ACCESS TO LEGAL INFORMATION & RESEARCH IN DIGITAL AGE

EDITORS

PROF. (DR.) RANBIR SINGH
Vice Chancellor, National Law University, Delhi

PROF. (DR.) SRIKRISHNA DEVA RAO
Registrar & Professor of Law, National Law University, Delhi

PRIYA RAI
Deputy Librarian, National Law University, Delhi

AKASH SINGH
Assistant Librarian, National Law University, Delhi

NATIONAL LAW UNIVERSITY PRESS

Published by
National Law University, Delhi
Sector-14, Dwarka, New Delhi-110078
+91-11-28035818; +91-11-28034255
Website: http://www.nludelhi@ac.in

© NLUD Press 2012

Price: Rs. 495.00

ISBN: 978-81-923639-5-1

No part of this publication can be reproduced in any form or by any means without prior permission of the Vice Chancellor, National Law University, Delhi

Note: Due care and diligence has been taken while editing and printing this book. Neither the author nor the publisher of the book holds any responsibility for any mistake that may have inadvertently crept in.

The publisher shall not be liable for any direct, consequential, or incidental damages arising out of the use of this book.

In case of binding mistake, misprints, or missing pages etc., the publisher's entire liability, and your exclusive remedy, is replacement of this book within one month of purchase by similar edition/reprint of the book.

Printed and bound in India.

PREFACE

The high proliferation in the use of information technology has given birth to new information age also called as electronic age where information users depend on computer assisted legal research. A number of electronic databases have been designed by various commercial publishers worldwide for supporting legal research and scholarship. Apart from commercial databases, a many open access initiatives have also taken place around the world for the support of law and legal scholarship by government, Ngo's and individual efforts. For advancement of legal research it is critical for students, faculty members and surely the library professionals to equip themselves with efficient knowledge and training to handle digital information available around the world.

Since the mid-1990s the Internet's World-Wide-Web has provided the necessary technical platform to enable free access to computerized legal information. Prior to the web there were many online legal information systems and numerous legal information products distributed on CD-ROM, but there was no significant provision of free access to legal information anywhere in the world. The ease of use of graphical browsers from around 1994, and the web's use of hypertext as its principal access mechanism (at that time) meant that the web provided a simple and relatively consistent means by which legal information could be both provided and accessed as an attractive alternative to the proprietary, expensive and training-intensive search engines on which commercial online services largely relied. Most legal professionals have used free online resources to help in the legal research process. Whether it is a judgment downloaded from a court's Web site, a statute located using India Code or PRS India, an article on Wikipedia, or a post on someone's blog, the quantity and variety of free online resources seems to grow on a daily basis. Some have even wondered if these resources can one day replace the need to subscribe to a computer-assisted legal research (CALR) service such as Westlaw or LexisNexis.

The Free Access to Law Movement is the umbrella name for the collective of legal projects across several common law countries to provide free online access to legal information such as case law and legislation. The movement began in 2002 with the creation of the Cornell Law School Legal Information Institute by Tom Bruce and Peter Martin. The name Legal Information Institute (LIIs) has been widely adopted by other projects. It is usually prefixed by a country or region identifier. In October 2002 the meeting of LIIs in Montreal at the 4th Law via Internet Conference, adopted a declaration as a joint statement of their philosophy of access to law. There were some further modifications of the Declaration at the Sydney meeting of LIIs in 2003 and at the Paris meeting in 2004. The text of the declaration is attached herewith.

However Commercial Databases have its own utility and importance due to its editorial enhancement and efficient search engines. Commercial

databases are regularly updated and advance through the engagement of trainers for resolving issues and problems of their clientele.

This compilation is the first of its kind of measure in India to facilitate the creation of a single platform of Law Professors, Judges, Advocates, Law Students and Librarians to share views and expertise in aid of fruitful utilization of digital information and thus to bring forward the problems faced by law researchers in an increasingly electronic environment while dealing with licensing, use of databases, and reference linking, user education and preservation of digital formats in the changing realm of publications pattern.

Prof. (Dr.) Ranbir Singh

CONTENTS

PART I: LEGAL EDUCATION

Preface (*iii*)

Challenges for Free Access to Law in a Multi-Jurisdictional Developing Country: Building the Legal Information Institute of India ... 1
Graham Greenleaf, VC Vivekanandan
Philip Chung, Ranbir Singh & Andrew Mowbray

Public Domain Resources in Legal Research ... 27
Ranbir Singh, Srikrishna Deva Rao, Priya Rai & Akash Singh

(Re)constituting the Anchorage for International Law Research at the Peace Palace Library with Social Media ... 42
Jeron Vervilet

Computer Assisted Legal Research With Special Reference To Indian Legal Contents: Retrospect And Prospect ... 49
Rakesh Kumar Shrivastava, Megha Srivastava
B.B Khare and Geeta Pai

Bibliographical Management of Indian Academic Law Journals ... 66
S.D. Vyas

Chanllanges Of Information Technology In Promoting Legal Education And Research: A Critical Analysis ... 75
Jeet Singh Mann

Democratization of Knowledge and Role of Electronic Legal Research ... 88
Ketan Mukhija

Exploring The Access Mechanism For Legal Resources In Digital Environment ... 99
M. Natarajan

Strategic Management And Implementation Of Legal Education In India—A Perspective ... 110
Priya Vinjamuri

Legal Education In Digital Age: An Analysis ... 118
Rupam Jagota & Karishma Abrol

Content Analysis Technique in Legal Research—A Critique ... 137
R. Srinivasan

Web 2.0-enabled Legal Revolution in India—Why and How India will climb the ladder of astounding success ... 145
Pranusha Kulkarni

PART II: OPEN ACCESS TO LAW MOVEMENT

Gatekeepers of Legal Information: Evaluating and Integrating Free Internet Legal Resources into the Classroom ... 165
Jootaek Lee

Open Access Revolution in Legal Research: *Dira necessitas* ... 192
Subhradipta Sarkar & Deepak Sharma

Open Access Movement: Challenges and Opportunities for Indian Legal Information Sciences Centers ... 212
Veeresh B. Hanchinal & Vidya V. Hanchinal

Online Publications: Is it the 'World of Ideas' or the 'World of Commodities'? ... 226
Vaishali Kant & Ravindra Sadanand Chingale

Free Access to Law Movement: Indian Perspectives ... 240
Intekhab Alam

Open Access Scholarly e-journals on Law: A Bibliometric Study ... 249
Bidyut K. Mal & Rakesh Mohindra

PART III: IPR & COPYRIGHTS

Copyright Collaboration: The Future of Academic Law Libraries ... 263
Jonathan A. Franklin

IPR & Copyrights: Legal Protection of Digital Content With Special Reference to Electronic Databases ... 269
Priya Rai

Is Royalty Arising Out of Copyrighted Software Taxable? ... 284
Shayan Ghosh & Mandobi Chowdhury

Licensing of Digital Resources: A Comparative Study ... 291
Amit Dubey

Access to Digital Information in Cyber World ... 299
J.S. Lohia