

Chapter - 5

**REVIEW OF RESOURCES OF
LAW LIBRARIES**

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CHAPTER - 5

RESOURCES OF LAW LIBRARIES

5.1 INTRODUCTION

“Law is a profession that is heavily dependent on ready access to the current texts of primary source legal materials - statutes, court decisions, and administrative regulations and decisions - issued by a variety of law-making authorities. The job of the librarian has always been to obtain and organize the primary source materials, as well as published commentary on law, and the indexes and other finding tools needed to use them” (Danner, Estes, & Meadows, 2009). Besides print material e-resources are the integral parts of the modern law libraries. It is not necessary to subscribe each and every legal database; many resources are available in public domain also.

The collection of law library falls into three categories: primary authority, secondary authority, and finding tools etc. (Bikshapathi, 1972). “The word ‘authority’ is used by lawyers in at least two senses - one *abstract* and the other *concrete*. In the concrete sense, authority means a book or other place to which one reports to in order to find a proposition of law. In this sense authority is divisible into two: Primary authority and Secondary authority. Legislations and reports of decided cases are Primary Authorities for propositions of law. Secondary authorities are Encyclopedias, Books, Law Review Articles and Reports of Committees and other statutory or legislative bodies.” (ILI, 2005).

“In the abstract sense, the word “authority” is substantially equivalent to influence and power. In this sense also authority is divisible into two grades – *Imperative* and *Persuasive*. Statutes and the decisions of courts (depending upon their position in the hierarchy) are Imperative while the decisions of courts of foreign jurisdiction are Persuasive.” (ILI, 2005).

“There is a growing trend to study the law in expanded relationships with other social sciences, and as a result, the library collections are developing into several law-related subjects areas such as environmental sciences, urban problems, etc.” (Bikshapathi, 1972). An academic or research library has to contain materials in allied fields such as Legal Language, Legal History, General History, Economics,

Political Science, Sociology, and other related subjects for interdisciplinary studies and research. In this chapter, our concern is limited to the primary and secondary authorities of law, finding tools and important commercial e-resources of legal information.

5.2 SOURCES OF PRIMARY AUTHORITIES

The bare laws which are created by sovereign bodies at different levels are considered as Primary authorities of law which may include constitutions, statutory laws, procedural codes, precedents, rules and regulations.

These sources may be generated from the local, state or central government. The primary authorities of law include:

- 1) The Constitution of India
- 2) Legislation/Statutes made by the Parliament and States
- 3) Rules, Regulations, Orders and by-laws made by the bodies to whom the Parliament or State Legislature delegates such authority
- 4) Gazette of India
- 5) Reports of the judgments of the Courts
- 6) Law Commission Reports
- 7) International Treaties

5.2.1 The Constitution of India

The Constitution of India was framed by the Constituent Assembly in 2 years 11 months and 18 days. Its first meeting of the Constituent Assembly was held on the 9th December 1946 and finished its work on the 26th November 1949. (Austin, 1972). The Constitution of India is divided into 22 Parts containing 395 Articles and 12 schedules (Bakshi, 2013). The Government of India issues a new edition almost every 2-3 years as there are amendments to the Constitution from time to time. The Constitution of India with amendments is available on the website of Ministry of Law and Justice¹. The Constitution is amended by the Constitution Amendment Acts which are available at <http://indiacode.nic.in/>. The text of the Constitution with latest amendments (Bare Act with short comments) is also available with well known

¹ <http://lawmin.nic.in/coi/coiason29july08.pdf>. accessed on 19/10/2015.

publishers like Universal Law Publishing Co. Pvt. Ltd., New Delhi and Professional Book Publishers, Delhi.

5.2.1.1 Constitutional Assembly Debates.

The Constituent Assembly was established in 1946 to draft a Constitution for India. The Constituent Assembly completed its task in almost three years. During this period, total eleven sessions held, and 114 days took for consideration of the Draft format. (Parliament of India, 2010). The debates are very important source of information for the study of the Indian Constitutional Law.

