achieved truly remarkable development in organising case law. They have put virtually all current Australian cases and statute law on to one set of computers and then onto the Internet. Every new case, when added to existing material, is automatically cross-referenced and linked to the full text of any other case or Statute. It is like updating the CD-ROM daily. One can search Australian law free of cost from any part of the world. Even from an ordinary personal computer, access to

case law and statute law takes only a few seconds. It is mandatory to cite a case by reference not to any printed law report but to the Court's own number and designator⁵.

3. LEGAL DATABASES IN INDIA

The development of law libraries and law information centres in India has been rather slow. Law libraries in India can be classified into three categories:

- (i) Libraries as part of academic institutions like law colleges, law faculties and law departments in the Universities, with a total number of at present 349;
- (ii) Law libraries as part of judicial infrastructure such as Supreme Court, High Courts, Lower Courts and Bar Associations; and
- (iii) Legislative libraries as a part of Parliament and State Legislative Assemblies.

3.1 Court Libraries

Court libraries serve the Judges who sit in courts and lawyers who appear before them. These Court libraries vary considerably in their collection and services. Many subordinate courts, in fact have no libraries. This was well illustrated by Justice PB Sawant in a decision of the Supreme Court:

"The reasons which prompted this court to direct the grant of residence-cum-library allowance to every judicial officer was that it was found that there was no provision for a judges' library in most of the Courts of the subordinate judicial officers. As a result, they have either to depend upon the library maintained by the Bar, if any, or to go without the assistance of the books. At many places, particularly, at the Taluk/Tehsil level, there is not even an adequate Bar library available. It is difficult to understand the attitude of the State Governments towards the provisions of the facility of law books and journals to the judges when the judges whose duty consists of interpreting the law and applying it to the facts before them. It is like asking the artisans to work without their tools. The law books not to speak of the other books are the essential tools of the judges. The minimum that is expected of the State is to provide every court with the

up-to-date texts of commentaries on the relevant statutes and law journals which report decisions of the High Courts and the Supreme Court for the exclusive use of the judges. The Governments consistently failed to provide this primary facility to the courts⁶.

3.1.1 High Court Libraries

The oldest High Court libraries are located at Calcutta, Bombay and Madras. These libraries have good collections of legal reports and legal commentaries. The eighteen High Courts in country do have workable library collections although no survey has ever been made of these libraries. It can be said that collection of these libraries, are just enough to meet the local needs of a particular High Court. Shortage of finance and lack of professionally trained librarians has resulted in the slow development of High Court libraries.

3.1.2 Bar Associations' Libraries

Alongwith Judges' Libraries, Bar Association of all the High Courts and Supreme Court have their own libraries for lawyers. A peculiar aspect of these libraries is that they are headed by some clerks and peons who have learnt their jobs by doing it and without any training. Services to clientele is the most negligible aspect in all the cases.

3.2 Supreme Court Judges' Library

The Supreme Court Judges' Library was established in 1938. It has a collection of about 2,50,000 legal documents, which includes books, monographs, commission reports, government publications, centre and state legislation and other legislative material. It subscribes to about 300 Indian and foreign reporting and academic journals and has a staff strength of 70 including 16 professional librarians. The clientele of the library are Hon'ble Judges, Senior Advocates, Court Managers and law researchers of different universities doing academic research.

Supreme Court Judges' Library is a grid of libraries. In addition to Central Law Library, it also maintains workable collection in 11 Bench Libraries and 26 residential libraries of Hon'ble judges. Supreme Court Judges' Library is essentially a reference and research department

of the Apex Court. It has to keep close watch over the multifarious requirements of Judges and Court functionaries. It is described as a throbbing heart of the Court and have developed many reference tools to provide efficient services to legal fraternity.

3.2.1 Computerisation in Supreme Court Judges' Library

The explosion of legal literature necessitated the legal world to think in terms of bibliographic control and devise certain methodology to retrieve information efficiently. Traditional techniques of library operation are found to be archaic and inadequate to satisfy the enhanced requirement of legal information by the Hon'ble Judges and legal fraternity.

