

Principles for Framing Public Library Acts

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The Paper traces the development of library legislation through the law meant for independent library units to that for library systems that provide for networking and resource sharing. It also emphasises the important legal provisions required in library acts and also points out the aspects that need special attention in federal countries like India.

0 Introduction

Legal provisions relating to the collection, preservation and distribution of recorded information existed from very ancient times. Instrument of Legislation for the establishment of government or public libraries, and for offering services like making available books for consultation or for home reading, regulations for manuscripts and other documents have been in existence throughout the period of history. When printing was introduced, reading materials started increasing. With that the activity of developing libraries through edicts and legislation gained momentum.

One of the first legislative enactment in the New World was in 1696; when the Maryland Assembly passed several laws to ensure establishment and maintenance of libraries. But the legislation which influenced all later ones throughout the world was the British Public Library Act of 1850. The two basic principles that it set out were: first, that public libraries in a community should be free from dependence on private gifts, subscriptions or charitable donations; second, that they should be free to include whatever available materials were needed by readers, and therefore that they should be controlled in such choices either by political or by religious influences¹.

In 1877 when the first International Conference of Librarians was held in London, the Library Association of United Kingdom was formed and among its main objectives, we find the deliberation to secure better legislation and the improvement of administration². In the following years we find an interesting history of the development of concepts behind public library legislation.

1 Systems Concept

Historically speaking all library legislations throughout the world envisaged libraries as independent single units under a Government department. The revolutionary concept of a library system, as distinct from unitary libraries, and legislation for such system came into existence with the presentation of the Model Library Act by S.R. Ranganathan in a conference at Benaras. This concept emphasises that public libraries at different levels, viz. state, city, district alongwith branches or service units should be so interlinked as to form part of a system or network. Such a public library system can be compared with a large irrigation system. It needs a hand-work with a costly dam and a large number of distributaries and sub-distributaries through which water could reach every bit of land. The traditional independent libraries on the other hand, resemble more like wells and tanks which have served mankind for ages, but they have limited and dwindling use in modern times. This new concept of system thus offers infinite possibilities because³ :

- It is a co-operative and organic structure in which every unit, however small, is rich as the whole system;
- It has larger funds which allow for a balanced and even development of public library service over large areas; irrespective of local variations or imbalances in financial support;
- It is comparatively more economical; and
- It can provide library services more efficiently and effectively because it can permit introduction of library services based on modern concepts of services and approved standards.

UNESCO has accepted the principles for library legislation enunciated by Ranganathan in its Public Library Manifesto declared in 1949 and revised by IFLA in 1972⁴. The Manifesto declares that as a living force for education, culture and information, the public library should be established under the clear mandate of law, so framed as to ensure nationwide provision of public library service. Organized co-operation between libraries is essential so that total national resources should be fully used and at the service of the reader⁴.

2 National Network

Ranganathan in his Library Development Plan, published in 1950 by the University of Delhi, again stressed that public library development should be planned on the basis of library systems rather than on unitary basis⁵. In it he laid much emphasis on the setting up of library services in a well planned and organized manner in each State and the country as a whole so as not to repeat the mistake of the countries which have gradually made much progress on library development.

The First International Seminar organized by UNESCO on public libraries had accepted this principle by stating that library legislation should provide for the inter-lending of books between libraries so that the book resources of the whole territory shall be available to all⁶. In the United States the importance of the systems concept in planning public library services and in enacting library laws has been specifically emphasised in the standards for public library system published in 1967. The standards contained the concept that every individual has a right to benefit from the record of what is known, whether he lives in a big city, a suburban community, a small town, an un-incorporated area or a rural district and the structure of such service should provide a flexible, operative library network effectively linking the libraries of the State and Nation⁷. Thus, a system would provide accessibility of service through branches, co-operating libraries, and book mobile shops, and would plan a pool of resources and services in depth and variety, used in common by all the outlets.

3 Resource Sharing

To-day the concept of legislation for library system is not limited to public libraries. When S.R. Ranganathan suggested in 1959 in his Library Development Plan for Kerala, the pooling of the resources of Legislature library, Government Secretariat Library and some other big specialized collections, to make them available to the people through public library system, even library professionals were not prepared to accept the idea. But now UNESCO and several other international agencies such as IFLA and FID have accepted the concept of National Information System (NATIS) which pools the information resources of all types of libraries so that they become available to all the people in a country. An important objective of NATIS is that; the functions of all documentation, library and archives services should be coordinated through a central body to form the NATIS, so as to ensure the optimum use of available resources and maximum contribution to the cultural, social and economic development of each nation.

4 Systems Legislation

With the growing emphasis on the development of large library and information systems, following the realization that local library services needed to be supplemented with resources from outside the local area, there has been a steady interest in library legislation concerning regional library systems, metropolitan urban library systems, State library systems and Multi-State system. Various countries have enacted legislation creating nationwide public library systems. In many countries where library legislation existed, the legislators have revised and altered those laws in accordance with this modern concept.

Public Library legislation is designed to set out a particular policy as well as means to be used to implement it. The fundamental steps in the preparation of such legislation are: to define the aim of the legislation; to reach an agreement concerning the terms in which legislative policy can be expressed; and finally to formulate the texts setting out the policy question⁸.

