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# UNIT 5 LIBRARY LEGISLATION AND MODEL PUBLIC LIBRARY ACTS/ BILLS

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## 5.0 OBJECTIVES

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After reading this Unit, you will be able to:

- recognise the areas to be included in the State Library Policy;
- explain the need for library legislation;
- identify the essential components of a Modern Public Library Act; and
- state and describe the features of different Acts.

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## 5.1 INTRODUCTION

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The main purpose of a public library act is to help a reader to use documents for enriching her/his knowledge or for leisure time occupation or for any other purpose. In this Unit, we intend to present a model Public Library and Information Services Act and describe what it can do to generate public library information service.

An effective means of designing and developing a public library service is to have a network of central points linking a number of activities. The structure of such a network can be set in hierarchical tiers. The type of hierarchy reflects the administrative units for revenue and state administration. We can organise these tiers in a radial fashion where a state library will have divisional libraries. Each divisional library becomes the radial focus to the district library, each district library to taluk/block library and each taluk/block becomes a focal point of village libraries.

Thus, the effective organisation of a library network calls for having a configurational analysis and simulation of other administrative structures.

In this Unit, we shall study the effective way of forming such a network of libraries. Library legislation is, the best and assured way of providing public library services in a democratic and free society. We shall discuss the ways in which a model public library bill can be formulated and shall also note what we expect out of a model public library act and how it should enable the libraries to function effectively for serving the public.

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## 5.2 STATE POLICY FOR LIBRARY AND INFORMATION SERVICES

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As per the Constitution of India, the subject of library services forms part of the State Lists whereas the subject of education is a part of Concurrent List. So, it is obligatory on the part of the State Governments or Union Territories to enact laws for library legislation. Before enacting any laws, the States or Union Territories should frame a policy for public libraries and implement it through a statutory provision, i.e. State or Union Territories Public Libraries Act. The developed countries too had adopted this procedure. The UNESCO Public Library Manifesto 1994, also stressed that “a clear policy must be formulated, defining objectives, priorities and services in relation to the local community needs”.

The state policy for library and information services should cover the following areas:

- 1) A public library should render service freely to all members of the community, without any discrimination.
- 2) The public libraries shall serve the community in the following order of priority: illiterates and neo literates, semi-literates and the participants in non-formal education programmes; people pursuing self-education, people interested in self-employment schemes; semi-skilled; children and young; casual readers, housewives; and those in higher education and research etc.
- 3) For arranging free access to information they should act as information centres. They should provide access to all citizens for all types of information at all levels, provide information on local enterprises, associations and local interest groups, develop local histories, develop community information services, utilise the services of National Informatics Centre and introduce computer skills for achieving speed, accuracy and efficiency in service.
- 4) The public libraries in a developing society should preserve cultural heritage, provide access to all forms of cultural expression, make efforts to foster inter cultural dialogue, favour cultural diversity and support oral tradition.
- 5) A federal country like India needs a two-tier public library system in a State, that is, one at the state level as an apex body and the other at the district level for spreading its activities to the village level with necessary infrastructure.
- 6) The State Government/Union Territories will formulate a comprehensive book selection policy for public libraries in the State. The public libraries should acquire all kinds of documents including the multimedia.

- 7) In case of human resources, the Government should constitute a State Library and Information Service Cadre including Sub-ordinate Service Unit for this purpose. Recruitment rules for the said service and conditions of service shall be subject to the provisions of the Article 309 of the Constitution of India.
- 8) Through library legislation, the State Government/Union Territories will impose library cess like educational cess, as surcharge, on all possible items such as, house tax, property tax, vehicle tax, etc., as per the local conditions.
- 9) The Government will encourage the libraries maintained by local bodies, voluntary agencies, Mahila Mandals, etc.

Considering the issues accepted in the draft State Policy of Public Library and Information Services, it is felt necessary to have comprehensive library legislation in each state and union territory.

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### 5.3 NEED FOR LIBRARY LEGISLATION

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The public library should serve as a local information centre making the sources of knowledge readily available to the public. Public libraries should stimulate neo-literates, semi-literates, non users to become readers, and serve the population with knowledge and information. They should serve as local gateways to national and global knowledge.

