

# Library Acts in Indian States: A Comparative Assessment

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## 0. INTRODUCTION

The present information explosion and the direct relation of information to developments in all walks of life emphasises the need to give greater priority to the planning of systems which give library and information services to the people. Such systems can only be planned at national levels, if the total information resources of the nation is to be pooled together in a federal country like India, and shared between the constituent states to make it available to all the users who require it in an equally and unbiased way at optimal cost. Such library and information systems are to be founded upon sound legislation, if they are to attain their objectives

Society's information need has become so imperative that, many of the national and international library organisations has started to stress the urgent need for national library systems working together and sharing their services and materials at international level to provide better services to the people. Better can be defined here in quantitative and qualitative terms. Such national level and international level networking and resource sharing between library systems make possible service at lower cost, convenience of access, access to more materials and more rapid availability of materials.<sup>1</sup>

## 1. THE MODEL ACT OF S.R. RANGANATHAN

To attain these objectives Dr. S.R. Ranganathan had framed the first model public libraries Act in 1930 which he placed for discussion at the Educational Conference at Banaras. Before framing the Act, this internationally reputed library scientist had travelled through most countries of the world where library legislation existed and had evaluated them and in many countries his ideas helped them to improve the systems. So the Model Act of 1930 was an improved and advanced one than any of the existing acts. In his Library Development Plan which he submitted in 1947 to Government of India he had included a union library bill and a revised state library bill also which envisaged the national public library and information system according to the most modern principles.<sup>2</sup> Another model library Act was drafted in 1963 by a committee under the chairmanship of D.M. Sen on behalf of the Ministry of Education,

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Government of India. In 1966 the Library Legislation Sub Committee of the Planning Commission also prepared a model bill.

The library Acts that came into existence in Madras, Hyderabad, Andhra, Karnataka and Maharashtra totally or partially accept the ideas of Ranganathan as reflected in his Model Acts and bills. These States became the laboratories where the ideas evolved by Ranganathan were experimented and observed. In the light of these observations and suggestions contained in the other model bills and Acts, Ranganathan has improved his model Act by rectifying the clauses found to be defective in working and by adding new provisions that seemed essential. This model libraries Act was published in 1972.<sup>3</sup> This is the latest and most advanced Model Act. Ten states out of the 25 states and 7 union territories have enacted library legislation. They are Madras 1948, Andhra 1960, Karnataka 1965, Maharashtra 1967, West Bengal 1979, Manipur 1985, Kerala 1989 and Haryana 1989. Others are Goa and Mizoram. But none of them are considered perfect or efficient.

So in this comparative analysis of the essential aspects of State Public Library Acts, the Model Public Library Act, 1972 of Dr. S.R. Ranganathan is taken as the measuring rod or ideal situation with which the State Act is compared. Whenever some notable additional provisions or improvements are found in other existing Acts the same is discussed at the concerned contexts. The Kerala Act to which stress is given in this study and Ranganathan's Model Act of 1972 will be referred herein after as KPLA and Model Act respectively.

## **2. PREAMBLE OF STATE ACTS**

The preamble of a Library Act should summarise and state the aims and objectives of that Library Act. Even though the preamble of KPLA went on to explain the existing situations and the intentions with which the Act was initiated in an elaborate and vague form, it has given what is to be in preamble just before the preamble in precise and clear words as a long title of the Act. This summary or long title of the Act which we have to consider as preamble contains the basic concept of modern public library service which the actual preamble failed to state and the KPLA in its totality failed to support.

Like the Model Act, this summary provides for the establishment and maintenance of a system of public libraries and for the comprehensive development and organisation of all kinds of library and information services required for the people. The long title that follows the title of the Act in KPLA states, it is: An Act to consolidate and unify the library laws in the State and to provide for the reorganisation of the entire library system in the State of Kerala with a view to the development and maintenance of a comprehensive rural and urban library service and for matters connected therewith or incidental thereto.<sup>4</sup>

Ranganathan has laid clear emphasis on legislation for public library service and for the organisation of a comprehensive library system. But all other Acts except KPLA provides for establishment and maintenance of public libraries only. They all cling to the obsolete concept of treating public libraries as independent units in their collection and services. So in this statement of the

purpose of the Act, KPLA has accepted the most modern concept of Public Library legislation and the statement is a distinct improvement over those in all other existing State Acts.

