CHAPTER VI
LIBRARY LEGISLATION IN INDIA: A COMPARATIVE STUDY

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61. HISTORY OF LIBRARY LEGISLATION IN INDIA:

According to UNESCO public library Manifesto (1972) "The Public Library should be established under the clear mandate of law, so framed as to ensure nationwise provision of public library service".

The vital role the public libraries can play in a country's programmes for development and national reconstruction particularly in areas such as spread of education, dissemination of information, utilization of leisure time in purposeful activities as well as in programme for its overall socio-economic development has been well accepted and even well demonstrated in developed as well as developing countries all over the world.

It is therefore, as Aluin Johnson has rightly remarked about a public library, 'a people's University' because a properly developed and modern public library can play an important role as a centre of information, education, culture and recreation.

It is also defined as a social institution which gives free service to all without any discrimination based on caste, creed, sex, age or any other consideration. Again, UNESCO in its public library Manifesto of 1949 has called the public library a 'living force for popular education'. Also, it has remarked that 'the Public Library is a product of
modern democracy and a practical demonstration of democracy's faith in universal education as life long process and that it should be active and positive in its policy and a dynamic part of community life.

For the successful working of the above democratic product (Public Library), the simplest way is free public library service. In this connection the first old step was taken by Great Britain (1850) and put on its statute book the first library law in the world. Across the Atlantic, in the U.K., which has been hailed as the mother-land of the modern library movement, the state of Massachusetts was probably the first state in the world to enact a library law (1850). Japan was the first country in the East to pass a library law as far back as in 1899. Since then all the developed countries started to enact library law. Also it is very much essential to introduce library rule and legislation for the total development of the public libraries in different states or parts of the country.

62. NEED FOR LIBRARY LEGISLATION:

The purpose of library legislation can be arranged as below:

1. It creates necessary library agencies by the enactment of library laws.
2. It guarantees establishment of network of libraries on statutory basis.
3. It ensures stable financial support on a progressive basis.
(4) It sets up library authorities which are responsible for the staffing, administration and management of the libraries.
(5) The legislation ensures permanent, uniform, efficient, expanding and co-ordinated library service.
(6) It also presupposes free service and makes it easily accessible to potential users irrespective of their qualification and age.

Any democratic and progressive society will welcome library legislation for development of social power stations like public library. As we know, library is a social institution which stands for the society or community concerned primarily with people and secondarily with books.

The legislation in this connection provides opportunities for spread of the public libraries which are the social power stations of democracy. So these institutions should be created and maintained by legislation with statutory provisions.

1. The popular and democratic government should come forward with the proposal of legislation which is a symbol of a welfare activity.
2. The public servants in-charge of the department of public library should constantly put up the proposal and persuade government to enact the public library laws.
3. The legislators or the people's representatives should develop interest in the legislation and initiate it at the floor of the legislature.
4. The citizens of the state should arouse public opinion and press for the legislation by way of constant demand with the government.

5. Library associations can play a greater role to impress upon the government for the legislations by way of organising conference and seminars on the issue.

6. The publishers and book sellers associations also can contribute to call upon the government for the legislation.

7. Voluntary social institutions and pressure groups, also can play a vital role in persuading the government, in the interest of the society at large.

8. The academicians, students, and authorities of education can play for the network of public libraries which are the open universities in the real sense of the term providing life-levy education, developing reading habits and channelising the fruitful use of leisure of the youth unrest.

So library legislation is an instrument for the development of an effective library system with stable financial support. It is specially necessary for promoting public library services and thus a library legislation. So it is a Universally accepted view that the public library should be supported by library legislation. In various international seminars on public libraries organised by UNESCO, such as Malmo (1950), Seo Paulo (1951), Ibadan (1953), Delhi (1950 & 1960), the UNESCO public library Manifesto 1949 and its revised edition 1972 which was adopted by IFLA as standard for public libraries should be
established under the clear mandate of law so as to ensure adequate financial support, efficient administration and effective service throughout the nation.

Historically speaking, libraries have generally grown as an independent single unit. But at the same time it is found that public library is purely a non-profit and free service organisation. Library is a very big organisation which deals with lakhs and lakhs of books and reading materials. Its aims are to assemble, preserve and administer books and other related materials in organised collections and to serve the community as a general centre for reliable information. Also, it provides opportunity and encouragement for children, young, men and women to educate themselves continuously. For this it needs a huge funds and a legal based administration. Otherwise the libraries will not be able to have the optimum collection of documents, construction of library building, appointment of qualified staff and ultimately the service will not be satisfactory. All these above problems can be solved only when there is a library legislation. If a state has a library legislation then only adequate grants from government can be created without any opposition.

Anyway, public library income should have a sound basis in law, and sources of revenue should be vested in the legislative body of the state in which it is located.