The full text of 12 volumes with indices is available at the Parliament of India website: <http://164.100.47.132/LssNew/cadebatefiles/cadebates.html>.

5.2.2 Legislations

The word legislation, in its wide sense includes Acts, Rules, Ordinances, Regulations, Notifications, and even Constitutional Amendments. The most important source of legislation is Official Gazette. Central Legislations are published in the Gazette of India and State legislations are published in the Gazette of respective states.

5.2.2.1 Gazettes

The “Official Gazette” or “Gazette” means the Gazette of India or the Official Gazette of a State². This is an authorised legal document of the Government of India containing the mode of operations under the law of the land (Department of Publication, 2010). The current legislative material of the Government of India, Central Acts, Rules, Regulations, Notifications, orders etc. are published in the Gazette of India. All parts, section and Sub-section of Gazette of India are uploaded in the e-gazette website by the concerned Government of India Printing Presses which can be accessed free of cost by the general public being available in the public domain at <http://egazette.nic.in>.

There are four parts in the Gazette of India and each part is divided into Sections and Sub-sections. Only Part II is much important for legal fraternity.

² Defined under Section 3 of the General Clauses Act, 1897.

(Department of Publication, 2010). The contents under various Sections of Part II of the Gazette of India are given in Appendix-5.

5.2.2.2 India Code

This is the official publications containing all the Acts in force in India without commentaries. The copies of India Code can be purchased from the Controller of Publications, Department of Publication, Ministry of Urban Development, Civil Lines, Delhi-110054. The official website for accessing Acts from 1834 onwards is <http://indiacode.nic.in>.

5.2.2.3 Acts of Parliament

This is also an official annual publication of the Department of Publication (Govt. of India) containing all the Acts passed by the Parliament in a year.

5.2.2.4 Private Publications

There are many periodicals which publish the central as well as state legislative material. The most popular periodical is All India Reporter (AIR) which contains a section of recently passed central Acts. Some state level periodicals publish current legislative material like Maharashtra Law Journal (MhLJ) publishes Acts and rules passed in Maharashtra state.

5.2.3 Reports of the Judgments of the Courts

The judgments of various courts are one of the important sources of law and this source is steadily growing body of law. The judges while writing the judgments refer to the existing Acts, Statutes, Rules, Regulations and Precedents. Precedent is an earlier decision of the court used as a source for decision making at present and in future. In India, the doctrine of precedent is well established and as Article 141 of the Constitution of India provides that the law declared by the Supreme Court shall be binding on all the courts. Though there is no similar provision with regard to the High Courts but it is well established that the subordinate courts are bound by their decisions.

Law reports constitute a substantial part of the law library collection. The case reports in print format, official and private reports, are published by the statutory authority and private publishers respectively. Both official and private reports publish

identical texts of judgments and opinions as supplied by the Courts, but editorial matter such as head notes are different. Private publishers do some additional editorial job which makes them popular and eligible for holding copyright as addition of citations, cross-citations, para numbers and corrections in text etc. Apart from the General Law Reports, there are various specialized law reports which deal with the specific branch or topic of law.

Official Reports

- » Supreme Court Reporter (SCR)
- » Indian Law Reports (ILR)

Private Reports

- » All India Reporter (AIR.)
- » Supreme Court Cases (SCC)
- » Bombay Law Reporter (BLR)
- » Maharashtra Law Journal (MhLJ)
- » Madras Law Journal (MLJ)

Specialized Reports

- » Accidents Claims Journal (ACJ)
- » Criminal Law Journal (CrLJ)
- » Company Cases (CC)
- » Divorce and Matrimonial Cases (DMC)
- » Income Tax Reports (ITR)
- » Labour Law Journal (LLJ)
- » Patent and Trademarks Cases (PTC)

Foreign Reports

- » All England Law Reports
- » Australian Law Reports
- » U.S. Supreme Court Reports

5.2.4 Law Commission Reports

Law Commission is an executive body, constituted by the Government of India from time to time, empowered to recommend legislative reforms with a view to clarify, consolidate and codify particular branches of law where the Government felt the necessity for it. The first such Commission was established in 1834 under the

Charter Act of 1833 under the Chairmanship of Lord Macaulay which recommended codification of the Penal Code, the Criminal Procedure Code and a few other matters. After independence, the Law Commission of India was established in 1955 by an executive order. The commission consists of judges and lawyers, who are expert in the field law and judiciary with impartial minds. Presently, the twentieth Law Commission is in existence. The Law Commission in India has brought out 262 scholarly reports to date on various legal aspects. The full text for each report is available in print format as well as on the commission's website. (Law Commission of India, 2015).