### **3. STATE LIBRARY AUTHORITY**

The concept of the State Library Authority (SLA) underwent an evolution from State Library Committee to Minister of Education or Libraries; everywhere in the world. The Model Act recommends that for the purpose of promoting and organising a library system in the State the Ministry for Education of the State shall be the SLA.<sup>5</sup>

It shall be the duty of the SLA to provide; for an adequate library and information service in the State and, for the progressive development of the institutions devoted to the purpose and to secure the effective execution by Local Library Authorities (LLA) of the national policy for providing adequate library service to the people in every locality.

In the existing State Acts only Karnataka Public Library Act, 1965 provides and clearly names SLA. Section 3 of the Act provides for the constitution and composition of the SLA.<sup>6</sup> SLA shall be a body corporate having perpetual succession and a common seal with power, to acquire, hold and dispose of property and to contract and may by the same time sue and be sued. It consists of twenty members from the fields concerned with information creation, organisation and services, with Minister for Education who shall exofficio be the President and State Librarian who shall exofficio be the Secretary of SLA.

But it is desirable to make only one person, instead of a corporate body to be the supreme authority for providing this very important service, for that gives a unified command from administrative points of view. And this person should not be any person less than the Minister for Education, because he is directly responsible to the legislature and his term of office being limited to a period of five years he is ultimately responsible to the people. According to Hewit who made a study of the library legislation in India; it will be observed that two kinds of supreme authority are favoured in existing legislation and in the drafts of the model bills framed in India. One is a body of persons *i.e.*, State Library Council or Committee and second is a Minister of State. He suggests the second as the better of the two, mainly because a Minister is responsible to his legislature, and through it, to the electors and many be called to account therein. A body of persons even though a Minister may be President or Chairman thereof is not so easily questioned. In any case; so important an activity as the provision for public library and information service to the people fully justifies direct representation in State Legislature.<sup>7</sup>

So all the studies on library legislations and the evaluation of existing legislations throughout the world and especially in third world countries, like that of Gardners's study comes to the conclusion that providing up of a body or a person as SLA and clearly naming and defining its powers and functions is certainly essential for the successful working of library Acts. But KPLA is very vague in this aspect and it fails to name a person or body as SLA.

#### 4. STATE LIBRARY COMMITTEE

The Model Act provides for a State Library Committee (SLC) for the purpose of advising the SLA on all matters arising under the Act. All existing State Acts and Model Bills enacted or drafted in India provide for appointment of such a Committee or Council.<sup>8</sup> KPLA names it as Kerala State Library Council. All Acts of the states except Kerala's have prescribed its membership on somewhat similar lines. All Acts provides that this body will be headed by Minister for Education. Despite differences in nomenclature and composition the function of this committee or council envisaged everywhere is basically the same *i.e.*, to advise the SLA or State Government in all matters arising out of the Act.

#### 41. Kerala State Library Council (KSLC)

A careful analysis of the Kerala State Library Council (KSLC) in comparison with the SLC as provided in the Model Act or other State Acts will reveal that it is not a council or committee of advisory nature as SLCs are. KSLC is an SLC and at the same time an SLA by itself. Naming it as a council is a difference in terminology only. Instead of appointing a Minister as SLA as in Mysore it appoints a body as SLA. But the Act fails to name it as SLA. The duties, powers and functions assigned to KSLC is inclusive of all those assigned to SLA and SLC in Model Act. Sub-section 1 of the Section 3 of KPLA dealing with the constitution and composition of KSLC states<sup>9</sup>; KSLC shall be a body corporate having perpetual succession and a common seal with power, to acquire hold and dispose of property, both movable and immovable and to enter into contracts and shall by its name sue and be sued. This is an adaptation of the class related to Karnataka State Library Authority of Karnataka Act.<sup>10</sup> No other Act including Model Act has so clearly defined the nature of this body and assigned so much powers as this like the Acts of Kerala and Karnataka.

