



DEVELOPMENT OF LIBRARY LEGISLATIONS /ACT : IN INDIAN SCENARIO

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ABSTRACT :

Legislation plays an important role in the provision of national and public library services. In India, however, libraries that perform the functions of national and public libraries are operating without a legislative mandate. As a result, there is fragmentation of library services as there is no single institution which performs all the functions of a national library service. Although several efforts have been made in the past to enact national library service legislation This paper examines the various legislations at national and provincial levels in India and their impact on the development of library system in India. To achieve the objective of the study, methodologies used included a literature review. Finally, at the end of this paper findings and recommendations aimed at improving the standards for public libraries in the country have been incorporated.

KEYWORDS : India- Public Library, Library Legislation-India. Legislation, Policies-Public Library, Public Library-Law.

INTRODUCTION

The main purpose of a library Legislation/act is to help a reader to use documents for enriching her/his knowledge or for leisure time occupation or for any other purpose. Public libraries legislation is considered as a basic instrument for the development of public libraries in a planned and systematic manner, which assures their continuance and the place in the government structure. library legislation takes various forms. In some countries or regions the legislation is specific to public libraries whereas in others it is part of wider legislation which includes different types of libraries. Public library legislation is also varied in its provisions. It can be simple, allowing the establishment of public libraries but leaving standards of service to the level of government directly responsible for the library, or more complex, with specific details on what services should be provided and what standards to be adopted.

A number of countries have promulgated Public Library Legislation (PLL) according to their requirements. The USA is the first country to introduce a system of free public library in 1848 through public library legislation. Public Library Legislation had been promulgated in United Kingdom in 1850. Subsequently Japan became the first country in Asia to enact library legislation in 1899 and now most of the developed



and some developing countries have well established public library legislation. The first library legislation took place in South Asia in the shape of enactment of the Imperial Library Act in 1902, followed by the establishment of the Imperial Library in 1903 by Lord Curzon. situation where the public libraries at local level have been turned into reading rooms of newspapers, depending on what the local government prefers to be the best.

OBJECTIVES OF THE STUDY

The purpose of this research is to study the status of library legislation, strategies and policies, plans of the government of India and development of public libraries since partition.

The main objectives of this study are as under:

- 1- To explore the legal and regulatory infrastructure available for public libraries in India
- 2- This article underlines the importance of public library legislation for the developments of network of public library system.
- 3- To appraise and highlight the existing situation of public libraries in India in the light of prevailing library legislation
- 4- To recommend strategies and practices for effective public library services in India.

LIBRARY LEGISLATION IN INDIA:

Act means preparing the format of law or legislation. In the context of libraries, the Library Act means to give legal provision for establishing a library system, its maintenance, services, functions, right and management under any state or a national government. Library legislation is capable of regulating various organs of public library services. It is an instrument for the development of public libraries in a planned manner to ensure establishment, development and maintenance of libraries in a uniform pattern. It can help in promoting a sense of self consciousness among the people who would feel it obligatory on their part to use services offered by the library.

In the year 1850 the first library act was passed in Great Britain. At present most of the countries specify free use of public library services.

PROBLEM STATEMENT AND METHODOLOGY

This research article is a case study of public libraries in India in the light of library legislation through the lens of political and economic changes brought about after independence. This study identifies the historical, social and political factors that caused the enactment of different library legislations.

The study shows that in the absence of modern library legislation, a sound public library system could not be established in Pakistan. As a result the public libraries came under tremendous stress due to lack of financial, human resources, deteriorating physical facilities, aging and outdated learning resources. Questions that need answers include:

1. Does Public Library Legislation (PLL) provide uniform facilities, establishment, development and maintenance of public libraries on sound lines?
2. Can Public library legislation ensure smooth process of setting up of a network of public libraries?

A quantitative research approach was adopted to achieve the objective of the study. Public libraries from all over the country including the four provinces and the federal area have been covered. The data have been obtained through questionnaires, legislative proceedings, government documents, web analysis and directories of libraries. This study is limited to the public libraries and online sources RRL/INSDOC/NISCAR/DECIDOC all library Act provinces and federal area India Public Library., have not been covered as these areas have not separate library legislation.

LITERATURE REVIEW

Public libraries are People's University. The primary duty of a democratic government is to educate and cultivate the ideas of the people and make them true citizens of a civilized world.

Gardener (1972) defines public legislation as under:

"Laws passed by a federal or state legislative body pertaining to or affecting the interests of libraries and related institutions."

IFLA/UNESCO Guideline for Public Libraries (2010)

defines public library legislation as under:

“Legislation comprises of laws for the establishment and maintenance of Public Libraries is called Public Library Legislation.”

