A STUDY ON AWARENESS ON OARS AMONG PUBLIC PROSECUTING OFFICERS OF UTTAR PRADESH: A CRITIQUE

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*A*bstract—*The prosecution department is one of the pillars of the justice delivery system of our country. Entrusted with the task of imparting justice to the citizens of Uttar Pradesh, the prosecuting officers find the legal resources as one of the most important resources for dealing with the cases at hand. Dr. Ram Manohar Lohiya National Law University, Lucknow and the Prosecution Directorate of Uttar Pradesh conducted a series of training programs for 200 newly appointed assistant prosecuting officers and 219 experienced prosecuting officers in 2019-20. A study was conducted to assess the needs and awareness of the prosecution officers towards Open Access Resources in the law domain.*

Perhaps, it was the first study in this domain to assess the knowledge resources, available to the public prosecutors of Uttar Pradesh. The author delivered lectures on the same and conducted a real-time survey to assess the scale of requirements of a legal information system of the officers. In this article, the author intends to highlight the ramification of the study and put forward the measures which need to be undertaken in the effective implementation of the justice delivery system in the state of Uttar Pradesh.

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I. INTRODUCTION

The lawyer is as good as he has access to updated legal resources. Authentic and updated legal information is the key to the success of a lawyering profession. The law resources are complex in nature and very expensive too to subscribe and access to. Everyone working in the field of the justice administration system is always in need of the latest information whether they are police officers, lawyers, judges, or prosecuting officers. The legal minds cannot afford the scarcity of resources which are the necessity of case preparation, delivery of advocacy, and delivery of justice. The prosecuting officers are one of the pillars who are supporting the government in delivering justice. They are having the responsibility to represent the state in various cases at subordinate courts and high courts. In disposing of the cases, legal resources are the key, and they need better and accurate representations at courts. Keeping in mind the requirement of such legal information resources, some subscribed databases are being made accessible to the public prosecuting officers of Uttar Pradesh by the Prosecution Department of the Uttar Pradesh as the central nodal agency. But the challenge is to continue the subscription of their resources because such subscriptions require recurring budget expenditure each year. It is quite often, the chain of availability of such resources is broken down due to heavy subscription costs, and officers are heavily affected in their work. The open-access and public domain resources (OERs) could be the great alternatives for such situations to these officers. Because without the resources they are like a soldier without guns and "Open Educational Resources (OERs) are the types of educational materials that are used in the public domain or introduced with an open license"[1]. Open License enables them to access to legal resources at the internet cost without paying any subscription fee.

A series of 04 days of training programs for 200 newly recruited Assistant Prosecuting Officers (APO's) and 219 experienced Prosecuting Officers (PO's) were conducted by the university in association with the Prosecution Directorate of Uttar Pradesh between January–March 2019 in nine different batches. Each batch of APOs was comprised of fifty participants and each

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[1] UNESCO, Forum on the Impact of Open Courseware for Higher Education in Developing Countries: Final Report (2002), <www.wcet.info/resources/publications/unescofinalreport.pdf.> (last visited April 10, 2021).

POs was having forty participants. A survey was made among them to understand their knowledge of open access resources. The 01.30 Hrs lecture on Open Access Resources followed by hands-on training on 'how to search and research such resources' was given to each batch by the author.

II. PROSECUTION DEPARTMENT OF UTTAR PRADESH

"The criminal justice system has four important components in India, namely, the Investigating Agency (Police), the Judiciary, the Prosecution Wing and the Prison and Correctional Services"[2]. The Prosecution is "Ideally, the department of the Prosecution is headed by the Directorate of Prosecution (DoP), at the state level to exercise supervision and scrutiny of work relating to various prosecuting agencies at Sessions and Asst. Sessions level except at the High Court level. Public Prosecutor is responsible for the supervision of work conducted by Additional Public Prosecutors in the Sessions Courts"[3]. In this line, the Directorate of Prosecution, Uttar Pradesh, was established in 1980. It comes under the umbrella of the Department of Home, Government of Uttar Pradesh.