In 1957, the Government of India constituted an Advisory Committee for libraries under the chairmanship of K.P.Sinha. The Sinha Committee in its report, submitted to the
government in 1958, recommended the need for library legislation for the following reasons:

1. In order to provide free public library service a huge fund is required. In any scheme of public library finance, therefore, the bulk of the funds must come from the cess and State Government's revenues. The levy of library rate can be made possible only by library legislation;

2. It will bring homogeneous and unified library service in the states;

3. It will ensure statutory recognition of state responsibility for the maintenance of public libraries in the state; and

4. It will stimulate non-readers to be readers and readers to be purposive readers.

again the committee has also recommended the following guidelines to be incorporated in the library legislation:

1. The library law must state how the funds are to be collected and how they are to be spent, also who will collect them and who will spend them. The body which administers the library service is usually called the library authority;

2. The local body and panchayats should be authorised to levy the library cess or library rate on property tax @ 6 paisa per rupee;

3. There will be a Block Library Fund and a Municipal Library Fund, but the district would be regarded as a unit of library service;

4. No library cess by itself can cope with the demands of
even a moderate library service. Therefore, the local library fund should be supplemented by the State Government on matching basis and the state library fund should be similarly managed by contributions from the Central Government.

5. The various units of library service will have their own library committees;

6. The State will organise a department of libraries and an independent Director will plan, organise and administer the library service in the state;

7. The State Government will organise library associations and provide for adequate assistance to them; and

8. Books will form the bulk of library stocks, which must also include other media of mass communication like audio-visual materials etc.

Besides, the library legislation should incorporate the right of every citizen to have free access to educational, scientific and cultural records of the country among his Fundamental Rights. It may collect the various deposit sections under the copyright Act, the Delivery of Books Act, and the press and Registration of Books Act and make them observe the needs of a National library service and the part to be played in it by different kinds of libraries.

Regarding the necessity of library legislation in the development of public libraries, the Government of India's planning commission's working Group on libraries, in its report of 7th Sept, 1965 says; "There is no alternative to
library legislation". After a thorough study Prof. R.L. Mittal rightly comments, "Western countries especially U.K. and U.S.A., the pioneers on leaders of modern librarianship reached such a stage of library development only through library legislation".

In conformity with the UNESCO public library Manifesto the International Federation of Library Association (IFLA) has issued the following guidelines:

1. There should be generally applicable and mandatory legislation;
2. There should be a central authority charged with supervising the implementation of the legislation and
3. The legislation, national or state (in a federal state) should name the appropriate units to be charged with responsibility for providing public library service. These units should be the largest possible which can directly administer a comprehensive and efficient service. Smaller units may be given a measure of responsibility subject to supervision.

So in the above circumstances and in order to provide library service on a permanent and progressive basis library legislation becomes most essential. The library legislation creates and defines the functions of necessary agencies for library service in a manner which is most conducive and congenial to smooth running of libraries. It provides sound financial base and smooth running of libraries, library network, resource sharing, co-operation, inter-library loan
and other national and international services will be more effective when there is library legislation in the state and centre.

Prof. K.A. Isaac has rightly remarked, "The ultimate purpose of library legislation should be to bring about a library system and also raise the financial resources to support such a system".

63. **U.S.A. – THE LAND OF LIBRARIES:**

Library Legislation varies considerably in different countries. Almost all the developed countries the provision of public libraries became compulsory or permissive. Ranging from the most advanced countries to a country which has just become independent one thing is common to all in none of them legislation is entirely satisfactory and effective. In countries like Sweden mandatory legislation is not necessary, since the coverage is already complete. In Denmark a date is set for all commoners to make provision for public library service. In countries like Canada and the United States the viability poses the problem and this has been the general feature of most countries. Most countries specify free use of public library services. Denmark prescribes free use for inhabitants of that country. Czechoslovakia and Hungary charge adult users. Free use is denied in Quebec.

Though the United States has the largest number of libraries there is no uniform system of library legislation on a national or state basis. The Boston Public library in
1847 gave the movement its real impetus. New Hampshire was the first state to pass a separate Act in 1849 for the establishment of Public Libraries. Other states like Massachusetts, Rhode Island and Connecticut followed it. By 1877 twenty other states had library legislation. The growth and development of Public Library movement was comparatively slow by the end of 1930s in U.S.A. During 1960s and early 1970s the public library movement started with different programmes and reading materials for the public use. The Federal Library Service Act was passed in the year 1956 and gave finance assistance for the improvement of free book service in rural areas of U.S.A. In fact, if we see deeply, the Public Library system in the United States is undergoing a rapid evolution.

64. LIBRARY LEGISLATION IN UNITED KINGDOM:

Towards the middle of the 19th century the public library came closer to reality by the passage of the Museum Act of 1845 in United Kingdom. Big towns like, Canterbury, Warrington and Salford taking advantage of this 1845 Act set up combined museum and libraries. In 1836, Edwards proposed the formation of a lending library from the duplicate collection of the British Museum. William Ewart stimulated by an article written Edwards introduced the first public libraries bill in 1850 with the support of Joseph Brotherton. It becomes the Library Act in U.K. when it received the Royal assent on 14th August, 1850. Then again in the year 1892 a
different Act was passed and replaced all the earlier Acts in United Kingdom. The Act of 1919, the most important legislative event, not only permitted the development of urbans in England and Wales from 1919 to 1965. The Local Government Act of 1972 sharply, reduced the number of Public Libraries Authorities in England and Wales. The most important feature of the British Public Library Act is to give full and free service to all the member of the society.

65. ROLE OF LIBRARY ASSOCIATIONS:

The library activity of the last 150 years is mostly responsible for creating library consciousness among the people of India. After India became free in 1947, this consciousness took a different turn. The Government of India decided not to delay in establishment of libraries because they are excellent media not only of education but also self-education.