#### Need for Library Legislation

It is recognised that ‘freedom, prosperity and the development of a society and of individuals, are fundamental human values’. These values can be attained through well informed citizens, who will be shaped through utilisation of public libraries. It is recognised all over the world that education including the provision for free public libraries is the responsibility of the Government at National, State and Local levels. A public library is the “People’s University”.

In the process of evolution, our country had established good number of public libraries maintained by local bodies and voluntary organisations, and some libraries through subscriptions. But these libraries could not grow on modern lines because:

- 1) They were started mostly with voluntary efforts and had meagre funds to meet information needs of the people.
- 2) The financial support through subscriptions or through public donations could not provide viable services;
- 3) The governance and management of these libraries were on *ad hoc* lines without any structure and resources;
- 4) Very limited services were provided that too only to members;
- 5) They had neither stability nor scope for growth;
- 6) They functioned only as long as the initial enthusiasm of the founders remained, thereafter these libraries slowly decayed.

In modern times, the public libraries must provide services with certain standard, and with an objective of reconstruction and development of a society. They cannot be achieved only through individual munificence. A library service on sound lines requires library legislation to get a perennial source of income. Library leaders, public men, and scholars, have realised that the only way to establish and develop a public library system is through public law. Pioneers and men of vision like Edward Edwards, Dr. S.R.Ranganathan and many others spared no efforts to bring about library legislation in their respective countries. The UNESCO Public Library Manifesto 1994 (second revision), emphasises that “Public Library is the responsibility of Local and National Authorities. It must be supported by specific legislation and financed by National and Local Governments.” So, a public library is to be maintained efficiently, and permanently with uniform, pulsating and integrated library service with properly laid out network of library system. A simple executive order of the state government will not be able to maintain sound system however good it might be, and at the same time executive orders cannot generate finances. With the ever growing needs, and the escalation of prices, the task in financing will be more difficult. Finance needed for the rising and growing services will be possible only with a state legislation and library cess.

The reasons for legislation can be summed up as under:

- 1) It will constitute a proper administrative and supervisory body with executive powers;
- 2) It will provide a well organised library system for the state, district and up to the remote village level with free access to all the citizens;
- 3) It will provide a steady and permanent source of finance;
- 4) It will maintain standards in library service;
- 5) It will be obliged to meet the objectives and remain accountable.

Finally, it is to be noted that library and information service is a crucial factor in the national development for meeting learning needs of the masses. Thus, it is only through a State and Union Territories Public Library Act that a public library system could be created, sustained and promoted, ensuring a smooth financial flow, properly governed and managed to provide modern library services to all.

### **Self Check Exercise**

**Note:** i) Write your answers in the space given below.

ii) Check your answers with the answers given at the end of the Unit.

- 1) Explain the components to be covered in the State Policy for Library and Information Service.

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- 2) List the deficiencies of precursors to modern public libraries.

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- 3) How does library legislation strengthen the system?

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## 5.4 COMPONENTS OF LIBRARY LEGISLATION

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The Public Libraries Act, which is to be operated in Indian conditions, should have the following components:

- 1) The **PREAMBLE** of the Act should clearly spell out the objectives of library legislation and therefore, it should be precise and explicit.
- 2) **State Level Authority:** The Act should have the provision for the constitution of a Board as the State Library Authority.

The Minister-in-charge of libraries should be the State Library Authority, charged with the duty of implementing the Act. It will be her/his duty to supervise and promote the improvement of the library service, provided by the library authorities and to secure proper discharge of their functions. It shall be her/his statutory duty to establish, equip, administer a State Library System, providing comprehensive and efficient library service, free of charge, to all the citizens in the State.