III. METHODOLOGY

The survey was conducted aiming to analyze the scale of awareness on 'legal open access resources' among the newly recruited Assistant Prosecution Officers and some experienced Prosecution Officers of Uttar Pradesh. The questionnaire was divided into two parts where respondents must answer before training on e-legal research and in another part after the training. Total 419 prosecuting officers participated in the training at RMLNLU. The real-time survey was done among these officers by using google forms which were amalgamated with online training, used to conduct the study. Qualitative analyses of the data have been done to conduct the study.

IV. OBJECTIVES OF THE STUDY

The study was conducted to meet out the following objectives-

1. To understand the requirements of legal resources to Prosecution Officers

2. To understand their acquaintance with the internet and computer technology

2   Madan Lal Sharma, "The Role and Function of Prosecution in Criminal Justice", <https://www.unafei.or.jp/publications/pdf/RS_No53/No53_21PA_Sharma.pdf> (last visited April 8, 2021).
3   Ministry of Home Affairs India, About Prosecution, e-Prosecution , <https://eprosecution.gov.in/eprosecution/about-prosecution.jsp> (last visited May 9, 2021).

3. To study the scale of awareness of Open Access Resources

4. To know the impact of training programs on OAR on them.

V. LITERATURE REVIEW

The Open Access to Law movement is bridging the gap between restricted and costly resources. The quality of award of the judgments are depending upon the available resources to the professionals working in the judicial system. Thanuskodi did a study on lawyers of Salem and Erode district of Tamilnadu on their skills and awareness of digital resources. He found that they are facing problems in finding information on digital resources and also, they were not aware to such e-resources.[4] LII Cornell was the first institute to start with the Open Access to Law Movement. Carroll stated that "Primary legal information at the federal level is largely online, but access is still insufficient to certain materials, particularly judicial materials (such as "unpublished" opinions), and some additional regulatory materials"[5]. Under Free Access to Law Movement (FALM), the Montreal Declaration on Free Access to Law focused on "Maximizing access to this information promotes justice and the rule of law."[6] In India, the government is giving all sincere efforts to create an environment where Open Access and Public domain information resources are available to its citizens free of cost[7]. The public domain and open access (OA) projects in a legal domain like India Code (Digital Repository of all Central Acts and State Acts) and JUDIS (The Judgments Information system) are some of the great initiatives taken by the government of India. The free access to legal information resources is appreciated. "As is the case in many developing countries, a high-quality free access legal information system can have considerable significance for the legal profession because the majority of lawyers do not have access to the commercial online services for legal information provided by the multinational legal publishers and a small number of Indian commercial providers."[8] The government is investing heavily in such projects to develop its human resource development where Open Access (OA) and Open Educational Resources (OER) may be treated as a resource tool.[9]

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[4] S. Thanuskodi, "Information Needs and Use Pattern of District Court Lawyers of Salem and Erode in Tamilnadu", 30 DESIDOC J. Libr. Informatipn Technol. 59-69 (2010).

[5] Michael Carroll, "The Movement for Open Access Law", Lewis Clark Law Rev. 741 (2006).

[6] Free Access to Law Movement, , Lexum (2021), <https://lexum.com/en/about-lexum/our-company/free-access-to-law-movement> (last visited January 19, 2021).

[7] I. Dutta, "Open Educational Resources (OER): Opportunities and Challenges for Indian Higher Education", 17 Turk. Online J. Distance Educ. 110-121 (2016).

[8] Graham Greenleaf et al., "Challenges for Free Access to Law in a Multi-Jurisdictional Developing Country: Building the Legal Information Institute of India", in *Access to Legal Information & Research in Digital Age* 05 (2012).

[9] Vollan O. Ochieng and Razak M. Gyasi, "Open Educational Resources and Social Justice: Potentials and Implications for Research Productivity in Higher Educational Institutions", 18 E-Learn. Digit. Media 105-124 (2021), <https://journals.sagepub.com/doi/10.1177/2042753021989467> (last visited May 24, 2021).

VI. DATA ANALYSIS

The responses from 419 participants have been recorded and tabulated. The observations and interpretation of data are as under-

1. "The availability of digital legal research tools has clearly influenced the threshold of the skills required for the mastery of legal research"[10]. The study was made to understand that for how many years they are engaged in using electronic/digital resources. 41.1% of prosecution officers were using electronic resources for the last five years, whereas 39.3% were using them for the last ten years. 18.5% of respondents were using e-resources for the last seven years too. But in the internet era, still, 1% were not using e-resources. It could be a reason for not being acquainted with computers and internet technology.