5.2.5 International Treaties

Treaties are documents which contains agreements signed between two or more countries. They constitute binding agreements between nations on mutually agreed upon interests such as trade, immigration, employment etc.

The online database of United Nations provides the most detailed information on the status of major multilateral instruments and covers a range of subject matter such as Human Rights, Disarmament, Commodities, Refugees, Protection of Environment and the Law of the Sea. The database is accessible at: <https://treaties.un.org/>

5.3 SOURCES OF SECONDARY AUTHORITIES

The sources which elaborate and shed-light upon the primary authorities are secondary authorities. Secondary authorities have contents that include explanations, comment and notes on various arenas of laws in the form of articles, treatises, handbooks, or legal encyclopedias. Secondary authority provides information to understand a specific legal matter. It also helps to find out primary authorities since there are footnotes and references in the text. The secondary authorities of law include:

- 1) Legal Encyclopedias
- 2) Legal Dictionaries
- 3) Treatises/Monographs
- 4) Books
- 5) Commentaries

- 6) Law Journals
- 7) Theses and Dissertations

5.3.1 Legal Encyclopedias

Legal encyclopedias provide extensive and detailed explanations of the theories and issues of law using references on how they have been applied in case law, legislation, articles and textbooks. They are usually published as multiple volume series and are updated with new areas and topic of law. Each volume covers different subjects of law and authors are leading experts in these areas. The most common series of legal encyclopedia published in many commonwealth countries is the Halsbury's Laws series.

Halsbur's Laws of Australia

Halsbury's Laws of Canada,

Halsbury's Laws of England,

Halsbury's Laws of India,

Halsbury's Laws of Nigeria,

Halsbury's Laws of Singapore etc., all are published by the LexisNexis.

Other examples of Encyclopedia are American Jurisprudence, Corpus Juris Secundum, West's Encyclopedia of American Law, etc.

5.3.2 Legal Dictionaries

Legal terminologies are different and can be complex as some of the words originate from the Roman and Latin languages. Law dictionaries provide the definition, meaning and translations of the terms.

Some of the important dictionaries are:

- » Black's Legal Dictionary
- » Stroud's Legal Dictionary
- » Wharton's Law Lexicon
- » Aiyar's Advanced Law Lexicon
- » Wilson's Glossary of Judicial and Revenue Terms

5.3.3 Treatises/Monographs

A treatise is a comprehensive compilation of information on a subject. It provides basic knowledge along with discussion to carry out advance research. Sometimes the judges also refer to these kinds of resources while writing judgments.

Commentaries on the Constitution of India:

- i) Treatise on Comparative Constitutional Jurisprudence / D.D. Basu, 9 Vol., 8th Ed., 2011, LexisNexis Butterworths Wadhwa, Nagpur.
- ii) Constitutional Law of India/H. M. Seervai, 3 Vol., 4thEd. Rep., 2012, Universal Law Publishing Co. Pvt. Ltd., New Delhi.

5.3.4 Books

Books are usually written by leading authorities or subject experts who could be academics or legal practitioners or Judges. The student textbooks are in easy language explaining the principles of law citing legislation and case laws.

5.3.5 Commentaries

The Commentaries are generally referred by the practitioners or the students preparing for the Moot Court Competitions. The book emphasis the case findings and practical aspects of the existing law. Commentaries on specific statutes follow a pattern in which each and every section or article of the statute is analysed in a chronological order with exhaustive comments incorporating case laws.