- 3) **Chief Executive of the State:** In this Act, the Chief Executive at State level shall be called the Director of Public Libraries, who should be an information service professional. The director shall supervise and control the Public Library System of the State, with the guidance of the State Library Authority.
- 4) **Network of Libraries:** The act should provide for establishment and functioning of public libraries as a pyramidal structure from village, or even a hamlet level, to the state level via the districts covering towns and tehsils, etc.
- 5) **Financial Clauses:** The Act should spell out financial sources to ensure a regular flow of funds and their deployment. There should be a provision in the Act to collect library cess from all possible sources. Dr.S.R.Ranganathan, a pioneer in library legislation in India, advocated for the provision of library

cess in the Model Acts. He incorporated the provision of library cess in all Acts he had drafted in his lifetime. The Advisory Committee for Public Libraries headed by Shri K.P.Sinha, examined this issue and opined that “in spite of a strong body of opinion against library cess, the Committee has come to the conclusion that only a cess can provide a stable base for library finance”. It is to be recognised that the levy of library cess is essential for a planned and systematic growth of an authority through assured and established financial resources.

- 6) **Manpower:** A provision should be made to create a cadre of State Library Service, and all the members of the said service should be Government servants, and their recruitment and conditions of service should be as per provisions of the Article 309 of the Constitution of India.
- 7) **Accountability:** The activities and accounts of the Public Library System shall be open to public inspection, supervision and as per official audit rules.
- 8) **Registration of Books:** There must be a provision for the registration of books and news papers/periodicals published in the State under the legal deposit rules.
- 9) **Rules:** Rules should be made by the State Library Authority for all the sections and for smooth functioning, administration and control of the offices and the staff.

After examining the Model Library Act, you would see that it encompasses a wide range of activities. And you will find that Model Library Act has the impact of Ranganathan’s Five Laws of Library Science viz.,

- Books are for use
- Every Book his/her Reader
- EveryReader his/her Book
- Save the time of the Reader
- Library is a Growing Organism

These laws provide not only a succinct statement of library’s professional activity, but also form a set of guidelines for the management of libraries.

**Self Check Exercise**

- Note:** i) Write your answers in the space given below.  
ii) Check your answers with the answers given at the end of the Unit.

4) Enumerate the main features of a Model Public Library Act.

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5) List the information headings of a Model Public Library Act.

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## 5.5 MODEL ACTS/BILLS

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Over the last sixty eight years, we have drafted six Model Public Library Acts in India on different occasions.

S. No.	Title of the Act	Author	Year
1)	Union Library Bill STATE LEVEL	Dr. S.R. Ranganathan	1951
2)	Model Library Act	Dr. S.R.Ranganathan (Revised number of times till 1972)	1930 to 1972
3)	Model Public Libraries Bill	Ministry of Education Govt. of India	1963
4)	Model Public Libraries Bill	Planning Commission Govt. of India	1963
5)	Model Public Library and Information Services Act	Dr. V.Venkatappaiah Sponsored by Indian Library Association	1989 Revised in 1995 & 2005
6)	Indian Public Library Legislation A Model for 21st Century	Dr. S.R. Ijari	2008

The Model Acts and Model Bills are used as synonymous terms in this Unit. Let us know some more details about the model Acts/Bills in the flowing sections.

### 5.5.1 Model Union Library Act

The Government of India appointed a Committee in the year 1948 to suggest the possibilities of establishing a National Central Library at New Delhi. Dr. S.R.Ranganathan as a Member of the Committee drafted “The Library Development Plan — Thirty Year Programme For India with Draft Library Bills for Union and Constituent States”, which contains Union Library Bills.

The salient features of the Model Union Libraries Act are given below:

- 1) Constitution of a National Library Authority.
- 2) Establishment of a system of national central libraries i.e. National Copyright Library.
- 3) Constitution of National Library Committee for the purpose of advising the National Library Authority on all matters arising under this Act referring to it.

- 4) Constitution of a National Library Fund.
- 5) Amendment to the Delivery of Books and Newspapers Act, 1954.

Later, the Union Government did not take much interest either for opening a National Central Library at New Delhi or to pass a Union Library Act. As per the constitution, it may not be possible to pass a Union Library Bill without amending the Constitution of India because in the Constitution the subject libraries and education were originally included in the State List. Through the 42nd Amendment (1976), education was omitted from the State List and was added in the Concurrent List. Libraries remained in the State List. If the Union Government wants to have a library legislation at national level, it has to amend the Constitution by shifting the item of libraries from State List to union of Concurrent List. Till such time, it may not be possible to think about Union Library Legislation on libraries.