According to Das (2008) Public library legislation in the developing countries defines many advantages such as integrated library system, planned organization and growth, permanency and efficiency to libraries, state library authority, separate directorate and the most important one is financial support for libraries. Goubin (2012) argues that the progress of copy right laws exceptions have further increased the importance of library legislation to library community globally. Venkatapiah and M. Madhusudhan (2006) sees that with the promulgation of library legislation, the concept of public library system was developed which consist of network of public libraries at different levels, freely available to all, catering to the general and more specialized needs of the members of the community. Balakrishman and P.K. Paliwal (2001) suggest that, it is only the library legislation which may produce nuts and bolts, theme and thrust, flesh and blood for proper and system growth and development of public libraries.

Reddy (1998) also sees that the library legislation for the establishment and orderly functioning of a network of public library is an essential condition for the growth of public library movement. Through library legislation the state recognizes its responsibility to establish and maintain the public libraries as its statutory obligation. Khan, Sadiq Ali (1994) explains that if public library legislation is adopted by federal government or the provincial governments, a provision of opportunities for the spread of the public libraries automatically enhanced. Rout. (1986) is of the opinion that the enactment of public library law undoubtedly ensures enormous advantages for the system. It is in the interest of growth and better functioning of these libraries. Broadly speaking, the law lays down the structure of the library systems, ensures its development on an approved pattern and prevents its haphazard growth following the whims and fancies of politicians and administrators. Mahmood (2005) explains that in the absence of public library legislation, public library system has not been established in Pakistan. He further states that in the past three or four decades political, economical and social changes have changed the funding pattern of public libraries.

According to Ranganathan (1972) Public Library Legislation means an integrated nationwide network of public libraries giving free library information services to one and all to the citizens, literate or illiterate, rich or poor, rural or urban. In 1955 UNESCO organizes its first seminar on public libraries in developing country at Abadan, Nigeria. The Abadan seminar defined the public library legislation as first principle as under:

“Only legislation can empower the appropriate authorities to provide the service and ensure adequate financial and efficient administration according to national standard.”

MODEL BILL AND ACTS IN INDIA

Model Bill of Ministry of Education Based on the recommendation of the Advisory Committee for Libraries (1958), the Ministry of Education, Government of India appointed a Committee with Dr. M.D. Sen, as Chairman.

Model Bill of the Planning Commission The Government of India, Planning Commission constituted a “Working Group on Libraries”, to advise on the development of libraries during the Fourth Five Year Plan. The Working Group recommended a Library Development Scheme to be implemented in the Fourth Plan period, with a financial commitment of 09 million. During the Plan period, it was contemplated to establish new libraries and maintain and improve the existing libraries. The Working Group submitted its report in 1965

Union Bill of Ranganathan The Government of India appointed a committee in 1948 to suggest the possibility of establishing a National Central Library at New Delhi.

Dr. Ranganathan submitted his report titled Library Development Plan:

Thirty Year Program for India with Draft Library Bill for the Union and Constituent States. Following are the salient features of the Model Act:

- (i) Establishment of a State Library Authority;
- (ii) State Library Committee;
- (iii) Department of Public Libraries headed by State Librarian;
- (iv) Local library Authority at the District Level;
- (v) Establishment of :
 - (a) State Library Service;
 - (b) State Bureau for the Blind;
 - (c) State Bureau of Inter Library Loan;
 - (d) State Bureau of Technical Services; and
- (vi) State Library Fund with provision for Library Cess.

Model Public Libraries Bill, 1963 While accepting the recommendations of the Advisory Committee for Libraries, the Union Government constituted a Committee of Experts under the Chairmanship of Mr. Sen to prepare a Model Public Library Bill². This Bill was released in 1963 and circulated to all the State Governments for necessary action; and National and State Library Associations for information, comments and promotion.

Salient features of this Bill are:

- (i) Establishment of State Library Council;
- (ii) State Library Directorate to look into the administration and technical matters;
- (iii) State Library Committee vested with the responsibility of preparing a perspective plan; and
- (iv) No mention of library cess.

Model Public Libraries Bill, 1965 While preparing the IV-Five Year Plan, Planning Commission appointed a Working Group on Libraries in 1964 with Dr. VKRV Rao as its Chairman.

The report of the Working Group appended a Model Public Libraries Bill, the salient features of which are:

- (i) Constitution of a Committee of Experts (equal to State Library Authority);
- (ii) State Library Council (of Advisory nature);
- (iii) State Library Directorate (to control, supervise and direct the State Library System);
- (iv) Establish a Public Library System with :
 - (a) State Central Library,
 - (b) State Regional (or Divisional Libraries);
 - (c) District libraries; and (d) Local Libraries;
 - (v) Training facility for employees;
 - (vi) State Library Service;
 - (vii) No Library cess recommended.