In the Law Commission of India Report, Justice DA Desai recommended the use of Computer technology in library activities. The report reads:

"Computerisation of library is a high priority necessity. The Court's time is wasted in collecting judgements bearing on the same subject. A push button system should be available to make handy all judgements on the subjects".

Computers have enormous power to store and can handle routine and repetitive activities with speed and accuracy. Resource sharing is also possible due to telecommunication links amongst law libraries. Computer can help in using the case and statute citator, nominal tables of decided case, cases on a particular piece of legislation, decoding of citation, and to look for the equivalent sources of reported cases.

Supreme Court Judges' Library is in the process of introducing the application of computer in its functioning. Library is undergoing a massive change with the introduction of computerisation of the full text of official reports, i.e., Supreme Court Reports.

Chief Justices' Conference held in 1991 took an unanimous decision to request National Informatics Centre to take up the project of computerisation of Supreme Court and High Courts and interconnect through NICNET. Hence, COURTNIC was conceptualised, National Informatics Centre (NIC) played role as

a catalyst in Court's computerisation and efficient functioning. The NIC, is helping and co-ordinating in computer application by preparing software and providing hardware in the Supreme Court.

The NIC has set up a nation-wide satellite based computer communication network. NIC also provides necessary computer training to court managers and staff.

COURTNIC, i.e., Court Information System, developed by NIC is designed to provide information on the Apex Court to wide range of users. COURTNIC will cater to the information requirement of Judges, court managers, lawyers, litigant public and academic community who are interested in legal development and judicial decisions of the Apex Court.

The main objectives of the COURTNIC are:

- to provide online Apex Court information to the litigant community across the country;
- to inculcate information culture among the public to enhance their confidence in the judicial process; and
- to help the registry of the Apex Court in the execution of its function by providing easy flow of information.

Information to be made available on the COURTNIC includes:

- (a) Provision of complete daily case cause lists of all the courts.
- (b) Status and position of a case filed in the Apex Court.

The information is to be made available to litigant public at nominal charges.

The Judges' Library has planned to use computer in various area of its functioning. Case hunting, status of the case and decisions of the Supreme Court on a particular piece of legislation are the day to day requirement at present met through the general and subjects digests. These digests/indices are helpful, but they take a lot of time to locate the desired information and has inherent disadvantage of dependency on the views of the person who develops it.

3.2.2 SUP LIS (Supreme Court Library Information System)

Computerisation process in Supreme Court started in 1992. Supreme Court Judges' Library has introduced new technology in a phased manner with three distinct projects under its planned programme:

- (i) Case Indexing;
- (ii) Current Contents (Academic Articles);
- (iii) Legislation.

The Judges' Library identified the database of about 25,000 decided cases from 1950 onwards and approximately 1500 cases reportable/non reportable annually. Hence, the judgements/orders reported in Official Report i.e., Supreme Court Reports and other important reporting journals are indexed. Library database SUP LIS was programmed on the Hardware XENIX 486.

3.2.3 SUP LIS: Retrieval System

An important feature of the SUP LIS is the retrieval mechanism developed on the basis of information seeking need of users. This system has been created on the basis of queries and requisition received from the courts, court officials, different departments of the court and Hon'ble Judges. Following are the options of approaches for retrieval of case information:

- (i) Time-wise
- (ii) Case Name/Cause title-wise
- (iii) Judge-wise
 - (a) Judge + Time
 - (b) Judge + Time + Case/Cause title
 - (c) Judge + Time + Act
 - (d) Judge + Time + Subject
- (iv) Equivalent Citations
- (v) Phrase/Maxims
- (vi) Famous Name
- (vii) Petition Number
- (viii) Catchword
- (ix) Acts/Rules
- (x) Headnotes