### **5.5.2 Model Act of S.R. Ranganathan**

Dr. S.R. Ranganathan initiated the Model Library Act as a conference paper during All Asia Educational Conference held at Banaras in 1930 and later he revised it as Model Public Libraries Act. Attempts were made to introduce this Model Act in West Bengal in 1931 and Madras in 1933. But it could not be enacted due to some compulsory clauses. The salient features of this Model Act are mentioned below:

- 1) Model Libraries Act will provide a system of public libraries for the city, rural and other areas.
- 2) Minister of Education shall be the State Library Authority ( S L A). It shall be the duty of the State Library Authority to provide for adequate library service in the State.
- 3) Constitution of a State Library Committee for the purpose of advising the State Library Authority on all matters arising under the Act.
- 4) Constitution of a Local Library Authority (LLA) for each city and one for each district.
- 5) The State Library Authority and Government, and a Local Library Authority may raise the library rate in such a manner and at such cess as may be determined from time to time.

### **5.5.3 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. This Committee prepared the Model Public Library Bill in 1963. The salient features of this Bill are given below:

- 1) Constitution of State Library Authority, the apex body, to advise the Government in the matter of developing libraries.
- 2) Constitution of the State Library Directorate for directing and controlling the system.
- 3) Constitution of District Library Committee in each district.



- 4) Treatment of the employees as government servants.
- 5) Collection of library cess at a rate of 6 paise per rupee on house tax and property tax.

#### **5.5.4 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. The report was appended by a Model Public Libraries Bill, which contains the following features.

- 1) Establish, maintain and develop an integrated and adequate public library service in the State.
- 2) Constitution of a Committee of Experts to prescribe the standards of service.
- 3) Provision of State Library Council to advise the Government in the promotion and development of library services.
- 4) Provision to establish a State Library Directorate to control, direct and supervise the library system in the State.
- 5) Establishment of Public Library System consisting of State Central Library, State Regional Libraries (only in bilingual States) and District Library System.
- 6) Treatment of all the employees in the system as State Government Servants.
- 7) There is no provision of library cess. The Government shall maintain the public library system of the State.

#### **5.5.5 Model Library and Information Services Act**

At the request of Indian Library Association, Delhi Dr. Venkatappaiah drafted the Model Public Libraries Act in 1989, keeping in view the developments and experiences. This Model Act was discussed in the National Seminar on Library Legislation held at New Delhi 1990.

In the wake of developments in the country such as, New Panchayat and Municipal Acts, after amending the Constitution in 1992, releasing of UNESCO Public Library Manifesto in 1994, Total Literacy Campaign, emerging necessity of information at all levels, the earlier Model Act of Dr. Venkatappaiah was revised as Model Library and Information Services Act in 1995 and again in 2005. The salient features of this new Model Act are given below:

- 1) State Library and Information Service, based on a State Policy.
- 2) Constitution of State Library Authority at the apex level with Minister for Libraries as Chairman, as policy making and executive body.
- 3) Formation of Directorate of Public Libraries for streamlining the administration.
- 4) Constitution of City, District Library Authorities for rendering service from district to village level.

- 5) Provision for a network of Public Library and Information Service from state level to village level.
- 6) Constitution of the State Library and Information Services.
- 7) Collection of library cess on house tax and property tax, entertainment tax, professional tax, vehicle tax, etc.
- 8) Constitution of State Boards for education, book production, co-ordination, etc.
- 9) Accountability of public expenditure and services.

### **5.5.6 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) etc. 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.

### Self Check Exercise

- Note:** i) Write your answer in the space given below.  
ii) Check your answer with the answers given at the end of this Unit.
- 6) Make a comparative study of State Model Public Libraries Acts/Bills.

