Chapter – 1

INTRODUCTION

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1.1   INTRODUCTION

The law libraries are considered as "the laboratories of the university to the chemists and the physicists, the museum of natural history to the zoologists, the botanical garden to the botanists" quoted Professor C. C. Langdell, the then Dean of Harvard Law School in 1886 while addressing the Harvard Law Association on the occasion of 250th anniversary Harvard College. (Danner R. A., 2015). The law library may also be described as the 'lawyer's workshop' (Yaqin, 2008) for practicing and 'laboratory' for future lawyers. Law libraries are specialised libraries and are integral part of courts, judicial academies, law firms, government agencies and law schools. There are different sizes of law libraries depending upon the parent organisation and clienteles being served. The content may also differ according to the varying needs of the clienteles.

"An academic law library is different in its content, organisation and use than other type of academic libraries" (Levor, 2006). Any academic law library may have strong collection of text and reference books, law reports, statutes, academic periodicals, historical and philosophical works. The legal professionals or law firms need a different form of law literature covering reference books and law reports in highly specialised area of their practice. Online legal information resources, subscribed or open access, are integral part of the law libraries in addition to print collection in 21st century. On the basis of parent organisation, law libraries could be categorized as in the table-1.1 below:

Table 1.1: Types of Law Libraries

Sl. No.	Types of Law Libraries	Clientele/Patrons/Beneficiaries
1.	Academic Law Libraries (attached to Colleges/Universities)	Law students and Teachers, Research Scholars
2.	Judicial Libraries (attached to Courts)	Judges, Jurist

3.	Bar Association Libraries (at different geographical levels)	Legal Practitioners
4.	Government Law Libraries (attached to Government Departments)	Civil Servants and Government Officials
5.	Legislative Libraries (attached to Parliament and Legislatives)	Legislators
6.	Libraries of Judicial Academies & Training Institutes	Judges and Civil Servants
7.	Research Libraries (attached to Research Organisations)	Researchers
8.	Private Law Libraries (attached to Law Firms)	Practitioners

1.2 LAW LIBRARIANSHIP

ALA Glossary of Library and Information Science defined librarianship as "the profession concerned with the application of knowledge of media and those principles, theories, techniques and technologies which contribute to the establishment, preservation, organisation, and utilization of collections of library materials and to the dissemination of information media" (Young H. , 1983). The special librarianship is defined in the Librarian's Glossary and Reference Book as "The branch of librarianship, administering and evaluating books and non book materials in specific and limited fields of knowledge, and disseminating the information contained therein to meet the needs of the particular institution or its clientele" (Harrod, 1977). "Law Librarianship is a hybrid of the profession of librarianship." (Dada, 2011).

"Law librarianship is an intensive subject librarianship, just as any special librarianship where the collection and clientele are specialised and are of homogeneous character, and where the services and operations are unique and are determined by the administration and objectives of the parent institution of which the library is a part, or perhaps the heart" (Bikshapathi, 1972). Law librarianship is one of

the specialised branches of librarianship which has deep relationship with the subject - law. The practices of the librarians while serving in law libraries make them law librarian. (Hazelton, 1993). Black's Law Dictionary defines 'profession' as "a vocation requiring advance education and training" and 'professional' as "a person who belongs to a learned profession or whose occupation requires a high level of training and proficiency" (Garner, 1999).

"Law librarianship integrates information professionals into the legal field, where they are expected to be interdisciplinary collaborator." (Andrews, 2014). The law librarians help law professionals and students as they have expertise in handling legal materials. They may have a degree in law with library science or have specialised degree in law librarianship. (Danner, Estes, & Meadows, 2009).

In India, the need of qualified law librarians was felt in a UGC sponsored seminar on legal education held at Pune in 1972 and it was one of the recommendations that the Indian Law Institute should conduct a course of eight to ten weeks, to train those who already have a diploma in library science and experience in the administration and services of a law library. But it could not be implemented due to lack of funds. (Mahr, 1990). The controversy over the qualification of law librarian, whether a law degree is essential or not for him, has long been discussed in USA and UK. (Bonney, 1991), (Belniak, 2009), (Young S. , 2012). In India, as suggested by a Senior Law Librarian, "more than adding a law degree, it is important that the existing law librarians get themselves trained in legal terminology, literature and legal research skills. A specialised advanced diploma course can be an option or a specialised module in the library science course where an optional subject of law librarianship and legal research training should be introduced". (Narayan U. , 2014). Even though law librarians need special skills to serve library users, there is lack of specialised degree program in law librarianship in India. UGC Model Curriculum of 2002 suggested "Law Librarianship" as an elective paper for second year of integrated MLIS (Kumar, 2009). But only the R.T.M. Nagpur University has adopted this elective paper which includes Legal Information Sources, Services, Systems and Network at MLIS level. (RTMNU, 2012). And the Tamil Nadu Dr. Ambedkar Law University, Chennai has started Post Graduate Diploma in Law Librarianship (PGDLL) under distance education programme from the academic year 2014-15 for those having a graduate degree. (TNDALU, 2014).