STEPS TAKEN IN DIFFERENT FIVE YEAR PLAN

1. **First Five Year Plan (1951-1956):**

   Realising the important role of a modern library today, the Government of India in the five year plan of education development, included the scheme of 'improvement of Library service'.

2. **Second Five Year Plan (1956-1961):**

   In this plan period of Government of India allocated about ₹.140 lakhs for setting up a countrywide network of libraries.
3. **Third Five Year Plan (1962-1967):**

In this plan period of Government of India agreed to set up four National Libraries at Delhi, Calcutta, Bombay and Madras. Also Government made provision to strengthen libraries at the state head quarters and help to increase the number of Libraries at the district and taluka levels.

4. **Fourth Five Year Plan (1966-1971):**

In this Fourth five year plan period the planning commission made an appointment of a working group on Libraries consisting of eminent librarians and educationists of India to evolve a sound programme of library development.

**DEVELOPMENT OF LIBRARY ASSOCIATIONS**

**Indian Library Association (ILA)**

Indian Library Association has been playing a vital role since it's origin in the year 1933 towards the development of Public Libraries in India. It is registered under the Societies Registration Act 1860. Its membership is open to all those persons and institutions who subscribe to the objects of the Association and fulfil other prescribed conditions. The ILA is publishing a journal named as 'Journal of Indian Library Association'. It is organising some all India Seminars at different time particularly on bibliographical control of India.
Some of its objectives are given below:

1. Promotion of Library Movement and Improvement in Library Service.
2. Promotion of Library Science Education and Training Programme.
3. Publication of bulletines, periodicals, books etc.
4. Establishment of libraries, documentation and Information Centres.
5. Promotion of appropriate Library Legislation in India, etc.

The State Library Associations of different states in the country are given below with year of foundation and with their head quarters.

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<tr>
<th>Sl. No.</th>
<th>Year of Foundation</th>
<th>Name of the Association</th>
<th>Head Quarters</th>
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<tr>
<td>01.</td>
<td>1914</td>
<td>Andhra Pradesh Library Association</td>
<td>Pataratalanke</td>
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<td>02.</td>
<td>1921</td>
<td>Maharashtra Library Association</td>
<td>Bombay</td>
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<td>03.</td>
<td>1925</td>
<td>Bengal Library Association</td>
<td>Calcutta</td>
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<td>04.</td>
<td>1928</td>
<td>Madras Library Association</td>
<td>Madras</td>
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<td>05.</td>
<td>1929</td>
<td>Punjab Library Association</td>
<td>Lahore</td>
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<td>06.</td>
<td>1933</td>
<td>Govt. of India Library Association.</td>
<td>New Delhi</td>
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<td>07.</td>
<td>1936</td>
<td>Bihar Rajya Pustakalaya Sancha</td>
<td>Patna</td>
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<td>08.</td>
<td>1939</td>
<td>Assam State Library Association</td>
<td>Gauhati</td>
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<td>09.</td>
<td>1944</td>
<td>Utkal Library Association</td>
<td>Puri</td>
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66. RANGANATHAN'S ERA (THE PIONEER OF LIBRARY LEGISLATION IN INDIA).

Dr. S.R. Ranganathan was a real Pioneer of Library Legislation in India. He was an innovator and a first grade Library Scientist. It was he who drafted the first Model Public Library Bill for India (1930). He was an ideal and utopian thinker but very pragmatic in his approach as nationalist to core of his heart which is evident from his life and work. Inspite of his preoccupation with his official duties and research and publication work, had pursued his campaign for Library Legislation for forty two years (from 1930 upto 1972). He gave his first Model Library Bill in December 1930 while his last Model Library Bill was published in April 1972. During his period in all 56 Library Bills were drafted in India, including fourteen official bills for Kolhapur state in 1944, for Madras province in 1948 and
for the state of Hyderabad in 1954, Andhra Pradesh in 1959, Maharashtra in 1957, Kerala in 1971, Madhya Pradesh in 1958, Mysore in 1956-57 and in 1961, Gujarat in 1965, Jammu and Kashmir in 1966, and in Rajasthan in 1969 of which the first five and that for Mysore of 1961 became law with few modifications. Dr. S.R. Ranganathan in his personal capacity drafted as many as twenty bills which included all the three National Library Model Bills, six provincial and state Model Bills out of a total 8 such bills and 11 state library bills for 9 states, besides his active association with more bills for Madras and Bengal respectively.

It would be evident from the account that Dr. Ranganathan was not only a Pioneer of Library legislation but he was a Nationalist to the core, a perfect strategist, a master of details. He was not a mere theoretician as is evident from the success of the public library system implemented in the state of Madras, Andhra Pradesh and Mysore which have Public Library Acts based on his Draft Bills.

It can be said that a library is responsible for the development of the personality of the citizen of a nation, for keeping them well informed and library legislation is responsible for establishing a library Authority in which powers are vested for the establishment of Public Libraries and the organisation a comprehensive rural and urban library service. India, being a young democracy with its vast multi-sided regional, cultural, social, economic and political problems, the need for library legislation becoming pressing. It was therefore, of the utmost importance that the
Government of India gave serious consideration to Library Legislation.

