

## ***A Brief Introduction to the Legal Information Resources of India***

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When flying into New Delhi at night, one can be forgiven for thinking that the flickering lights below are exactly the same as cities in Australia. Once on the ground, the realisation that many of those lights were actually cooking fires and the black areas were having power outages, and were not bush or parkland, certainly makes a visitor look twice.

At a glance, the Indian legal system also seems to bear a very striking resemblance to the Australian legal system. There is a legacy of British law making and influence which has established the courts, their superiority and rank and has dictated the continuance of precedent. Like the aerial view of Delhi all is not as it seems. India has even more state jurisdictions than Australia, each with their own High Court. This means a huge fragmentation in consistency of judicial decision making which in turn leads to two points particularly relevant for lawyers:

- the multiplicity of differing legal opinions from courts of high regard
- the difficulty of finding out about and getting access to the various judgments which may either help or hinder your case.

Whilst there is still a great reliance on textbooks in paper format in India for legal information, increasingly free legally related information is appearing on many disparate sites. Much of the information is of dubious parentage and authenticity, and the unreliability of power (affecting both the transmission of information and the receipt of information) can sometimes cause grave difficulties. These are gradually improving, however, and it is foreseeable that the world's largest democracy will make great use of electronic resources in many areas of business and economy over the next twenty years.

Following are some websites with legal information which are worth knowing about. Any website with 'NIC' in the address is a Government website.

[www.nic.in](http://www.nic.in)

This site in the index to Government of India websites and provides a good link into much of the legislation available.

[www.sebi.gov.in](http://www.sebi.gov.in)

Securities and Exchange Board of India. This is the equivalent of ASIC. The site has the relevant acts, regulations and rules. The acts I checked were up to date to 3 March 2000. A user can email queries, read press releases, read any guidelines issued, and access monthly bulletins listing the status of the stock exchange and general market trends. It is very clearly put together and presumably useful for those working in any area related to the stock exchange. There is no commentary on the site.

[www.indnet.org](http://www.indnet.org)

The India Network Foundation Information on Immigration Law. Very subject specific and really a starting point rather than an end source.

[www.caselaw.delhi.nic.in](http://www.caselaw.delhi.nic.in)

JUDIS is a comprehensive On-Line Caselaw Library that contains all reportable judgments of the Supreme Court of India, from 1950 onwards. JUDIS provides you with a facility to find relevant precedents to a case on virtually any subject that is dealt with by the Supreme Court of India. You have complete choice to retrieve any case based on a group of words which are part of the text of the judgment. JUDIS is meant for lawyers, judges, law officers, legal experts and even for ordinary litigants. It helps you prepare for your case. Search methods are so simple that formal training is not required. However, when I have tried to use it, it has not been functional.

[www.parliamentofindia.nic.in](http://www.parliamentofindia.nic.in)

This site has pending bills, acts and regulations. It has full texts of acts but access can be very slow.

Apart from the burgeoning development of electronic legal information, there are of course various legal publishers in India. Of the main publishers in Australia only Butterworths has a presence in the Indian market. Looseleaf products do not exist in India, instead a textbook is produced and a number of years later a supplement may be produced. A supplement is usually a text listing the paragraph numbers from the original text and any new citations of cases which might be relevant and, depending on the publisher, may not add any commentary about the effects at all. There are some reports series available for the upper courts but most of these produce select judgment, not all that go through the courts.

There are approximately 700,000 lawyers in India, the world's largest democracy, but of these only 70,000 are practicing lawyers. Accreditation of law degrees varies: some universities have entrance exams and are just as strict as their international counterparts. Other tertiary institutions have no academic guidelines for entrance. Thus all of the positive and negative aspects of the legal profession are magnified by the size of the Indian population.

The court system is as diverse and fragmented as the legal profession, with all the delays and confusion that entails. There is a single Supreme Court and 26 High Courts. The decisions from the various High Courts hold high precedential value and therefore legal texts often carry a number of differing decisions on the same point from the various Courts.

India is a fascinating and diverse country. In many respects it appears almost familiar, as a predominance of eucalypts in central and suburban Delhi will attest. But it is also very different to Australia. The patience of the people with the ponderous pace of the legal system is amazing. Individuals who have been defrauded of their life-savings at 25 years of age accept having to wait another 20 years for their case to be heard in the courts.