The Bar Council of India (BCI) has been constituted as a statutory body which frames standards to maintain the quality of legal education in India. Under BCI Rules the qualification of the law librarian in academic sector is not clearly defined. According to BCI Inspection Manual a qualified and trained librarian should be the In-charge of an academic law library. (BCI, 2010). The qualification to work in colleges or universities is defined by the UGC and there is no distinction between the qualification of academic law librarian and other librarians in academic sector. A degree in law or specialised training in law librarianship is not compulsory requirement to be an academic law librarian. "The existing standards laid down by BCI are not adequate to evaluate the facilities and performances of law libraries in India." (Rao, 2012). The BCI rules about the academic law libraries are not in details and updated. (Kaur, 2015).

"There is a lack of proper networking and collaboration among Indian law libraries although the libraries do assist each other with important materials available to them." (Narayan U. , 2011). The need of Law Library Network or Consortium has been always felt because the number of law universities and other institutions having common interest is increasing every year. (Vyas, 2010). The idea to establish an Association of Law Libraries is yet to be materialized although a couple of attempts have been made in this direction. (Narayan U. , 2011).

1.2.1 Status of Law Librarianship

A law librarian requires special training and skills to handle the specialised collection and provide specialised services. (Tewari, 2008). Most of the activities in law library are same as in other libraries but the important difference between law library and other library is the subject matter and the clientele because they have specialised requirements. (Hicks, 1926). Emphasizing the role and contributions of a law librarian in legal academia and profession, Kelsh acknowledges that a qualified law librarian can understand the nature and complexity of law library operations, procedures, policies and knows the process of legal research. The law librarians are supposed to be expert of financial management, information management and training or teaching. They remain always relevant in a law school by providing excellent services by using their skills and acquiring new competencies to tackle future challenges. (Kelsh, 2006).

Academic law librarians must keep informed themselves, so that they may adequately support the efforts of law schools in meeting the demands of globalization. In 2001, Nicholas Pengelley described a scenario of the law school and the law library of 2021. There will be web-based course contents having hyper links to the primary and secondary sources of law and students would be able to participate in online class discussions. There will be possibility to attend online lectures in virtual classrooms. (Haugen, 2005).

For a law librarian to cope with the coming scenario, it is essential to receive formal training in law librarianship. The training in law librarianship and application of ICT give the existing librarians, knowledge, skills and confidence which are required for a competent law librarian. Besides the specialised training programmes in law librarianship during the job, it is also necessary for Library and Information Science (LIS) Schools to start optional paper in law librarianship at Master's level.

1.3   ROLE OF LAW LIBRARIANSHIP

1.3.1   Library Management

The law library staff plays an important role in the library management as they are engaged in strategic planning, anticipating future needs and trends, and articulating a vision that mirror the law university's mission. The librarian and staff ensure compliance with Bar Council of India Rules as well as assessment and accreditation requirements. They also provide records for documentation and demonstrate compliance.

An academic law librarian needs to understand the law university's mission and the Vice-Chancellor's vision. It is crucial to maintain relationship with the faculty and other department of the university. The relations should not only be at personal level but to know their information needs and to fulfill their needs through library services with respect to the mission of the parent institution.

The law librarian deals with personnel management, financial management, and most important knowledge management. He deals with various other organisations outside the law university and he has to maintain relationship with them.

1.3.2   Collection Development

"Any law library has to be well equipped with regard to two types of basic materials – "authority" and "precedent". These materials may equip the reader not only with what the law is but also help him understand that in a complicated society with complex laws, he may have to take recourse to such secondary material as books, reference books and articles. In addition to this a library has to contain materials in allied fields such as History, Political Science, Anthropology, Sociology and Economics and also in Comparative law." (Jain, 1982). In the current scenario of globalization and Internet connectivity, e-resources containing legal information not only for the law of the land but of other countries and International laws are the integral part of the academic law libraries. Every law library must have a written collection development policy and collection retention policy.