67. LIBRARY LEGISLATION IN INDIA:

In a country like India, the establishment of public libraries and its development require a systematic effort by the central and state govt. Through a planned approach or a fundamental right empowered to every citizen to gain knowledge for his intellectual, social, cultural and economic development. Libraries are the important centre of learning, dissemination of knowledge and information. But we have seen that without adequate financial support it is not possible to run a public library. Hence it is obligatory on the part of the Govt. to make the resources of the libraries accessible to its people. The total responsibility should be given to the state and centre to provide libraries services to the people. For this there is an urgent necessity for a public library Act to be enacted in each state. Each state should have its own library Act, so that with the help of this Act, it will establish different types of public libraries in the state.

The first ever draft of a public library bill was shown by Dr. S.R. Ranganathan, the father of Library Movement in India. Dr.S.R. Ranganathan for the first time drafted a model library bill of India in the year 1930. The model Bill was published as a chapter in his book entitled "Five laws of library Science" which was published in 1931. In December of the same year (1930), the All Asia educational Conference was
held in Banaras. Dr. S.R. Ranganathan, who served as the secretary of the library service section presented a model library Act for discussion.

68. LIBRARY LEGISLATIONS IN DIFFERENT STATES OF INDIA:

681. Madras Public Libraries Act:

The conference discussed the Bill and the amendments were recorded. Then a second attempt was made by Basheer Ahmed Sayeed in October 1937 but Lord Erskine the then Governor refused permission for its introduction. Yet another attempt was made in 1938 when Rajaji was the premier, but owing to other priorities the bill had to wait till 1946 when S.R. Ranganathan presented it to Avinashlingam Chettiarr, the then Minister of Education. It was this week bill that ultimately emerged as the Madras Public Libraries Act, (ACT. XXIV of 1948). Thus, it became the first public libraries Act of India. Due to the resignation of Sri Chettiar from the ministership there was a great delay in the implementation of the Act. The Government took a period of two years in the publication of the rule concernings the Act.

"The Connemara public library was recognised as the state central library with effect from April 1, 1950. Under this Act, local library Authorities were formed after July, 1950. These Authorities, in their very first meeting, passed resolutions for the levy of library cess in their respective areas".
The Act was implemented for 5 years. After five years some difficulties were detected by the Madras Library Association. In this connection Dr. S.R. Ranganathan met the Education Minister and gave some suggestions for the removal of the defects. He also presented the minister a memorandum containing the fact about library personnel, functions of the Local Library personnel, functions of the Local Library authorities, and state library committee, book selection and purchase and other matters. At last the Act was modified on 15 November, 1955.

Salient features of the Act:

The Act provides for the establishment of public libraries in the state of Madras and the organisation of a comprehensive rural and urban library service therein. The Minister of Education is the Ex-Officio Chairman of the committee and the Director of Public Libraries who is the head of public libraries is the Ex-Officio secretary. At the first stage of this Act it has no rule of having a separate Director of Libraries. The Director of public Instruction was also named Director of Public Libraries. But on the 1st of August 1972 it was changed, and a separate Directorate of Public Libraries was established. The state library committee is the highest advisory body in the Act. Except the Education Minister, there were representatives of Universities, Local Authorities and Library Associations. The total number of members of that committee is 17. The Director of Public Libraries is empowered to manage the State Central Library,
Superintendent and direct all matters relating to public libraries, superintend and control the work of all Local Library Authorities and submit to the Government every year a report on the working of libraries.

This Act provides that there should be Local Authorities, one for the city of Madras and one for each district. Every Local Library Authority elects one of its members the Chairman. Again, this Act says that the term of office of a nominated or elected member of Local Library Authorities shall be three years from the date of nomination or election. This committee exercises different types of powers for the development of libraries, but the Director is all in all having the supreme power.

According to this Act, each local library Authority shall levy a library cess in its area in the form of a surcharge on the property or house tax at the rate of three paisa per rupee. Each local library Authority maintain a library fund. From this fund all the expenses shall be met. Again, this Act has laid down provisions for a separate department for the administration and control of public library system in the state and the head should be the Director of public libraries. In the year 1977, a full time Director was appointed. The Director has full power to inspect himself or authorise one person at any time. The Act was amended under section 9 of the press and Registration of Books Act, 1867 to the effect that every printer shall deliver five copies of each publication to the state.
government. From these five copies, four copies should be sent to the state control library and one copy to the state government. With the help of the Act of 1948 Local Library Authority was started in each district. There are many branch libraries which are coming under the immediate control of the District library officer. These branch libraries were opened in each city on the basis of population and delivery stations were started. All the staff working under the provision of the Tamil Nadu Public Libraries become Government Servants from the 1st April, 1982.

682. Andhra Pradesh Public Libraries Act:

The History of library legislation started in Andhra Pradesh has a peculiar history of its own. When in 1956 the states were reorganised, the Telangana area of Hyderabad was added to the new state of Andhra Pradesh which had come into existence on 1st October, 1953. Therefore, two library Acts were in operation in the districts of Andhra Pradesh; one Madras Library Act, 1955, public library Act, 1948 and the other Hyderabad Public Libraries Act, 1955. To have a uniformity under the two Acts, a new Act called the Andhra Pradesh public libraries Act (Act VIII of 1960) replacing these two Acts was enacted on 1st April, 1960. But this Act had some shortcomings at that time. To improve this Act, the Government of Andhra Pradesh constituted a committee consisting of 14 men in February 1976 under the chairmanship of justice (Retired) Gopul Rao Exbote again
- to review the working of the above Act and to suggest amendments to it. The committee very carefully studied all the shortcomings and submitted a report with many useful suggestions. The report submitted by the committee was published in the year 1978 and the Act was implemented for the improvement of different libraries in Andhra Pradesh. According to this Act, at least 50% expenditure made by the aided libraries on purchase of books and periodicals should be shared by the Government to encourage aided public libraries. The Andhra Pradesh public libraries Act 1987 and Andhra Pradesh Public Libraries (second Amendment) Act, 1987 were published on 12th February, 1987 in the official Gazette.