The above given main menu helps the user to retrieve judgements or an order. System is quite flexible and helpful. The 'User friendliness' of SUP LIS makes it easy to use without prior

computer experience. Data entry is accomplished through a 'fill in the blank' approach. The computer will not allow characters to be entered anywhere except within the appropriate brackets. Most fields have explanatory message that is displayed at the bottom of the screen when the user is ready to enter the data into the field. For fast access of information, SUP LIS has been designed keeping in mind the time break of period. Therefore, every option of retrieval has been controlled by time option or specified range of time. It also allows the user to select the mixed options of retrieval. For example, if the user knows that: (a) a judge has delivered a judgement, (b) in a specified period, (c) on a particular subject, SUP LIS will help to find out the judgement/order. Moreover, when the user has a clue such as particular date or month, the case can be retrieved by the system. For example, while entering the fix date, i.e., 20.2.90 the computer will list all six titles of the judgements with the case number which have been delivered on this date. One may select desired case/cases for having full details of the judgements. For this, one can enter the case number to get the full detail in a well designed screen.

3.2.4 SUP LIS: Data Contents

SUP LIS contains the following information about the cases and judgements delivered by the Apex Court. It facilitates retrieval of information in considerable detail, satisfying the needs of users who have different approaches/options to access the data.

- (i) Date of Judgements
- (ii) Petition Number/Appeal number
- (iii) Name of the Parties (i.e. Petitioners' Name and Respondents' Name),
- (iv) Order/Judgements/Revised Judgements
- (v) Citations (i.e., Supreme Court Reports, Supreme Court Cases, All India Reporter, Judgements Today, SCALE and other journals)
- (vi) Bench Name of Judges
- (vii) Judgements delivered by name(s) of Judges
- (viii) Subject Headings
- (ix) Famous name of the Judgements/Cases and

(x) Words/Phrases/ Maxims.

As explained above, the system provides a very powerful retrieval mechanism. A decided case can be accessed through any of the above fields/sub fields, and certain sub menus are immensely helpful in delimiting the search to the specific requirement of the user. Some of the fields such as citation, subject heading, famous name of the judgements and words/phrases/maxims satisfies the different approach to information. In a case/judgements, 'Equivalent Citation' field is a popular reference tool for lawyers. SUPPLIS indexes four more journals in addition to Supreme Court Reports as enumerated under the field 'Citation'. These citations enable the lawyers to retrieve more varied and complete information about the cases from journals which are selective in their reporting of cases. Another field 'Petition Number' is useful for the judicial sections of the court where file location is a day to day requirement and files are arranged according to numbers. The option 'Subject Headings' helps in retrieving the text through words which appear in the headnotes. While selecting this option, the facility of Boolean search is provided in SUPPLIS. Headnotes are prepared by subject experts and they contain legal terms used in decided cases.

Supreme Court Judges' Library and NIC are jointly refining, improving and updating the SUPPLIS and its software for better functioning and retrieval. For the case history, status and current information concerning the validity of the decided cases, library has added new features of 'Citor of Cases'. The library is also in the process of adding to the database Appeal/Review/Over-rule/History and Citation of High Court judgements. The Supreme Court has taken an initiative in launching a challenging project of full text of Supreme Court's decided cases, which would be perhaps a pioneer step in legal information and it would also shape the future of the courts functioning in this part of the World.

3.2.5 JUDIS (Judgement Information System)

On 8th March 1995, the then Hon'ble Chief Justice of India inaugurated the release of JUDIS

connecting all the 18 High Courts through satellite based computer communication network. JUDIS provides free-text based retrieval system of the decided cases from 1950 onwards. It is a comprehensive online Case Law Library. It helps to find relevant precedent on any subject that is judicially considered by the Supreme Court. It has complete choice of retrieval fields available in SUPPLIS with additional free choice to choose your own set of typical words which you feel are part of the text of the case. JUDIS can be accessed from any of the 750 nodes of the NICNET across the country and High Courts computer cell.

NIC has announced the release of JUDIS CD-ROM for the benefit of legal fraternity of Judges, lawyers, and legal researchers. It is a user-friendly supplement to the online JUDIS developed by the NIC and Supreme Court. It contains all reportable cases published in official report of the court namely; Supreme Court Reports from 1950 onwards.

JUDIS-CD-ROM is available in two versions: Unix and Windows. The unix needs the institutions having Unix based servers for providing multiuser access. Windows version, which has Graphic User Interface, serves the needs of individual users who have window based system. JUDIS-CD-ROM provides retrieval through various field : Title, Judge, Time, Act and Free Text. Search information can be entered in the Query by Example (QBE) screen. Boolean operator efficiently retrieve the required case with (And, Or, Not) indicators.