Indian Library Association's Model Libraries Act, 1989 The Indian Library Association has been contributing its bit for library legislation right from the beginning. It circulated the Ranganathan's Model Bill in 1942 to various States. It passed a resolution at the IX-All India Library Conference held in Nagpur in 1948 requesting the Government of India to take steps in this direction. Its Fourteenth All India Library Conference held at Patna in 1964, organized a seminar on State Library Legislation and thoroughly discussed on the Model Public Libraries Bill and made several commendable amendments for its smooth working. Another Seminar was held in Chandigarh under the auspices of Punjab Library Association during November 1947. Again in 1978 it had organized a Seminar in Delhi on Library Legislation. In 1981 another Seminar on 'A Second Look at the Library Legislation In India' was held in Hyderabad. In 1989, it got a Model Public Libraries Act prepared by Dr. V. Venkatappaiah, who was the Chairman of its Central Sectional Committee on

Public Libraries. This was discussed at a Seminar held in Delhi on 14 February 1990 organized by ILA in collaboration with RRRLF. Salient features of the Bill are:

- (i) State Library Authority with Minister for Libraries as Head;
- (ii) State Library Council;
- (iii) Department of Public Libraries with a qualified person as Director;
- (iv) State, Regional, City/District Library Authorities;
- (v) Establishment of :
 - (a) State Planning Board;
 - (b) Staff Welfare Board,
 - (c) Board of Library Education;
 - (d) State Book Development Council; and
 - (e) Adult Education Council;
- (vi) Grant-in-aid to Private Libraries;
- (vii) Library cess and equal matching grant from the State Government;
- (viii) Public enquiry on any irregularity;
- (ix) State Library Service

7.5 Indian Public Library Legislation: A Model for 21st Century

This Act, drafted by Ijari has the following features:

- 1) Department of Library and Information Services.
- 2) State Public Library Authority in the apex.
- 3) Regional Public Library Authority.
- 4) Metropolitan Public Library Authority.
- 5) City Public Library Authority.
- 6) District Public Library Authority.
- 7) Taluka Public Library Committee.
- 8) Town Public Library Committee.
- 9) Gram Public Library Committee.
- 10) State Central Reference Library.
- 11) Library Training and Research Centre.
- 12) Library cess on lands, buildings, entry on goods, entertainment, etc.
- 13) Reports, returns, inspections, etc.

Impact of the Model Acts

Attempts were made to introduce the Public Libraries Bill in West Bengal and Madras respectively. The Acts could not be passed due to some compulsory financial clauses. After independence, the Public Libraries Acts were passed in Madras (1948), Hyderabad (1955), Andhra Pradesh (1960), Karnataka (1963), Maharashtra (1965), West Bengal (1979) and other total 19 state. The Acts have structurally adopted, to certain extent, the Model Act of Dr. S.R. Ranganathan. There is no impact of the Model Bills of Ministry of Education and Planning Commission for passing Library Acts in these States in India. Government of Bihar to some extent adopted the Model Act sponsored by Indian Library Association

Kaula's Bills

Prof. P.N. Kaula had drafted the Library Development Plans and the Model Library Bills for the following States:

Jammu & Kashmir ;1951 Delhi (Then part C State) 1954

Efforts Made by others

Apart from Dr. Ranganathan, KumaraMunindra Deb RaiMahasay, and Dr. Venkatappaiah, RaoBahadur S.K. Bole, Messrs. AAA Fyzee (the then Bombay State), R.L. Mittal, G.L. Trehan (Punjab), V.S.

Moghe (M.P.), M.L. Bhagi (Haryana), B.B. Shukla (Orissa), S.R. Gupta and S.S. Varma (Delhi) and several others made efforts towards library legislation in their respective states.

Establishment of authority: - The authority shall advise the state government on all matter for promotion and development of library service in the state.

- The state librarian.
- Secretary culture.
- Director libraries who shall be the secretary.
- The chairman or president, state library association.
- Secretary education.
- The state librarian.
- The secretary libraries department.

legislation have no preambles thus have no stipulations for its objectives. Therefore, it can be concluded that no serious political and professional approach has been made for the legislation of public libraries. The establishment also did not play its due role, as a result could not achieve the desired results.