Salient Features of the Act:

In chapter III of Andhra Pradesh Public Library Act it has been mentioned about a separate department of public libraries. It is the first library Act in which provision has been made under section for creation of a separate department of public libraries. This department is headed by a Director. Except the qualifications of a Director, everything like power, functions, duties has been mentioned in the Act.

The state library committee of Andhra Pradesh is only an advisory body. This state library committee is the highest advisory body in the Act. The minister in-charge of Education is the ex-officio Chairman of the
committee. The Director of Public Libraries is the ex-officio Secretary. Among libraries is a member of the state library committee. This state library committee should consist of 25 members only. The duration of these members was three years. But from 1969 the term of office of the committee has been raised to five years. The duties of Director were as follows:

- a) Publication of state bibliography.
- b) Centralisation of classification.
- c) Cataloguing.
- d) Implementation of inter library loan and
- e) Co-operation and maintenance of copyright registers.

Chapter IV deals with zilla Granthalaya Samsātha. In every district there is Zilla Granthalaya Samstha (District Library Authority). The chairman will be elected from the same samstha and the secretary will be the librarian of the concerned library as an ex-officio member. The duration of this office is only five years.

The sub-section (d) of section 10(1) & sub-section (C) of (2) provide for nomination of two members by Andhra Pradesh library Association.

In the 5th chapter of this public library Act there is a detailed note on Finance and Accounts. Every Zilla Grandthalaya Samstha is empowered to collect a library cess as surcharge on property tax, at the rate of 4 to 8 paisa a Re.1/-. Again, each and every zilla Granthalaya
Samstha maintains a Library Fund. From this Fund only the Director has the power to make different expenditure. This Act is stated in section 9 (Amended one) of the press and Registration of Books Act, 1967. According to this amended Act, each and every publisher has to send three copies of each publication to the Government.

683. Mysore (the present Karnataka) Public Libraries Act

Karnataka (Mysore) state is the third state which has a public Libraries Act in operation. This state has a peculiar history of its own in the field of library legislation. "The new state of Mysore (Now Karnataka) came into being in 1956 comprising the former Bombay Karnataka, the Hyderabad Karnataka, the Madras Karnataka, Coorg and old Mysore. In the Madras and Hyderabad Karnataka areas library laws of the respective states were in force. In Bombay Karnataka there were regional library at Dharwad and a few recognised and aided libraries. In old Mysore there were libraries established during Visveswar's regime. There was therefore a need to integrate all these diverse arrangements into one unified whole. Vaikunta Baliga, the then Law Minister and President of the Mysore library Association and Ranganathan successfully made efforts in this direction and the Mysore (Now Karnataka) public libraries Act was passed in 1965".

So this Mysore public library legislation was
passed in 1965 and was brought into force on 1st April, 1966. This Act has mainly three objectives such as to provide for the establishment of public libraries, to provide for the maintenance of the public libraries, to provide for the organisation of a comprehensive rural and urban library service in the state.

This Act has many advantages over the earlier public libraries Act of India because Dr. S.R. Ranganathan was totally involved to pass this Act in the Mysore state. He was appointed chairman and was given full freedom to draft a comprehensive library bill with some new clauses not provided in earlier Acts. This Act received the assent of the President on 22nd April, 1965 and was first published in the Mysore Gazette on 13th May, 1965.

Salient Features:

"Section 2 (14) of KPLA elaborates on the meaning of public library. It is disappointing to note that the definition lays under emphasis on the agency which establishes and maintains such a library rather than on its functions or services. This comes as a great drawback in the assessment of implementation of the Act. It is therefore, necessary to modify the Act by incorporating the basic elements of public library as conceived by UNESCO manifesto. It is this notation of public library that has been taken into consideration
for assessing the implementation of the Act."

The Act provides that there should be an independent department of public libraries to realise its objectives. The state library Authority is the highest advisory body in the Act. The Minister in-charge of Education is the Ex-Officio Chairman of the Authority and the state librarian who is the head of the State Department of Public libraries is the ex-officio secretary of the Authority. The other members are the representatives of the Mysore (Now Karnataka) Legislative Assembly, Mysore (Karnataka) Legislative Council, Universities, Mysore Library Association, City Library Authorities, District Library Authorities, Secretary of Education, Director of Public instruction and three library science experts nominated by the Government. The total member is 18, The state librarian who is a professional one is redesignated as Director of libraries now having all the powers. The term of office of the non-official members is only three years. Again, the Act says that all the staff member of the library shall be government servants. Appointment to the state library service is done through Public Service Commission. Hence, it is natural to expect public library service of a high order. Section 15(3) ensures that the salary, allowance and other benefits of the staff shall be met from the consolidated Fund of the state.
The salient features of the KPLA state about the adequate provision of a variety culture. Section 30 and section 31 of the Act bring into the City Library Fund and District Library Fund a steady flow of finance by way of library cess and 3% grant on land revenue in case of cess collected at the district level.