The powers and functions assigned to KSLC includes both the advisory functions of the committees and councils provided by Model Act and other Acts and the duties assigned to SLA by Model Act and Karnataka Act. Sub-sections of section 8 of KPLA provides that the KSLC may:<sup>11</sup>

advise the government of all matters connected with the administration of that Act and ... the overall library policy of the State.

co-ordinate the working of the District Library Councils and Taluk Library Unions and ... supervise and direct all matters relating to library service in the state.

establish one or more State Libraries ... at such place or places in the State as may be considered necessary.

appoint and control such officers and servants as may be necessary for the efficient performance of its duties and functions under this Act and the rules made thereunder.

give to the District Library Councils and Taluk Library unions directions in the performance of their functions under this Act and ... they shall not in the discharge of their functions under this Act depart from directions given by the KSLC.

While we consider these classes and compare them with the parallel sections of the Model Act or other Acts it becomes clear that the classes which assigns the duties, powers and functions of KSLC is a distinct improvement from all others. KPLA has identified most of the functions and duties expected from such a body and very clearly assigned them to it without giving space for doubt and vagueness.

#### **42. Composition of KSLC**

If KSLC is to become able to fulfil such duties and functions expected from it, the composition of the body should be done accordingly. Membership of such a body should include persons who have contributed to the growth of knowledge, who has evolved or developed methods and techniques for collecting, organising and disseminating information and who have wide experience in related fields of activity.<sup>12</sup> It is not the method of representation but the quality of representation that will make possible the efficient functioning of the system.

The sections which prescribe the membership of SLA in Karnataka Act and SLC in Model Act and other State Acts prescribe their membership on somewhat similar lines. Prof. P.B. Mangla in his study of library legislation opines that it should be a body having representatives from various institutions, organisations, government etc. interested in and connected with the growth and development of library and information services in the State.<sup>13</sup>

The Model Act, the opinion of experts and recommendations of committees set for studying library legislation agrees that such a body should include among its members; the Minister for Libraries if there is one, otherwise Minister for Education, then Minister in charge of Local - Self-Government, Director of Libraries, State Librarian, sufficient number of representatives from State Legislative Assembly by election from among themselves, Secretary to Government for Education, representatives elected from Local Library Authorities by rotation to limit size of the body, representatives of associations of library profession and experts with specialization in library and information services and representatives of Universities of the State. It would be essential that the Minister in charge of Libraries should act as ex-officio chairman and the Director of Public Libraries or State Librarian should act as ex-officio secretary of the committee.

The rationale behind such a composition of this body is that it is a body which is to advise the government and discuss continuously on a most important responsibility of the government, that is organisation and dissemination of information required by the society. But disregarding all these principles KPLA provides for constituting a body of members who were not suitable to undertake this work. The section 3 sub-section 2 related to the composition of the KSLC in KPLA provides: The KSLC shall consist of one member each from Taluks, elected by the general body of the District Library councils, and five members of whom one shall be a librarian, another a person belonging to the scheduled caste or scheduled tribe and another a woman nominated by the government.<sup>14</sup>

Library and information service is an intellectual service. It goes without saying that this body as provided in KPLA will not be able to fulfil satisfactorily

the purpose for which it is intended. In these days of information explosion and flooding of vast and varied types of books and other printed materials that originates every minute without wide familiarity of all spheres of knowledge and expertise in handling their information in most effective way at minimum cost the body which heads such a system will be having a mere formal and useless existence. As we have seen in section 8 of KPLA the most important function of KSLC is to advise the government on all matters connected with the administration of this Act and overall library policy of the State. It is not clear how this committee will be competent to render such expert technical advise when it has only persons as members, who has come through election without expertise or knowledge about information work and without even any educational qualifications. Library and information service to the people if provided efficiently will be the continuously active service of government and will require expert advise everyday on many matters. The KSLC's inability to provide such expert advise will make government's efforts futile and to overcome this, government will be forced to create a continuous chain of Advisory Committees which is also not very practicable.