5.3.6 Law Journals

Law Journals are published by law schools, commercial publishers, professional associations, societies etc. The academic law library subscribes a large number of law journals and maintains their back volumes. The law journal publishes research articles on the current issues, commentaries on current important cases, and book reviews. Most of the law schools publish journals or review with their name like Harvard Law Review, Columbia Law Review etc. Sometimes law reviews are edited by the law students with faculty guidance. Nowadays a trend is going on to publish the law journal or law review online specially on open access initiative website. ILI Law Review, NLUD Student law Journal, Indian Journal of Law and Technology etc.

5.3.7 Theses and Dissertations

As a part of their LL.M. or Ph.D. Degree students submit dissertations and theses to the institution. The library maintains the collection of these bound volumes or digital copies in Institutional repository or in both formats depending on the library policy. These are the academic publications and important source of current research.

5.4 FINDING TOOLS

The third category of legal material is the finding or indexing tools. These tools are not authorities for citing before the court of law but are very critical for updating and searching the primary and secondary authorities. These sources of law include:

- 1) Digests
- 2) Manuals
- 3) Indexes
- 4) Citators

5.4.1 Digests

A digest is a multi volume set of indexed cases. The arrangement and subject scope may vary for different digests. This is the important tool in print format for starting the search for case laws on a particular topic during a particular period. Some important digests on Indian Legal Case Laws are as follows:

- » AIR Yearly Digest
- » Supreme Court Yearly Digest
- » Supreme Court Criminal Digests
- » Supreme Court Labour Digest
- » Digest of Labour Law Cases
- » Digest of Tax Cases
- » Service Law Reporter Digest

5.4.2 Manuals

AIR Manual, 6th Edition (45 Volumes, 2004 onwards), is a set published by the All India Reporter Pvt. Ltd. Nagpur. In this set we can find Acts passed by parliament and which are still in force. The entries are arranged alphabetically with

the name of acts and section number wise under each Act. The good features of this set are that under each section of the Act relevant case law has been mentioned, every Act begins with the statement of its objects and reasons, references have been made of the earlier amendments and also the state amendments, if any.

5.4.3 Indexes

Indexes help legal researchers to locate the source of full text journal articles. Some of the examples are as follows:

- » Index to Legal Periodicals (published since 1926), H.W. Wilson Co., New York.
- » Index to Foreign Legal Periodicals (published since 1960), Institute of Advanced Legal Studies, London.
- » Index to Indian Legal Periodicals (published since 1963), Indian Law Institute, New Delhi.

5.4.4 Citators

Citator is a tool for case law search which provide information like the correct citation for a cases and the status of a case law whether a case has been considered, applied, distinguished, or overruled.

- » Manupatra Case Citator
- » High Court Citator
- » Supreme Court Case Citator

5.5 LEGAL CITATION STYLE MANUALS

A Legal Citation Manuals provides a standard language to cite a specific legal source with uniformity. The legal source may be a constitution, a statute, a reported case, a regulation, a treatise, or a law journal article. Illustrations:

- » The Blue Book: A Uniform System of Citation/ Harvard Law Review Association, 19th Ed., 2010, HLRA, Cambridge (USA).
- » The Black Book: Universal's Guide to Uniform Legal Citations/ M. K. Patel, 1st Ed., 2011, Universal Law Pub. Co., New Delhi.
- » Standard Indian Legal Citation (SILC): <http://www.silcmanual.org/>

5.6 ONLINE/OFFLINE LEGAL DATABASES

There are various online and offline legal information resources available in the market. Besides commercial resources many open access resources are also available. An overview of some important commercial resource is being presented here.

5.6.1 AIR Supreme Court Database (on DVD)

AIR Supreme Court DVD contains data covering from 1950 onwards. The DVD has full text from both the AIR Supreme Court as well as AIR SCW.

5.6.2 AIR High Courts Database (on DVD)

The AIR High Court DVD contains data of 22 High Courts from 1950 onwards.

5.6.3 Criminal Law Journal (on DVD)

Criminal Law Journal DVD contains data of High Courts and Supreme Court decisions besides some decisions of Foreign Courts from 1960 onwards. The data is extremely useful for prosecutors and the Bench & Bar especially at the lowest strata of the judicial system.