The Another basic objective of the KPLA is the maintenance of a library which has direct link with the staff, books and all other sources of information, education and culture, a variety of furniture and equipment, buildings and above all finance.

The next most important objective of the KPLA is the organisation of a comprehensive rural and urban library service in the state. An urban area having a population of more than one lakh has a city library Authority and each revenue district excluding the area for which a city Authority is constituted has a District Library Authority. The president of the city shall be the ex-officio chairman of the city library Authority and the chief librarian of the city library shall be the ex-officio secretary of the city library Authority. The Deputy Commissioner of the district is the ex-officio chairman and the chief Librarian of the district library is the ex-officio secretary of the District Library Authority. The term of office of the members of a local library Authority other than ex-officio members is three years only. It is
the duty of the local library Authorities to see the proper development of public libraries in their areas. They have the power to collect library cess at the rate of 3 paisa per rupee and they can make different development plans of their own.

The KPLA has the press and Registration of Books Act, 1867 (Central Act XXV of 1867). According to this Act every printer shall deliver three copies of each publication to the government out of which one copy shall be sent to the State Central Library, Bangalore and the other two to the State Government.

684. Maharastra Public Libraries Act:

The present Maharastra state came into being on 1st May, 1960. It is the third largest state in India having the area of 3,07,762 sq.kms. The history of Library legislation started in this state is totally different from that of other states. Many attempts have been made by former Bombay Province to have library legislation in the Maharastra state. A nominated non-official member of the Bombay legislative council named Rao Bahodur Bole introduced the Bombay Presidency Bill. But it was however, not considered by the legislature. Later, in 1939, the Government of Bombay appointed a library development committee under the chairmanship of A.A.A. Fyzee by the Congress Ministry of Bombay. The committee submitted a report in 1970. The
Government accepted and implemented the recommendations of Fyzee Committee and appointed a Curator of libraries to look after service in the state.

In 1946, one of the veteran librarians of Poona named R.S. Parkhi requested Dr. S.R. Ranganathan to draft a bill for the state. S.R. Ranganathan drafted a bill which was published in the form of a book and presented to B.G. Kher, the then Chief Minister of Bombay. But this bill was only discussed at the Annual conference. At last in 1967 the Maharastra Government through its Director of Libraries Shri K.D. Puranik drafted a public libraries Bill based on earlier Bill of Dr. S.R. Ranganathan with some changes. The Bill was passed in Nagpur session of the legislative Assembly on 11th November, 1967. So the Maharastra Public Libraries Act (Act. No. XXXIV of 1967) came into force with effect from 1st May, 1968.

Salient Features of the Act:

The Act in the words of Frank M. Gardnes, "has some of the features of the Mysore Act in that it creates a state library council with a director of libraries, who is a member of the council and acts as its secretary, and must be a qualified librarian. A department of libraries is to be established and a state library service with staff salaries to be paid from state funds".
The Act states that the state library council is the highest advisory body.

The composition of the council is as under:

1. Minister of Education - Ex-Officio Chairman.
2. Director of Public Libraries and the head of the State Department of Public Library Ex-officio Secretary,
3. Director of Education - Member
4. The charity commissioner - Member
5. One member from the Maharastra Legislative Assembly
6. The President of the Maharastra Rajya Granthalaya Sangha - Member
7. The Chairman of the Sahitya Mahamandal - Member
8. One Member from each division etc.

The above constituted body is partly nominated and partly elected from different sections of the community. The total number of members of the council is about 28 only. Again, the Act has provision that every District shall have a District library committee. The President of the committee will be the chairman of the Education Committee of the Zilla Parishad, the President of the District library Association is the ex-officio Vice-President of the committee and the Education Officer of the Zilla Parishad acts as the secretary of the committee. The term of office of the committee is only three years. The functions of the committee include "to advise the state government on all matters relating to development of library
service in the district" and "to ensure that the prescribed functions of the public libraries are performed by them satisfactorily."

The Maharastra public library Act differs from all the other Acts in India in not providing library cess system. The necessary grants are to be given by the State Government. The library fund made available for the planning, maintenance, organisation and development of public libraries consists of contribution of the State Government which will be, not less than twenty five lakh of rupees per year.

At last we may conclude that like the Mysore Act, the Maharastra Act defines a public library as a library run by the Government or by the local body and which is open for the benefit of the public.

685. West Bengal Public Libraries Act:

West Bengal is the fifth state which has enacted a Public Libraries Act in 1979. It has a very long history of its own regarding the library legislation. The Bengal Library Association which was established on 20th December, 1925 has played important role in this regard. The first Bill was prepared by Kumar Munindra Deb Rai Mahasahay in 1931, who was the president of the Association and a member of the Bengal Legislative Assembly. This bill was drafted by Dr. S.R. Ranganathan at the All-Asia Educational Conference. In 1932 he sought permission of the then Governor General to introduce the Bill in the Bengal Legislature. But as the
the Bill contained compulsory financial clauses, the Governor General of India did not like to introduce the Bill, so it was rejected by the Bengal Legislature. In 1950, Dr. S.R. Ranganathan who prepared a second Bill was invited for attending a conference by the Bengal Library Association. But this bill was also not considered. In 1966, another draft was ready by a committee, but this was also in vain. At last the Government of West Bengal took interest in this connection. Government appointed a committee to draft a Library Bill taking into consideration the needs of Bengal. This bill was also supported by the Bengal Library Association and was submitted to the Government. The draft bill after certain modifications was passed in the State Legislative Assembly on the 12th September, 1979 with a member of limitations. The bill was accepted and signed by the President of India as West Bengal public libraries Act XXXIX of 1979 and published in the Calcutta Gazette extra-ordinary on the 7th January, 1980. The Act was further amended in 1982 & 1985. But although the West Bengal Public Library Bill has been passed still it has not adopted free public library system.