While no hard and fast rule can be laid down about the size of this body it is generally felt that it should not have more than twenty members. But membership of this body in Kerala which is to be constituted according to section 3 sub-section 2 which we have already referred will swell upto 67, for Kerala has got 62 Taluks. But the KSLC may remain a supreme body in name only for real powers of the council have been passed over to a smaller body which is the executive committee.<sup>15</sup> But it also becomes an unwieldy body with membership of 25 persons. Thus KSLC has acquired all the defects existing in SLAs and SLCs into one body. This Executive Committee is a new addition in our library Acts. But the findings of Ashok Mehta Committee and various committees appointed by many State Governments to study Panchayat Raj Institutions advise us against such an elected body like KSLC for organising important service as library and information service to the people.

Instead of adopting the constitution and composition of SLA and SLC provided by the Model Act or followed by the other State Acts KPLA gave legal sanction to the organizational set up of an association that was already existing there, that is Kerala Granthasala Sangham. The constitution and composition of KSLC and its Executive Committee is the same followed by Sangham for its general body and Bharanasamithi. In all other provisions KPLA follows the same pattern of Sangham with some minor alterations. For more than half a century Sangham was pressurising the Government to give legal sanction to Sangham to be the SLA and to accept its system as it is as State's Library System.<sup>16</sup> But experts have continuously pointed out during this period the futility of such a system for library and information service. But Sangham objected government's all other attempts to enact a modern library system legislation and at last come out successful in legalizing its own system. But this in fact totally prevents the State from having an advanced library legislation and developing its library and information services in conformity with the requirements of the time.

## **5. LOCAL LIBRARY AUTHORITY**

Library and information service is to be rendered locally by thousands of service points spread throughout the state. The State as a whole in view of its large size is not suitable for being considered as a single unit for organizing these services. So it becomes essential to organize this service system on a decentralised pattern. The units of responsibility at different levels, their nature, functions and relation with other levels should be clearly specified in the Act. In the Model Act Ranganathan recommended two types of Local Library Authorities; District Library Authority in a district and City Library Authority in a city.

The KPLA improves the scope of decentralization of services; providing a three tier system that is after State level at District and Taluk levels parallel to Government's Administrative mechanism. The District Library Councils (DLC) and Taluk Library Unions (TLU) are miniature forms of KSLC. Their constitution, composition, powers and functions are all the same as KSLC; limited within the geographical area of its coverage. DLC and TLU shall elect their Executive Committee which will elect the office bearers very much like in KSLC. All the defects of KSLC are reflected in these bodies also. The Act does not provide for City Library Authorities. It is the duty of the Taluk union to organize and administer the library and information service to the people living in cities and villages.

## **6. DEPARTMENT OF PUBLIC LIBRARIES AND OFFICIALS**

It is generally emphasised that in order to develop a system of public libraries in a State or country on proper lines, it is essential that a separate department of public libraries be created at par with the department of education and that the former should not be a part of the later or any other department.<sup>17</sup> The Acts of Andhra, Maharashtra, West Bengal and Karnataka prescribe for the creation of separate department of Public Libraries.<sup>18</sup>

### **61. Director of Public Libraries**

Most of the recommendations related to public library system legislation emphasises that the department of Public Libraries should be headed by a Director of Public Libraries (DPL), whose rank must be equivalent to that of Director of Education. He must be a person with qualification and experience in Library and Information Science. Emphasis on his being a professional is laid because it is he to whom the whole public library system in the State would look for guidance and inspiration and his professional outlook would normally greatly help the development of the system on desired lines.

The first public library Act in this country; the Madras Public Library Act, 1948 provided for the appointment of DPL. Andhra, Maharashtra and West Bengal also prescribes for the creation of DPL. In Madras and Andhra the Director of Public Instruction is made the ex-officio Director of Public Libraries also. The disadvantages of such an administrative set-up are quite obvious. The Department of Public Libraries becomes an additional burden to the Director of Public Instruction. This new department will be looked upon as an uninvited guest. A.R. Hewit has rightly pointed out that many of the duties of Director

of Public Libraries would require technical knowledge and skill in librarianship. So professional experts only can undertake this responsibility efficiently.