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## 5.6 SUMMARY

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We have discussed in this Unit the following aspects of a Model Public Libraries Acts:

- 1) The need for State Policy for Public Library and Information Services.
- 2) The need for library legislation for setting up a network of public libraries.
- 3) The various methods of forming public library networks.
- 4) The method of establishing a Public Library Act to ensure a continued and smooth public library service.
- 5) The salient features of a Model Public Library Act.
- 6) The basic structure of a Model Public Library Act and the different informational headings that should constitute the major components of such an Act.
- 7) Comparative study of Model Acts/Bills.

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## 5.7 ANSWERS TO SELF CHECK EXERCISES

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- 1) Components to be covered in the State Policy for Library and Information Service:
  - a) Administrative System at all levels
  - b) Proposed Library Net work
  - c) Services rendered
  - d) Human Resources Development
  - e) Financial sources for Public Library Services.
- 2) The precursors to modern public libraries had the following deficiencies:
  - a) They were mainly voluntary efforts with meagre financial support.
  - b) The financial support was weak as they depended on subscriptions and public donations.

- c) The governance and management standards were minimal.
  - d) Services were limited to members; they were no services except book borrowing.
  - e) They were not certain to continue.
  - f) They were functional only as long as their founders were active; subsequently, they faded out for one reason or the other.
- 3) The strength of a network of public libraries established by law are:
- a) State legislation provides a legal basis which is an acceptable democratic process.
  - b) It ensures a continued and smooth process of establishing a framework of libraries on a statutory basis.
  - c) It provides proper governance and management in the certain standards.
  - d) Its various clauses provide the basis for the structure, functions, personnel and finance in meeting user demands for library services.
  - e) It ensures sustained financial support and smooth flow of finance.
  - f) It ensures sustained free public service to all.
  - g) Its basic objectives, structural organization, performance come in for public scrutiny from time to time and hence provides ample scope for modification, improvements, responding to societal changes and consequent needs of the society.
  - h) Obligated to the response and proper accountability.
- 4) The main features of a Model Public Library Act are:
- a) It should define all the basic concepts or instruments or components for a library Service system.
  - b) It should define the configurational structure of the system of libraries.
  - c) It should state the governance apparatus such as library committees, the board of management and the like.
  - d) It should define the system of cadre, recruitment and concept of professional excellence of library and information professionals.
  - e) It should set up tiers of organisation or continuous financial support and utilization.
  - f) It should provide for various types of services for regular and specialised citizens.
  - g) It should set up the ways and means of reporting about services rendered to the professional authorities as well as to the administrative authorities, by establishing a modern monitoring system.
  - h) It should provide for a complete library system that would also look into preservation of various kinds of documents as well as dissemination of information contained in them.
- 5) The information headings of a Model Library Act are:
- a) Exact title and short title of the Act.

- b) State Library Authority
- c) Department of Library and Information Services
- d) Public Library and Information System
- e) State Library and Information Service
- f) Finance, accounts and accountability
- g) Rules for procedure, control and supervision.

6) Comparative study of the State Model Acts:

S. No.	Act/Bill	Governance	System	Finances
1)	Model Act of Dr. S.R.Ranganathan	State Library Authority	State Central	Library Cess Library at Apex
2)	Model Bill of Ministry of Education	State Government	do	do
3)	Model Bill of Planning Commission	do	do	do
4)	Model Act of ILA	State Library Authority	do	Library Cess
5)	Model Act of Dr. Ijari	State Library Authority	do	Library Cess

The last one has some more features like:

- a) Supported by a State Policy for Library and Information Services.
- b) Component of Information Service up to village level.
- c) Participation in the Post Literacy Programme.
- d) State Book Development Council.
- e) Accountability.

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## 5.8 KEYWORDS

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- Authority** : A statutory body with executive powers
- Hierarchical Tiers** : Any system of organisational set up ranked one above the other.
- Model Act/Model Bills** : A document prepared for the guidance to prepare a Bill for placing before the Assembly.
- Network** : An inter related and connected system forming part of a whole.
- Nodes** : A central point of component parts.
- Radial** : Going from the centre outward or from the circumstances inward along the radius.

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