"The use of electronic resources is increasing day by day, at the same time the usage of printed documents is also demanded by users." (Mahawar, 2011). "While acquiring the material, the librarians should consider the user preferences, mission of the parent organisation, preservation of primary materials for future generation of legal scholars and cost of the physical and virtual storage for collection". (Smith-Butler, 2014). The scope of the collection may go beyond the law of the land and a librarian has to acquire the material dealing with the laws of other jurisdictions. The librarian also deals with the Copyright and Licensing issues while digitizing the library material and purchasing access to the legal databases.

1.3.3   ICT Application in Libraries

"Today, law libraries enjoy the convenience of online library catalogs, as computers continue to make a direct impact on their daily operations. The 'age of information' continues to develop, and law libraries face new challenges with additional breakthroughs in wireless standards, artificial intelligence, and quantum computing." (Balleste & Kaufman, 2014). "New technology has required law librarians to quickly adapt to the ever expanding technological landscape. This can provide a challenge to librarians and patrons alike who have not been exposed to some of the newer platforms." (Wertkin, 2014). From automation of daily library operations to the implementation of web 2.0 tools to provide real time library services, it is the responsibility of the library staff. Mobile computing, wireless

technologies, cloud computing are the new avenues for the librarians. They need to understand how these model works and how to be implemented.

1.3.4 Legal Information Literacy

"The law library users may find a wide range of information, but how well do they understand exactly what they have found? Do they know whether it is the current law? Do they understand what is missing? Do they recognize whether or how well their results answer their original query? Do they understand how their results raise new queries altogether? Do they see what criteria have been used to judge relevance in the retrieved list? Effective legal research still requires a high skill level. Critically thinking skills and a refined knowledge of legal materials and sources are immensely important in current research environment." (Hutchinson, 2014). "In recent years, information literacy in law schools has become a subject of great interest to law librarians" (Harker, 2013). "The role of law librarian is as much pedagogical as it is managerial, organisational or technical" (Bird, 2011). The teaching of legal information literacy skills must be undertaken in collaboration with academic staff to ensure proper examples and explanations.

1.3.5 Library Services

Library is a service organisation and the services are provided not only for users' satisfaction but to achieve the goals of the parent organisation. "The background required for law library public services may include specialised knowledge of legal research tools and techniques, or training with library systems that range in complexity from replacing paper in the photocopier to managing multiple online systems." (Klinefelter & Sampson, 2014). The law libraries provide a range of services and some of them are very specialised in nature. The library staff should be able to "understand different learning styles, know how to use the reference interview to fully understand patron requests, handle complaints, and market the library." (Klinefelter & Sampson, 2014).

1.4 INSTITUTIONS OF LEGAL EDUCATION IN INDIA

The Bar Council of India (BCI) has power to frame standards and take appropriate steps to improve the quality of legal education for undergraduate courses. And the University Grants Commission (UGC) has authority to deal with the

affiliation matters of law colleges with universities. The UGC is responsible to take, in consultation with other stakeholders, all such steps which are important for the promotion, standardization and coordination for Higher Education in India.

All types of institutions as mentioned in table-1.2 are offering three year law degree, five year integrated law degree, one year or two year Master degree and Ph.D./LL.D in law. Every department of law or affiliated/ constituent law college of the university has to establish a law library for conducting law courses.

Table 1.2: Types of Institutions Imparting Legal Education in India

Sr. No.	Nature of the Institutions	Unit imparting legal education
1.	Central Universities	Law Department/ Constituent Law College
2.	State Universities	Law Department, Affiliated/ Constituent Law Colleges
3.	National Law Schools/ Universities (State Universities)	Unitary Law Universities
4.	Private Universities (State Universities)	Law Department/ Constituent Law College
5.	Deemed Universities	Law Department/ Constituent Law College

1.5 NATIONAL LAW UNIVERSITIES IN INDIA

"National Law Universities" are State Universities, established in various States by their respective State Governments. Some people also called them as "National Law Schools" because the idea of establishment was based on the model of "Harvard Law School". These universities are unitary and specialised for Law conducting 5 years Integrated Law Course, Masters in Law, Research Programmes and other courses of law and interdisciplinary nature. These universities are

recognized by the Bar Council of India under Section 7 (i) of the Advocates Act, 1961 and eligible under the meaning of Section 2(f) and 12(B) of the University Grants Commission Act, 1956. Though these universities are established by the State Governments under State Act, they are required to practice excellence and high standards at par with other national level educational institutions and admitting student through Common Law Admission Test (CLAT) which is being conducted every year at All India level. NLU Delhi and ILI are conducting their own entrance examination at national level.