The legal experts are using print resources especially law reporters. In response to the question related to the comfort in using the e-resources, 68.5% of officers were comfortable with electronic resources whereas 31.5% went with print resources. A huge response in favor of electronic resources may be due to the ease of access and flexible searching facility on electronic/digital platforms. The study also depicts that most of the officers (83.9%) were dependent on the search engine to search for any information. Because, either they did not know the resources or the technique. Only 12.3% responded that they are searching for information directly to the e-resource's platform, whereas 3.8% did not know what to do.

2. In response to the question 'Which search engine is most preferable to you, it was observed that Google is the winner in this race because 97.3% favored it. Yahoo, MSN, and others had very low popularity amongst the prosecution officers. It may be due to the user-friendly platform of Google with a variety of app services.

"The most important and often the most difficult aspect of open-access legal information resources is the advance search strategy"[11]. It was found that most of the officers (92.4%) were searching for information by random word search

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[10] A. Hemmens, "Advanced Legal Research Courses: A Survey of ABA-Accredited Law Schools", 94 Law Libr. J. 209–241 (2002).

[11] Raj Kumar Bhardwaj and M. Madhusudhan, Open Access Legal Information Sources and Their Use by Students of National Law University, 60 Ann. Libr. Inf. Stud. 317 (2013).

technique i.e. By typing keywords whereas 5.1% of officers were using phrase search techniques to find the desired information. Very few (01%) were using the boolean search technique. The study reflects that most of the prosecuting officers are not using the right technique to find the right information because of the lack of training in the domain.
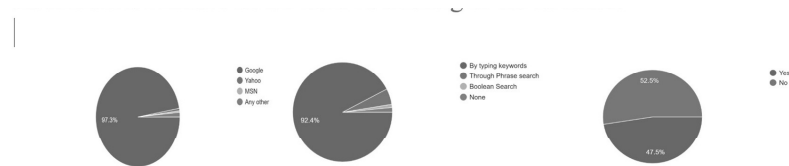
In the analysis of the awareness or understanding about open access resources (OAR), 52.5% of officers were unaware of Open Access Resources/ Open Educational Resources whereas 47.5% were knowing that. It is encouraging that almost half of the participating population is knowing and uses OARs in their research and professional activities.

3. Acts and statutes are the core basic resources used by legal professionals. A case is as strong as the understanding of the law is strong. The study is pointing out that 78% of public prosecutors' priority is to use Acts and Statutes. The comments on the law are one of the guiding tools in better understanding the case. It may be observed that 75% of officers used to prefer Commentaries irrespective of other primary resources followed by 65% Case law reporters and 35% regulations.
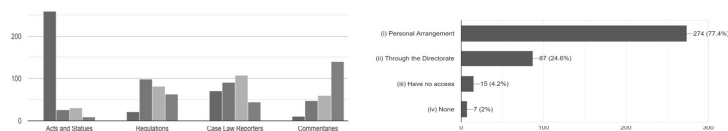
The study reveals that 77.4% of officers were making their own arrangements to get access to the research resources, 24.6% were getting from the directorate of prosecution and 4.2% had no access. The study depicts that most of the resources are to be managed on a personal level, which gives an extra financial burden on their pockets. This may be resultant to a lethargic attitude in updating resources.

4. The Law Commission of India Reports is one of the premier resources in understanding the development of a Law for specific purposes. Almost 50% of respondents were using the Law Commission of India Report and 50.7% of the respondents were accessing it through electronic resources. The study also reflects that almost 50% were not using

such an important resource due to unawareness of the electronic version and unavailability of the printed one.

The latest developments in Law are happening everyday around the globe and Blogs are one of the media to be updated in the specific field or in general. "Blogs are started as an essential tool for the information dissemination by different organizations/ information centers/ libraries due to the opportunity to connect freely with information seekers"[12]. The study shows that 78.7% of officers were not using blogs whereas only 21.3% were using blogs. This could be due to a lack of awareness on blogs or the work environment of such officers, which do not permit the exploration of such resources. SCC Online Blog, The Crime Report, Crime & Consequences Blog, Lawctopus, RMLNLU Arbitration Law Blog, and Vkeel, etc. are some very useful blogs for law professionals.