5.6.4 AIR Privy Council Database (on DVD)

The rulings of pre-independence India became the foundation of our current judicial system. This DVD contains decisions of Privy Council.

5.6.5 The Laws-Super (on DVD)

The Laws-Super Database (on CD) provides access to the judgments of All High Courts, Supreme Courts, Central and Local Acts, Rules, Regulations, NCDRC Judgments, Legal Dictionary, Legal Forms and Drafts and 240 Law Journal Citation.

5.6.6 JILI Database (on DVD)

The database is digital version of the Journal of Indian Law Institute from 1958 onwards. It includes articles, notes and comments and book reviews contributed by eminent scholars. The database is developed a user friendly retrieval system and very useful to do research on various branches of law.

5.6.7 AIR Webworld (<http://www.airwebworld.com>)

This is web-based database consisting around 20 reporters including All India Reporter, AIR Supreme Court Weekly, Criminal Law Journal, AIR Bombay High Court Reports, Allahabad Law Journal, AIR Karnataka High Court Reports, AIR Jharkhand High Court Reports, Labour And Industrial Cases, All India High Court Cases, Taxation Law Reports, Corporate Law Cases, AIR Supreme Court Supplement from 2007 onwards and AIR Supreme Court (Civil), AIR Supreme Court (Criminal), AIR Civil Cases, AIR Accident Claims & Compensation Cases, AIR Cheque Dishonour Reports from 2011 onwards.

5.6.8 CLAOnline (<http://www.claonline.in>)

CLAonline is India's premier online exclusive e-library on Corporate / Securities Exchange Board of India (SEBI) and Business Laws 1950 onwards. The e-library contains Case Laws, Articles, Company Law Procedures, Resolutions, Answers to Queries by experts, Circulars and Notifications of various Ministries / Departments, and updated legislations.

5.6.9 Manupatra (<http://www.manupatrafast.com/>)

Manupatra is one of the India's largest online legal database. Manupatra has revolutionized the way to do legal research in India. Manupatra provides support to academic community, lawyers, business, Government officers and others who requires legal information. Manupatra provides single user and IP base multi user access to its resources, without searching multiple sources. It provides access to the Supreme Court and all High Courts judgments, Privy Council decisions, Bare Acts, Rules and regulations, Ordinances, pending bills, Committee reports and drafts for legal agreements etc. International database includes judgments from United States, United Kingdom, Australia, Bangladesh, Pakistan, Sri Lanka, South Africa, Singapore, Canada, Hong Kong etc.

5.6.10 SCC Online Database (<http://www.sconline.com/>)

SCC Online is one of the most preferred legal databases subscribed by the legal education centres. It provides online access to the database of Indian case-laws, statutory laws, secondary material and other international material with user-friendly interface.

Indian case- law:

Supreme Court of India (1950 – Current)
Privy Council (1836-1950)
Federal Court (1939-1950)
21 High Courts

Indian Statutory Law:

Central Statutes
Rules
Orders
Scheme
Regulations

Indian Secondary Materials

Reports of Commissions and Tribunals
Constituent Assembly Debates
Legal Articles

International material:

Human Rights Treatise and Conventions
Legal Articles

International Case Law

Constitutional Court of South Africa
English Law - The Law Reports,
Supreme Court of Bangladesh
Supreme Court of Canada
Supreme Court of US
The Business Law Reports
The Weekly Law Reports
West African Court of Appeal

5.6.11 E-Jurix (www.ejurix.com)

E-Jurix is an online database by the Spectrum Business Support Pvt. Ltd. It covers all High Courts, Supreme Court and Tribunal Judgments reported under various modules covered. It provides search on full text, section, act, title, key words-phrase, statutes referred, quorum of judges, name of court, date of decision, equivalent citations etc.