The first of its kind in India, the National Law School of India University (NLSIU), Bangalore established in 1986 as a centre of excellence and model institute for legal education and research and Dr. N. R. Madhava Menon was the founding Director. On the basis of this model university other States also established national law universities. Justice A. S. Anand says "It is perhaps the best experiment in the country in the field of legal education after the experiment in technology education in IITs and management education in IIMs" (Anand, 2014). The number of national law universities is increasing every year and up to June 2015, eighteen law universities including one deemed university, were operational.

1.6   STATEMENT OF THE PROBLEM

"The new student-centric paradigm and new learning and teaching approaches have created the need for a re-conceptualisation of the roles and responsibilities of librarians in learning and teaching processes." (Virkus & Metsar, 2004). The role of librarians in law universities means the actions and activities assigned to or expected from them as a part of their duty in general and particularly those roles played in handling the legal information resources. The study is about the practices of academic librarians in national law universities focusing on collection development, ICT based services, e-resources and modernization of law libraries and legal information literacy. The study also covers the role of law librarians to create, disseminate and provide access to the open access information resources. The title for the present study is "A Study on the Role of Librarianship in National Law University Libraries of India".

1.7 OBJECTIVES OF THE STUDY

This study aims to explore the following objectives:

i)   To study the types and functions of law libraries in India.

ii)   To study and analyse the status of national law university libraries.

ii)   To study legal education system in India.

iii)   To study the role of librarianship in national law university libraries.

iv)   To evaluate the information resources available for law.

v)   To study and analyse library services provided to users.

vi)   To study the transformation and impact of open access movement in law libraries.

vii)   To suggest best practices to improve academic law librarianship in India.

1.8 HYPOTHESES

Seguin believes that "law librarians are highly important, but under-utilized resource". (Seguin, 2005). This study has focused on the trends and status - whether the services of academic law librarians are being utilized in India and whether they are playing their important role in the development of libraries of national law universities and at what extant. Following hypotheses are considered for the present study:

i.   National law universities have developed advanced libraries using ICT and principles of library and information science.

ii. The librarians are playing important role in the development of national law university libraries with the available infrastructure, resources and environment.

iii. Law librarianship is emerging as a specialised profession in India.

1.9 SIGNIFICANCE OF THE STUDY

The Google is considered as competitor of libraries, to be relevant continually an assessment of role and purpose is required in terms of changing needs of the communities and professional commitments. (Richard, Koufogiannakis, & Ryan, 2009). In this changing scenario librarians can not afford to ignore implementation of

ICT and its impact on libraries. The development of legal education particularly emergence of national law universities in India creates lots of interest among the librarians in law librarianship. National law universities are centre of excellence in legal education but there is no study conducted in India to know the status of law librarianship as well as law libraries and the practices adopted by the law librarians. This study is an attempt to fill up this knowledge gap. The researcher has tried to find out the hurdle in the way of librarians and suggested the best practices for the betterment of academic law librarianship. There is an urgent need to know the weaknesses and strengths of the academic law libraries in India. The results also reveal various aspects of academic law libraries covered under this study and adoptable practices for law colleges and other institutions.

1.10 SCOPE AND LIMITATIONS OF THE STUDY

a) The focus of study is on national law university libraries covering

» collection development

» library services

» ICT application

» modernization of libraries

» e-resources including open access information resources

» legal information literacy

» perception and opinion about law librarianship

b) On scanning the different sources the researcher traced national law universities which were operational and proposed to be established in various states. For this study, only those law universities were considered which were operational by the end of June 2015. The researcher also included Indian Law Institute, New Delhi for the study as it is the oldest and one of the most important institutes for legal educational and research in India. The Indian Law Institute was established in 1956, got deemed university status in 2004. The law universities which are affiliating in nature are not the part of this study, only unitary 18 law universities are considered for this study as listed in Appendix – 1.

1.10.1 Definition of the Terms

For the purpose of this study, the following terms are defined as:

Law Library: A library which purchases and maintains a specialised collection of print and electronic materials on law and related subjects.

Law Librarianship: ALA defined law librarian as "legal information professional, who works in various legal settings, including law schools, private law firms, and government libraries".

Academic Law Library: A law library attached to an academic institution like college, university, etc.

National Law University/School: A specialised university for study of law and unitary in nature and admitting students on the basis of All India Admission Test.

Primary Authorities: Primary sources of authentic legal information like legislation and reports of the decided cases, etc.

Secondary Authorities: Secondary sources of authentic legal information like encyclopedias, legal dictionaries, books, treatises, law reviews, journals, and committee reports, etc.