It was quite surprising that prosecution officers were mentioning proprietary legal databases such as AIR, SCC, Manupatra, LexisNexis, Live Law,etc under open access and free resources. At the sametime, they were putting databases like JUDIS, Indian Kanoon, India code, etc. under commercial databases. The study finds that they did not have a proper understanding of the nature of the legal resources. They were also quite confused in making use of them.

5. The training on e-legal research is not being practiced in various academic and professional institutions covering the use of open and commercial e-resources that impart legal education. It develops unawareness to open access and other resources. The online research skills are also not inculcated among them. From the study, it may be seen that almost every officer (98%) was agreed that training on e-legal research should be given to the prosecution officers at regular intervals. "The usage and satisfaction level substantiate efforts made by OA resources managing organizations and libraries in creating awareness and marketing them"[13].

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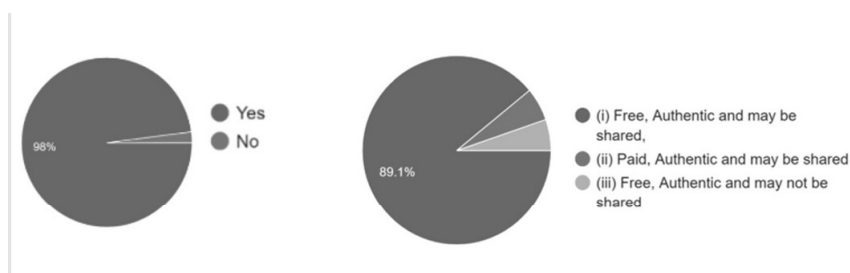
[12] Pushp Lata and Somvir Rathee, "Blog: A Useful Tool for Disseminating the Information", 4 IP Indian J. Libr. Sci. Inf. Technol. 1 (2019).

[13] M.N. Nagaraj and M.K. Bhandi, "Use and Awareness of Open Access Resources among Researchers: A Case Study of Raman Research Institute", 53 J. Inf. Manag. 385 (2016).

After training on e-legal research, 93% of officers responded that their understanding of open access resources was enriched due to this training. It reflects the success of such training sessions. In response to the question, 'Open Access Resources are more useful', the study shows that 89.1% of officers opined that they are more useful because they are free, authentic, and may be shared whereas 5.3% said that they are free, authentic and may not be shared. But 5.6% still understand that they are paid, authentic, and may be shared. The study suggests more training sessions may be organized on open access resources for such officers to develop their understandings towards open access resources.

VII. FINDINGS

The study finds that the understanding and use of legal open e-resources are very less among public prosecutors of Uttar Pradesh. It also notices that under-standing of open access/public domain resources and commercial resources is also not clear. Adequate support for access to legal research resources from the prosecution department requires more attention. Lack of proper training during their professional degree is one of the reasons which affects their knowledge towards open e-resources. Training on open access e-resources of law requires more effort too.

VIII. CONCLUSION AND RECOMMENDATIONS

The legal profession is fully dependent on legal resources which needs spe-cial attention and updation. Almost every hour something is going to be deliv-ered from the court and public prosecutors need to be updated for the delivery of justice. The Open Access Resources may be very handy for them, but due to lack of awareness and training, they are underutilized by the public prosecutors and forced to be dependent on the subscription-based model.

It is recommended that the state government has to make continued efforts for providing legal research databases to the public prosecutors and take care of their timely renewals. The proper training and awareness program on the use of legal Open Access Resources should be organized by the directorate in consultation with law institutions. It may help them in being updated with the latest Acts, Rules, Case Laws, and regulations and will also minimize the dependency on the paid/proprietary resources. The balanced approach towards legal research resources will resolve the complexities in making optimum use of legal resources. Training on open e-Law resources may be made compulsory to the public prosecutors during their in-service course/ training programme. It may be proven as a game-changer instrument in empowering their knowl-edge. It may be organized in continuous intervals. The handbook on OERs on law may be prepared in consultation with law libraries and distributed to the

prosecuting officers. Open e-Law Library (http://openelibrary.webnode.com) is one of the projects developed by the author at Madhu Limaye Library, Dr. Ram Manohar Lohiya National Law University, Lucknow which is the collection of all useful and authentic open access resources in the law domain, especially for the legal practitioners.