## **62. State Library**

All the Acts except KPLA which is not providing for these offices, combines the responsibilities of (i) developing and managing the State Central Library as well as (ii) superintending and directing all matters related to the State library system in a single person called State Librarian or DPL. The Model Act also recommends this pattern. But the Sinha Committee report suggested the creation of two separate posts for this purpose when it said "The DPL may have the overall responsibility to organize develop and supervise the public library system as the Head of the Department of Public Libraries. The State Librarian should have the responsibility to manage supervise and develop State Central Library and should be the Chief Technical Advisor of the DPL, with no responsibility for the administration of the service in the State. This responsibility should be entirely that of DPL. But in KPLA there is no provision for appointing a Director of Libraries or State Librarian. While the class by class discussion of the Bill was going on in Assembly Mr. V.M. Sudheeran; member presented an amendment to add a new clause in the Act providing for appointment of a Director of Libraries.<sup>19</sup> But was not considered.

## **63. Administration**

For the administration of public libraries all the State Acts have created a department or directorate of public libraries. It is put under the charge of Director of Libraries or State Librarian who is to be the ex-officio Secretary of SLA. The functions of these posts as prescribed by all Acts including the Model Act are : to supervise and direct all matters relating to public libraries, to direct and control the working of LLAs, submit reports to Government and deal with schemes and plans relating to libraries. Many of the highly technical and specialized works of State Central Library also is to be supervised by them. So it is clear that these posts which are carrying heavy responsibility concerning various matters—financial, advisory, administrative, technical, supervisory and so on—under the Act would require technical knowledge and skill in library and information service. So the Secretary or High Officer of this body should be a whole time officer having the prescribed qualifications to practice the library profession.

Disregarding all the above facts KPLA assigns all these duties and powers to a Secretary elected by members of the Executive Committee of KSLC. Section 3 sub-section 5 of KPLA provides that the elected members of the Executive Committee shall elect a President, Vice-President, Secretary and Joint Secretary from among themselves to be the President, Vice-President, Secretary and Joint Secretary respectively of the State Library Council and of the Executive Committee.<sup>20</sup> Their term of office will be for three years. KPLA assigns to the Secretary of KSLC the duties and powers which other State Acts assign to State Librarian or Director of Libraries. Section 9 Sub-section 1 States: the Secretary of the State Library Council shall be Chief Executive Authority of KSLC.



The nature of the office of Secretary of KSLC requires professional knowledge and experience as well as continuity of office for the successful operation of the Act, so it is inevitable that this provision will prevent KPLA from fulfilling the objectives for which a modern library legislation should exist. This serious defect of the Act has been pointed out by many members during the discussion of the bill. Dr. M.Kuttappan has brought to the notice of the Assembly that such an important system like that for library and information service requires qualified government officials as their secretaries at State, District and Taluk levels.<sup>21</sup> The period of an elected non-official member may be over by three years and if he misappropriates government fund allotted for library development it will not be possible for the government to take action on him.<sup>22</sup> Sri Ishac Kurikkal suggested an amendment to the Bill to provide that the Secretary of the SLC shall be appointed by the Government on the advice of the Kerala Public Service Commission.<sup>23</sup> Another member Sri Kodiyeri Balakrishnan opined that the Secretary of KSLC should be appointed by Government and the Act should specify the qualifications and method of appointment for this post.<sup>24</sup> Sri Ramesh Chennithala presented an amendment to add the following sub-clause in KPLA namely: The Secretary shall be a person not below the rank of a Joint Secretary to Government appointed by Government from among persons qualified and competent to hold such post.<sup>25</sup> But all these suggestions were rejected and principles were disregarded to maintain a democratic system for constituting the SLA.

#### **64. State Central Library**

The existing State legislations and the Model Act provide for a State Central Library (SCL) as an integral part of the Public Library Service.<sup>26</sup> The SCL is normally the copy right collection. It should collect as far as its resources allow, expensive work and literature published abroad, material for which the local public library would have little need and could not afford. All the countries of the world possessing adequate library systems, have national library systems and all have national central library as distinct from the other libraries in the system, but is accessible to all through any library of the system. The same role of National Central Library to the National system is done by SCL to the State system. Usually the library legislations designate the biggest collection available in the State as SCL and makes its resources and services available to the system. Even though various Acts and Model Act give different names to SCL like State Service Library, etc. in a public library system only one such library will be maintained and its resources will be shared by all participating units. Maintaining more than one SCL is unnecessary duplication of work and waste of resources.

