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Indian Legal Literature

SURENDRA MALIK*

Indian Legal literature is comprehensive and exhaustive in that it fully encompasses the law prevailing in India in all its varied aspects. Statutory law, case law, and minor portions of customary and religion-based laws are well documented and readily accessible. Fortunately, from the point of view of a foreign reader, nearly all of the law currently prevalent in India is available in English.

As is well known, the Indian legal system is based on the common law. Under the common law, the cases decided by the courts form just as integral a part of the law as statutory law contained in legislative Acts and subordinate legislation.

The legislative Acts applicable in India date back from the early nineteenth century. These were promulgated under the British rule in India. According to the Constitution of India (1950), all pre-independence laws continue to be in force. All such laws are available in print either in the official version or as published by various legal publishers.

India has a federal structure comprising the Union of India and the States. According to the Seventh Schedule of the Constitution of India, the various subjects on which laws can be passed are divided into three lists:

1. the Union List of subjects on which the Central Parliament can exclusively legislate,
2. the State List of topics exclusively reserved for the State Legislatures, and
3. the Concurrent List on which both can legislate. This aspect is relevant when one is searching for the law on a particular subject as prevalent in a particular part of India.

Certain taxes or levies fall within the Union list and the rest in the State list.

As stated, the judgments of the courts as reported in various law reports constitute an integral and important part of the Indian legal literature

* Chief Editor, Supreme Court Cases.

and also date back to the nineteenth century. They contain interpretations of the statutory law, but also more importantly, of the uncodified law and they incorporate judge-made law. The judgments are comprehensively reported in various law reports with a well-established index and citation system. Many law reports also print articles and case-comments. Law journals containing only articles and academic writings are also published by a few universities and research institutions like the Indian Law Institute. The law reports and journals are rich resources in the areas of

- Human Rights,
- Constitutional Law,
- Criminal Law,
- Environmental Law,
- Natural Justice,
- Arbitration Law,
- Drug Control,
- Banking,
- Finance and Corporate Laws,
- Administrative Law,
- Intellectual Property, and
- Taxation.

These can be of immense interest in other countries. Significantly, the law reports of India form an impressive part of the Indian legal literature.

From early times, India has had enterprising publishers, editors and authors who have systematically documented the law and contributed digests and commentaries on various subjects. They have helped provide systematic and comprehensive access to the law on any aspect.

For more than a decade now a substantial portion of the legal literature of India has been available in the electronic medium on CD ROM and through the Internet. This access has solved the problem of storage, preservation and portability. Additionally, these resources incorporate search methods and tools which have made the task of retrieval very easy and convenient. They have also solved the problem of updating to some extent. Some of these legal databases and software are of very high quality for which India is well known.

Indian legal literature is sustained and serviced by not a few, but by scores of enterprising law publishers, distributors and booksellers spread though out India. They are efficient and quick in providing the latest up-to-date law to meet the needs and interests at all levels. This ranges from the

mere bare text of a statute to the most comprehensive compilation or commentary on the subject, again mostly if not entirely in English. Their marketing and supply system are mature, modern and fully responsive to meet demands of all kinds in any part of the world that may arise regarding Indian legal literature.