Finding Tools: Secondary sources of information which are used to find out primary or secondary authorities of legal information like Digests, Manuals, Indexes, Bibliographies, etc.

Precedent: Precedent is an earlier decision of the court used as a source of legal information for decision making at present and in future.

1.11 RESEARCH METHODOLOGY

While conducting research every scholar has to follow a specific methodology suitable to obtain the results according to the objectives of the study. Selection of research method depends on the topic of research. Out of the main research methods researcher found a descriptive method of research more suitable for present study.

Hence descriptive research methodology is used for completing this study in which a survey of National Law University Libraries in India is conducted.

Researcher noticed almost 18 law universities wherein well established libraries providing services to users. The libraries established till June 2015 are considered for the survey. Researcher has used structured questionnaire as a tool for data collection. This is the major tool through which researcher has collected data from librarians of law universities spread throughout India. All 18 law university libraries covered for sending questionnaire. In addition to this researcher made efforts, visiting few libraries of law universities in India, for observing their organisation and collection alongwith users. Personally discussed challenges and problems faced by librarians. Thus interview and observation technique are also used for completing this study. The researcher also collected updated data from various websites. Alongwith this researcher also collected a number of relevant articles from various information sources on the topic published in LIS and Law resources. Document review method is also helpful to researcher to develop the concept for conducting research.

Thus researcher has selected:

1. Descriptive Research Methodology: Survey method
   Questionnaire, Observation, Professional Interview as a tool.
2. Structure of Questionnaire: The questionnaire was designed by the researcher to collect relevant data focusing around the following points:

   (a) General Information

   (b) Library Collection and Organisation

   (c) Application of ICT in Library

   (d) Activities for Collection Development

   (e) Library Services provided by the Librarians

   (f) Activities to Support Open Access Movement

   (g) Activities to Prevent Plagiarism in research

   (h) Activities to Support Legal Information Literacy

   (i) Perception and Opinion about Law Librarianship.

The data collected is analysed and presented in tabular, charts or graphical formats to draw the results and results are analysed and required statistical techniques are used to arrive at findings.

1.12   CHAPTERS IN THE STUDY

Chapter 1: Introduction

This chapter includes general introduction to the study, explanation of the problem, objectives, hypotheses, significance of the study, scope and limitations, definitions, brief outline to conduct the research work and structure of the thesis.

Chapter 2: Review of Literature

In this chapter the researcher explores the literature available directly or indirectly related to the topic to understand what is already done and what needs to be done and connects the previous body of literature with the current work. The chapter presents an overview of the studies conducted in India as well as abroad on various aspects related to this study.

Chapter 3: Review of Legal Education System in India

This chapter covers historical background of legal education in modern India and overview of the present controlling bodies for legal education with a brief profile of national law universities and their libraries.

Chapter 4: Law Libraries: Types, Role and Functions

This chapter provides a comprehensive overview of the different type of law libraries and their role and function to satisfy their respective users.

Chapter 5: Resources of Law Libraries

This chapter deals with the details of primary and secondary authorities of law and finding tools from India and some selected resources of few other countries in print and electronic format.

Chapter 6: Role of Librarians in Legal Education

In the changing scenario, what steps librarians take to integrate the principles of librarianship into legal education? What are the challenges they are facing, what skills and capabilities are required to contribute to the quality legal education? This chapter presents a discussion on the role of academic librarians in legal education.

Chapter 7: Transformation in Law Libraries due to Application of ICT

The Chapter deals with the description of the transformation taking place in law libraries due to ICT applications particularly with reference to web 2.0 tools and open access movement.

Chapter 8: Data Analysis and Interpretations

This chapter illustrates the profile of research work in details with the help of tables, charts and graphs to lead findings on the research problem and a critical discussion, interpretation of the results drawn from the study and presents the generalisation of the results with explanations and possible implications of the findings.

Chapter 9: Findings, Suggestions and Conclusion

This chapter consists of findings, tenability of hypotheses, suggestions to tackle the problems raised from the research findings, conclusive remarks including areas for further study.

SUMMARY: Law libraries are specialised libraries and are integral part of courts, judicial academies, law firms, government agencies, law universities and research organisations. Academic law library differentiate itself with others in terms of its resources and functioning. The expertise of law librarians in handling legal materials helps law students to enhance their skills to become good lawyers. Law librarians play their role in day to day activities of library administration, collection development, application of ICT, legal information literacy and other specialised services to the patrons. The law libraries provide legal information to patrons and play vital role in the legal process and social justice.

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