5 Evaluation and Revision

State and National governments have to answer the following questions⁸: Is the present legislation suitable and does it facilitate future developments and cooperative endeavours? Does it provide the supervising agency with an authority commensurate with the needs of libraries? Does it set through the country a uniform standard of library service? Does it stipulate, in clear terms, the amount of financial support to be granted? If the answer to some or all of these questions is no, then there is a need to revise the existing legislation. Some of the methods which many countries have successfully used to upgrade the quality of their Public Library legislation are the following⁸:

- Carrying out studies of provisions in neighbouring countries' legislations which already make provisions for the attainment of some, or all, of the agreed public library objectives.
- Introducing the need for public library improvement alongwith other social and educational changes, into the political platforms of local, regional or national parties.
- Establishing demonstration projects to show what could be achieved on a wider scale if relevant legislative provision existed for all parts of the region or nation.
- Holding local seminars and workshops with the participation of the public in order to bring the voters' pressure to bear on the elected representatives in government.

These can be undertaken through the combined efforts of library readers, librarians and voluntary citizen-groups.

6 Guidelines for Library Legislation

Considering the complexity, diversity and range of individual, national, public library legislations, UNESCO has produced general guidelines which might be used to introduce new legislation in countries that might need it. The document prepared for UNESCO by Frank M. Gardner, 'Public Library Legislation: A Comparative Study' lays down a series of principles for the formulation of public library law which have been used with success by many framers of legislation. The general necessary legal provisions emphasised in Gardner's study were the following⁹:

6.1 Areas of Basic Concern

- Use of the libraries should be free and open to all.
- The materials to be provided and the services to be given should be specified.
- The administrative unit should be responsible for the entire territory of the area served, whether national, regional or local.
- There should be an independent body charged with the duty of advising on the

implementation of the legislation. This should come under the national government department named to be responsible for public library development.

6.2 Powers of the Central Authority

- It should be able to make services compulsory.
- It should have powers of inspection, and should set standards, and have a staff to carry out its supervisory functions.
- It should make regulations on all matters affecting public libraries.
- It should enable local authorities to make regulations, and should provide guidance and assist in their elaboration.

6.3 Financial Provisions

- The central government should provide financial assistance by way of grants, both for regular and for specific and experimental purposes.
- The local authority should be empowered to levy relevant taxes. The library authority should have the power to raise money for capital expenditures.

6.4 Nationwide Library Networks

- There should be provision for a mechanism for co-operation and interlending.
- There should be provision for the joint running of services, in co-operation with other agencies.
- Library services should be provided to various agencies, community centres, hospitals etc.
- Institutionally owned libraries should be able to be integrated into the general public library system.

7 Requirements in the Indian Situation

In the development of large public library systems, as that is required in India, according to H.C. Campbell special attention should be paid to the following matters: the powers of the central authority; provision for co-operation; services provided by a national library; and the special situation of federal countries¹⁰.

UNESCO Inter-governmental Conference on the Planning of National Documentation, Library and Archive Infrastructures, placed major emphasis on the need for adequate national public library legislation. Objective adopted by the Conference for setting up national information systems dealt with the establishment of necessary national legislative framework designed to ensure the participation of the central government and the co-ordination of national efforts.

The document on legislative framework for the implementation of NATIS gives a very good approach that can be taken by any national government towards achieving national coverage of public library service¹¹. The document states that it is, however, unrealistic to legislate for the compulsory provision of library services without taking into account the current state of library development and the steps which have to be taken before a service of the required standard can be provided. In the absence of the self-regulating mechanism of permissive legislation, a means has to be found to enable a service to be progressively extended from existing or newly established bases across the whole country. This process must be flexible, so that progress can be adjusted in the light of the experience or changing factors. Time-tables and deadlines embodied in legislation are like smouldering time bombs which eventually have to be diffused by amending legislation. One answer lies in placing responsibility for the development of the library service in the hands of a Minister accountable to Parliament and empowering him to make orders extending compulsory provision to administrative units as development makes this possible.

8 National Level Legislation

In countries with strong tradition of local autonomy there have been attempts to provide for a form of Central Governmental authority that allows for local autonomy as well as for various forms of national planning, supervision and co-ordination. One example of legislative success in this area is that of United Kingdom where a revised Public Library Act was passed in 1964 complemented by another Act in 1972 which set up British Library Board and gave that body the responsibility of working with municipal public library systems and other types of libraries to promote better service¹². Among its various responsibilities the British Library Board is empowered to develop a wide range of central services, link them with local authorities, and carry out and sponsor research in public library development and methods of work.

As excellent examples of library legislations making adequate provision for library co-operation, cases of Czechoslovakia and Hungary may be cited. In these countries, whose respective national goals in the area of library development are to offer the general public access to every type of reading materials, the national authorities have created a comprehensive system of school, community, trade union and other libraries and provided adequate financial support. These legislations provide for (a) the establishment of a unified system of libraries - the main objective of this section of the law is to indicate the mission and function of libraries in a socialist society and to declare that all libraries, whether school, trade union, public, special, university, etc., are important factors in socialistic education; and (b) the formal devolution of responsibility of resource-sharing and library co-operation which is a basic objective of all library legislation in socialist countries.

The library legislation should also clearly define the role of National and State Central Library in national information system. The National Library should be given

leadership role in NATIS.

9 State Level Legislation

In most federal countries, the separate authorities of the constituent parts of the federation must be considered. For instance, the present Australian legislation has established a State Library Authority in each federal State to assist the local government authorities, manage the State library and provide other library and information services to the public. However, no state legislation requires any authority to provide library and information service to its residents.

The most important consideration in the framing of a legislation is the nature of the State itself and the place that legislation takes in its structure. In social legislation like the one meant for the establishment of public library systems, account must be taken of the various aspects such as the nature of authority by which national government passes on its authorities, the basis of taxation at local and national level, and in a federal State like India, the constitutional rights of the established organisms within the State. A comparative study of the library legislation in certain countries of the world vindicates that while legislation differs from country to country, similar problems do eventually tend to produce similar solutions, and similarity in governmental structure also tend to impose a pattern.

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