Users can type commands instead of filling in a QBE screen; a command query window is provided with easy to learn commands. One can retrieve through subject heading (e.g., Defamation), phrase and maxim (e.g., Res Judicata with period restriction of search years such as 1995-1997; Boolean (i.e., And, Or, Not) operation (e.g., Librarian and Parity). After receiving the appropriate response to a query one can see the records of the full text with print-out facilities.

3.2.6 Computerisation of Library Operations

Supreme Court Judges' Library is also using new technology in its routine functioning.

Software has been prepared and data have been fed from 1992 onwards for the articles published in journals subscribed to in the library. This will be helpful as a tool of current awareness and in depth research in legal discipline. For cataloguing records, software has been prepared and is being assessed and analysed by the Supreme Court Judges' Library for transferring its library holdings in computer. This is a big project of feeding records of 2,50,000 documents and it requires sufficient resources and staff support. However, a beginning has been made by feeding recent data of library acquisition. In this process, the court will be able to get library catalogues in card form with various approaches. Many High Court libraries are finding it difficult to prepare library catalogues due to non-availability of professional staff. This project will help in providing printed cards to High Court libraries for the cataloguing of similar documents added to their libraries. It will be a step towards resource sharing in the form of literature use and inter-library loan.

3.2.7 Computerisation of Central/State Legislation

Another ambitious project of Supreme Court Judges' Library is to computerise all the central/state legislation and its development from the stage of introduction of bill to commencement/assent of legislation. In the beginning indexes of such legislation will be prepared. Project is in its preliminary stage and a close coordination with Parliament Library is needed for the work. On its completion, it will be able to assist the user of the library with following legislative information:

- (i) Act No.;
- (ii) Year;
- (iii) Title;
- (iv) Date of President Assent/Commencement date;
- (v) Date of Introduction in Lok Sabha/Rajya Sabha;
- (vi) Publication in Rajya Sabha/Lok Sabha;
- (vii) Information regarding Joint/Select Committee;
- (viii) Amendments/Repeal;

- (ix) Subordinate Legislation;
- (x) Similar provision in State Legislation;
- (xi) Law Commission Report available on the subject, if any;
- (xii) Comments on the legislation in academic journals.

Ministry of Law has also developed software for the central legislation and India Code will be released in near future on CD-ROM for the full text of acts of Parliament.

4. CONCLUSIONS

The impact of electronic information revolution can be seen in many places. In Western countries, institutional efforts and commercial enterprises helped in developing the legal information systems and introduced innovations with sophisticated software/hardware to reach wider clientele. In India, beginning has been made by one commercial reporting journal namely *Supreme Court Cases* by releasing CD-ROM version of its printed digests. *All India Reporter* and *Judgement Today* are also in process of releasing their reporting journals on CD-ROM in near future.

Economic liberalisation policy of the country have also attracted the international legal publishers to operate and function from India. M/s. Butterworth, a leading publisher of law books and LEXIS Legal System, have started publishing Indian Legal Commentaries and in near future will invite subscribers to use LEXIS Legal research System. It will help in comparative legal research. The Supreme Court and National Informatic Centre (NIC) has certainly made a beginning in this field of computerisation and it has many miles to go.

Computer application in courts and court libraries was started on piecemeal basis without co-ordinating the activities at state and centre level. In USA, Federal Judicial Centre and Australian Legal Information Institute in Australia are think-tanks to provide guidelines, training and framing of computer use in courts. National Judicial Academy of India may take up this project to co-ordinate activities to achieve uniformity.

At present, COURTNIC of NIC is less comprehensive, and more efforts are required

to co-ordinate court informatics activities from filing of the litigation to decision of the case to achieve optimum results.

On the whole, it can be said that computerised legal information system in India is still at a fledgeling stage. Legal fraternity do recognise the importance of information management, and it is expected that proper user friendly comprehensive automated information retrieval system will be developed in near future also to cover High Courts and District Courts of the Country.

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