Most of the State Acts and Model bills drafted, designate the biggest public library existing in the State as SCL and adopts it to the system and shares its resources among participating units. But instead of designating Trivandrum Public Library, the oldest and biggest collection in the State as SCL, the KPLA deems it to be one of the many State libraries it will establish.<sup>27</sup> The Act provides for no SCL in its system. Instead it provides that KSLC shall establish one or

more state libraries at such place or places in the State as may be considered necessary.<sup>28</sup> The relation of State libraries with other state libraries and different level service units and the purpose of more than one such institution is not defined in the Act.

### **65. Library Co-operation**

To make the best possible use of the document resources not only in the public library system but also in other types of libraries in the State such as universities, special libraries etc, a system of inter library co-operation needs to be developed in the state as a whole.<sup>29</sup> It would also be useful and economical if centralization of different aspects such as acquisition programme, technical processing etc. of documents should be introduced at State level or at different levels of the system. The KPLA gives no such provision for co-operation or centralized processing and the institution which is to give leadership in such activities that is SCL is absent in KPLA.

### **66. State Library Service**

A State Library Service brings the manpower of the State in one pool and thus avoids the waste of time and money involved in filling up posts that would otherwise involve, if every Local Library Authority were to appoint the staff independently.<sup>30</sup> A State Library Service further avoids the influence of members of the Local Library Authority in day-to-day management of libraries. Mysore Act has created a special state library service and it ensures proper administration and economy through State Library Service. But KPLA gives to KSLC and Local Library Authorities that is DLC and TLU the powers to appoint and control required officers and servants.<sup>31</sup>

## **7. FINANCE**

For the growth and development of a public library system in a State, there must be a specific provision in the Act for required financial support. Since education is an essential responsibility of a welfare State, public library system should obviously be established and maintained at the expense of the State. According to the Model Act of Ranganathan, the suitable sources for this purpose are (a) library cess, (b) grants from the State Governments, and (c) grants from Central Government. In the provisions related to finance; KPLA accepts all the generally accepted principles. The Act provides that the KSLC shall levy a library cess in the form of surcharge on building tax or property tax collected by local bodies at the rate of five paise for whole rupee.<sup>32</sup> The cess shall be paid to the KSLC by local bodies.

The government may also make every year a grant to the KSLC of a sum which shall not exceed one per cent of the budget for education.<sup>33</sup> This amount of grant is insufficient. Ranganathan's Library Development Plan, the documents on National Policy on Library and Information Science and Indian Library Association suggests that six per cent of the Education budget of the State should be set apart for libraries.

The Act also provides for a State Library Fund from which all expenses of KSLC, DLC and TLU shall be met.<sup>34</sup> Grants of State and Central Governments

to KSLC, contributions by persons, bodies or authorities etc. to KSLC and other funds transferred to it shall be credited to State Library Fund. KSLC shall distribute from State Library Fund such amounts as required for each DLC and TLU. Against creating such Library funds as suggested by Model Act and some State Acts at State and local levels; these provisions of KPLA related to finance providing a centralized fund are truly a notable improvement.

## 8. CONCLUSION

The enactment of library legislation by states resulting in different patterns will delay and hamper the establishment of a National Library and Information System which has become over due in India.

For giving efficient and reliable information service to the people economically by pooling resources and sharing resources, the library and information system should be planned only as a national system with a national level legislation supporting that system. To enable such a national level system all the states which are to be the component units in a federal structure like India should have a uniform pattern of library and information systems, so that these components can be organized into a coherent whole. It requires a uniform pattern for state library legislations also. So Union Government should enact a national library and information service Act, which shall prescribe a model library Act for the States. The Union Government should also prescribe a time limit within which the States are to develop library systems according to the pattern suggested by the Union Government.

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