5.6.12 Lexis Nexis (<http://www.lexisnexis.com/>)

LexisNexis is one of the global legal database providers which is designed specifically for law professionals, risk management, Government agencies, corporate houses, academic sector and law enforcement bodies. LexisNexis is a proprietary brand which uses advanced Web technologies to provide access to its information sources. It provides access to billions of searchable documents and records from more than forty five thousand legal, news and business sources globally.

LexisNexis covers authoritative legal-publishing brands dating back to the 19th century including Butterworths in the Asia-Pacific region, UK, Canada, Les Editions du Juris Classeur in France, and Matthew Bender worldwide.

5.6.13 West Law (<http://legalsolutions.thomsonreuters.com/law-products/westlaw-legal-research/>)

Westlaw is a premier and most comprehensive online legal database which provides access to caselaws, legislations and other secondary material from various countries like Australia, Canada, Singapore, UK and US. It provides access to the databases of case laws, state and federal statutes, administrative codes, law journals, newspaper and magazine articles, public records, treatises, law reviews, legal forms and other information resources.

5.6.14 West Law India (<http://www.westlawindia.com>)

Westlaw India is a version of Westlaw providing coverage to the Indian Legal Literature also. It is the first online legal database combining Indian and International Law. Westlaw India provides access to legislations, case laws, law reviews, treatises, and Directories organized by topical and jurisdictional libraries with editorially enhanced and reliable content - head notes, citator and legal update alerts – and an easy-to-use interface.

5.6.15 HeinOnline (<https://heinonline.org/>)

HeinOnline is a premiere online database having more than hundred million pages of legal history. It bridges the gap in legal history by providing comprehensive coverage from inception of more than 2,000 law and law-related periodicals. In addition to its vast collection of law journals, it also contains more than 25,000 legal treatises, complete coverage of the US Reports back to 1754, the Congressional Record Bound volumes, famous world trials dating back to the early 1700's, legal classics from the 18th and 19th centuries, the United Nations and League of Nations Treaty Series, all United States Treaties, the Federal Register from inception in 1936, the CFR from inception in 1938, and much more. Now, in more than 3,200 locations in over 175 countries, HeinOnline is the world's largest image-based legal research collection and contains more than 9 centuries of legal history.

5.6.16 Kluwer Arbitration (<http://www.kluwerarbitration.com/>)

Kluwer Arbitration is a premier an important source of information for international arbitration research. It includes commentaries from expert authors and a collection of primary authorities on arbitration. It is exclusive source of materials on ICC cases and awards.

5.6.17 WTO Online (<https://docs.wto.org/>)

This website is a source of official documents of the World Trade Organisation. Its database has over 1,00,000 documents in 3 official languages from 1995 onwards. All WTO documents are available in pdf and Word format. A descriptive record for every document is stored in the archive. All the documents can be consulted online and selected documents are downloadable.

5.6.18 Economic and Political Weekly (<http://www.epw.in/>)

The Economic and Political Weekly is a weekly peer- reviewed academic journal, covering all social sciences, started publishing in 1949 as the Economic Weekly and since 1966 as the Economic and Political Weekly, is a well known publication in India and abroad. It focuses on economic issues, but it also covers social, political, historical, gender and environmental issues. It publishes articles contributed by leading academics, well-known commentators, political activists, social scientists. Its back volumes are available in online searchable database.

5.6.19 JStor (<http://www.jstor.org/>)

JSTOR is a not-for-profit organization, it is not a publisher but its basic purpose is to help academic libraries and publishers. It was established in 1995 with the philosophy to help universities and colleges to free up space in their libraries, save time and money, and make the resources accessible for a wide range of users. It digitize contents for long term preservation for future generations and to expand access to scholarly contents globally. Its collection includes more than two thousands journals from the first volume, research monographs, and other study materials. Their database contains more than 50 million pages and every it is adding approximately 3 million pages.

SUMMARY:

The resources of law vary from country to country. It also differs from state to state in the country like India. There are International laws and applicable to all the countries or to those who are member of enforcing bodies. The nature of law subjects is different from other subjects in terms of its changing nature and amendments, introduction of new laws and the speed of growing literature. The librarians are expected to develop the collection in a balanced way keeping in mind the requirements of the users and the financial provisions.

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