RECOMMENDATION AND SUGGESTION

- The provisions of public library legislation made in the past has become old fashioned and obsolete while facing the challenge of online information age. In order to get meaningful results from the legislation, the Government needs to rephrase it and modify its scope for nationwide implication and to encompass all sources of information, be they printed, non-printed and digitized.
- The Pa Library Association (ILA) and other stakeholders be given opportunity to participate in the decision making process and shall be made an integral part of such a forum.
- A mandatory legislation for Public Libraries and Public Library System in India is a required instrument for the Government of India to develop library and information systems in the country on national and provincial levels on the basis of constitution provisions. Such legislation can clear all ambiguities about the role of libraries in a digital age and provide a uniform legal framework for all public libraries at all governmental levels to perform their functions and to satisfy the users' information needs

CONCLUSION:-

It emphasizes the need for adoption of a national Library & information policy library legislation, library act, establishment of an efficient administrative structure & provision of adequate resources for library service. The successive session aforesaid the home agrees in making any modification in the rules or the home agrees that the rule shall thereafter have effect as the case. To provide proper public library service to the remote area user, libraries have to modernize their facilities through networking so that the can render better service and resources sharing facilities to the user for all time. Every rule made under this section shall be laid as soon as may be after it is made before the house of the state legislative. It is very essential to provide the computers and different electronic equipment. A long with library software packages at cheaper rates to the different categories of public libraries along with sufficient funds.

REFERENCES

- Mittal, R.L. *Public Library Law: An International Survey*. New Delhi: Metropolitan Publishing Company, 1971. Print
- Ranganathan, S.R. *Library Legislation: Hand Book to Madras Library Act*. Madras: Madras Library Association, 1953. Print.
- Bannerjee, K.K. Public libraries in India: Present scenario. Transforming public libraries in India: Envisioning the future. Speaker presentations. India status paper on public libraries. <http://www.docdroid.net/vlqc/dr-k-k-banerjee-nml.pdf.html>(accessed on 2 April 2015).

- <https://journals.sagepub.com/doi/abs/10.1177/0961000616632865?journalCode=lib>
http://shodhganga.inflibnet.ac.in/bitstream/10603/149122/9/07_chapter%202.pdf
- Balakrishman S, Paliwal PK (2001)(Ed.): *Encyclopedia of Library and Information Technology for 21st Series*: and M. Madhusudan. *Model Public Library Legislation in the New Millennium*. New Delhi: Bookwel, 2006. Print.
- Rath, P.K. *Public Library Finance*. New Delhi: Pratibha Prakashan, 1996. Print. Venkatappaiah, Velaga. *Indian Library Legislation*. 2 Vols. New Delhi: Daya Publishing House, 1994. Print.
- Public Library System in India*. New Delhi: Anmol Publications p. p.37
- Bhattacharjee, R (2002) public library service in India system modernization, Networking & Deficiencies. In H. K. Kaul, National
- Public Library System: India, Srilanka, UK, USA, Comparative Library Legislation*. Ed by S.R. Ranganathan and A. Neelameghan. Bangalore: Sarada Ranganathan Endowment for Library Science, 1972. Print
- round table on the modernization & networking of libraries in India (pp.81-99) new Delhi: DELNET University Grants Commission. <http://www.ugc.ac.in/centraluniversity.aspx> (accessed on 10 April 2015).
- Gardner FM (1971). *Public Library Legislation: A Comparative Study*. Paris: UNESCO.
- Das SR (2008). *Management and Development of Public Libraries*. New Delhi: Arise Publishers & Distributors: 2008.P.48
- Goswami, R. (2002).Public library service. In H.K. Kaul, National Round table on the modernization & networking of libraries in India (pp128-131).New delhi: DELNET
- Gill PG (Ed.) (2001). *The Public Library Service: IFLA/UNESCO Guidelines for development* (Vol. 97). IFLA Publication,
- Goubin H (2012). On Legislation Architecture of Copyright Exceptions Applicable to Libraries of China
- Jaiswal, P. K. (2002).Public library services with Emphasis on community Information Services. In H. K. Kaul, National round table on the modernization & networking of libraries in India (pp.106-115). New delhi: DELNET *Journal of Library Science in China*, 3, 010.
- Govt. of Punjab. (1975). Punjab Laws. Punjab Local Government Act.1975. (Act XXXIV) of 1975). Lahore, Punjab: Gazette of Govt. of Punjab.
- Reddy DC. Anki (1998). *Organization and Management of Public Libraries*, New Delhi: Cosmo Publication. Vol 1 p.5.
- Rout RK (1986). *Library legislation in India: problems and prospects*. New Delhi: Reliance Pub. House, 26-27.
- Kumar K. (2002).Library manual New Delhi: vikash publishing house.
- Lal, B. (2002).Public library services. In H. K. Kaul, National round table on the modernization & Networking of libraries in India(pp.100-105).New Delhi DELNE. *Model State Library Policy and Legislation (For the States and Union Territories)*. Delhi: Indian Library Association, 1995. Print.
- and M. Madhusudan. *Model Public Library Legislation in the New Millennium*.New Delhi: Bookwel, 2006. Print.
- Mittal, R.L. (1996) Library administration Theory & practice. New Delhi: Metropolitan book co.
- Wani ZA (2008). Development of Public Libraries in India. *Library Philosophy and Practice (e-journal)*. Paper 165.



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