Salient Features of this Act:

"The West Bengal Public Libraries Bill, 1979 will be able to provide for establishment of the public libraries in the state and to regulate, guide, control,
supervise and to grant recognition to the existing libraries in the state as also to provide for comprehensive rural and urban library service in the state of West Bengal."

The State library council is the highest advisory body on the management of public library service in the state. The Minister in-charge of library service is the chairman of the council and the Director of libraries is the ex-officio member secretary of the council. The council consists of 27 members from among whom 9 are elected, ten are nominated and eight are officials. The term of office of the non-ex-officio members is only three years. The Act has a separate Director for the Central Library. The Central Library shall have in addition to running a library and reading room, to perform such other functions as may be entrusted to it from time to time by the Government on that behalf. The Director of Central Library has full power to maintain, guide, control the public library system throughout the state.

In the chapter-III of this Act it has been mentioned about the Local Library Authority for each district. The District Magistrate of the concerned district is the ex-officio chairman of the Authority and the District library officer is the ex-officio member-secretary of the Authority. It consists of 20 members. Out of which 16 are nominated and 4 are
officials. The term of office of a non-official member is 3 years. The local library Authority can exercise various powers including the selection of staff of the library. It can also appoint an executive committee. It again prepares a scheme for establishing libraries and for spreading library service within its area and submit it to the Director for sanction. However, the Director may suo motu the scheme by modification or cancellation. In every District there is a District Library with such terms and conditions as may be prescribed. With regard to finance and accounts there have been clear indications in chapter IV of the Act.

The application of the press and Registration of Books Act, 1867 (25 of 1867) to the state of West Bengal is amended as follows: -

"(a) in any case, within one calendar month after the day on which any book shall first be delivered out of the press three such copies: and

(b) Out of the three copies delivered pursuant to clause (a) of the first paragraph of section of this Act one copy shall be sent to the Cenral Library, and the remaining copies shall be disposed of in such a manner as the Government may from time to time determine."

686. Kerala Public Libraries Act:

In the year 1947, Dr. S.R. Ranganathan had made an
attempt at the request of Sir C.P. Ramaswamy Iyar, the
then Diwan of Travancore and Shri Panampalli Govind
Menon, the then Education Minister of Cochin state
produced a draft of two bills with a development plan
to the state. But the only outcome of this attempt was
that the Kerala Government published his report in 1968.
After the new Kerala state was formed in 1956, again Dr.
S.R. Ranganathan at the request of E.M.S. Namboodripad,
the then Chief Minister of Kerala, presented a public
libraries bill. "At the time the atmosphere was
favourable. But the Kerala Granthalaya Sangham opposed
the Bill for the reason that the bill restricted the
powers of the sangham. The sangham submitted another
There was no action on these bills, because the issue
was brought with controversy. Meanwhile, the Ministry
was also dissolved. Again, the Union Government
circulated the model Public Libraries Bill for
consideration in 1964. Gradually it also went in the way
of other bills."

After Left Democratic Front Government came to
power it took keen interest in enacting the library
bill. With the personal interest of the Chief Minister
the Kerala Public Libraries Bill was placed in the
Assembly on 23rd February, 1989. At last, it was passed
with a lot of debate and a large number of amend-ments
in the bill.
Salient Feature of the Act:

In this act there is a three-tier system of administration in the state as:

(a) State Library Council (SLC)
(b) District Library Council (DLC)
(c) Taluka Library Unions (TLU)

All the above three bodies are corporate in nature with almost same power and functions. The term of office of these bodies is three years. All the officials like Presidents, Vice-Presidents, Secretaries and joint Secretaries of all the three bodies are to be elected. Again, it has been mentioned in the Act that there must be a woman, and one person from scheduled caste or tribe in these three bodies.

(a) State Library Council: This body is the highest Advisory Body in the state. It has one Executive Committee in which there are 25 members, of whom 15 shall be selected members of the State Library Council, 5 non-official members nominated by the Government and the rest 5 will be the Secretaries of Higher Education, General Education, Finance, Cultural Affairs and Local Administration Department.

(b) District Library Council: The Act provides that each and every district should have one district library council. This council shall constitute an executive committee of 11 members. It works for the development of
different public libraries in its own area.

(c) Taluka Library Union: In each and every Taluka there shall be a Taluka Library Union. There must be an Executive Committee in which there should be nine members with some office bearers. It looks to the total management and development of Public Libraries in its area or Taluka.

The state library council should have a state library fund to meet all the expense of the above three bodies such as SLC & TLU. It gets its revenue from the following sources:

a) Grants from the State and Central Government.
b) Contribution of gifts.
c) Assets of the Kerala Granthalaya Sangham and
d) Library cess collected in the state.

687. Haryana Public Libraries Act:

The Haryana Library Association took the first step to make a Public Library Act in Haryana. The Association in collaboration with the Indian Library Association and with the assistance of RRRLF organised the XII annual seminar at Kurukshetra during July 5-6, 1980. The seminar was inaugurated by Smt. Sushma Swaraj, the then Education Minister of Haryana. The topic of the seminar was Library Legislation in Haryana. The Bill was prepared by the Haryana Library Association and projected in the Vidhan Sabha in the year 1989 on 13th September. With the effort of the Library Association
the state has passed the public libraries Bill in 1989.

Salient Features of the Act:

In this Act there is a provision of State Library Authority which shall be the highest advisory body. The Minister in-charge of libraries and the Director of Libraries will be the chairman and the Secretary respectively of the State Library Authority. The Authority shall have an Advisory Committee. The Committee consists of 11 members of which 8 members will be nominated by the chairman from the Authority. The rest 3 will be ex-officio members. Again, according to this Act there should be a State Central Library. The state libraries will be the Head of the Library. The State Central Library has many functions such as this library will function as a repository of all books and reports, and also maintain union catalogue, promote library service for children and organise extension service. Also, it should act as the centre of book exchange and inter-library loan within and outside the state. This library has at least two sections. One is state reference section and the other is state lending section.

Again this Act provides that there shall be a District Library Committee for each district and a City Library Committee in a city having a population of more than one lakh and a Town Library Committee for a Municipal town having a population less than one lakh.
There should be a Block Library Committee for each block library.

The local body has power to collect its library cess in the form of a surcharge on property tax and house at the rate decided by the Government from time to time. The State Library Fund is however provided by the State Government, Central Government and from other sources. There should be the following funds:

a) State Library Fund,
b) District Library Fund,
c) and City or Town, Block or village library fund.

688. Manipur Public Library Bill:

The Manipur Public Libraries Bill was passed with the efforts of the Manipur Library Association (MALA). This was formed on 24th May, 1987. After the formation of this MALA they took many steps concerning the library movement in the state. The members of the MALA apprised the Education Minister that the State Government should give free library service to the people. And this will be only possible through a library system supported by library legislation. "The Hon'ble Minister was made aware of the system not only for efficient working but also to co-ordinate library services throughout the state, which could be ensured by legislation. It goes without saying that the Minister was convinced and shouldered the responsibility of providing the free
The Manipur Library Association formed a Library Bill Drafting Committee. This committee consisted of Prof. M.R. Kumbhar, Mr. N. Giridhari Singh, Mr. K. Chaoba Singh and Mr. Th. Khumdöm Singh. They submitted the Bill after careful correction to the Education Minister Shri Y. Erabut Singh. The Bill was introduced in Manipur legislative Assembly on 29th July, 1988. This Bill was thoroughly discussed by the Minister and the Member in legislative Assembly on 1st August, 1988. After 14 days the Bill was declared passed in the legislative Assembly.


The Mizoram Public Library Act was passed in 1993 with the massive efforts of the Mizoram Library Association.

690. Goa Public Library Act:

The Goa Assembly passed the Goa Public Library Act on 26th November, 1993. Thus becoming the 10th State to put Library Legislation on its statute Book.

ATTEMPTS AT LEGISLATION IN OTHER STATES

Efforts were made to draft library bills for other states and urge upon their respective governments to enact library laws in those states.

States like Jammu & Kashmir, Madhya Pradesh,
Assam, Uttar Pradesh, Bihar, Orissa do not have Public Library Bills till now. But attempts are taken by their different Public Library Associations in this context.

Unfortunately, State Government of Orissa is not interested in implementing a library Bill for the spread and progress of Library services. The Utkal library Association has taken a step and submitted a draft bill in March, 1974. But the Government has not yet taken any positive decision.

69. COMPARATIVE STUDY OF INDIAN PUBLIC LIBRARY ACTS:

The importance of Library Service has not yet attached the attention of legislators in India. Indian's Society provides social, economic and political opportunities, equally to all. This can only be possible by free education to all public of India. In order to provide free education, books, pamphlets and other non-book materials are necessary and public libraries in this sense can help a lot in a most effective and modernise way. For this purpose public libraries should be given both organisational and financial help and to obtain finances, library legislation is necessary. It is of great importance to put the public library on a sound and sure financial footing and to allow it to run smoothly without any bureaucratic binding. The ultimate goal is to create necessary library agencies and to define these functions in such a way that the National Library Service may run along the most effective and economic basis. All these imply Library Legislation which is capable of
regulating various organs of public library services. Library legislation, therefore, ensures establishment, development and maintenance of libraries in a uniform pattern. Legislation alone can help promote a sense of self consciousness among the people who would feel it obligatory on this part of use the services offered by the library.

A Library Act has, therefore, to give many directives to offer library service to one and all. Some of the directives have been explained with a comparative statement below.

The first directive defines the obligation of the government and the Library Authorities created by it to provide adequate service to people of their respective areas. Now in India only 10 states have been so far enacted Library Legislation. Among these Acts enacted in different states of India it will be observed that the definition clause in Andhra Pradesh Act is definitely more comprehensive. It is due to the fact that the effectiveness and the efficiency of the Madras Act have been observed first and thus incorporated and items which needed more explanation. The Andhra Act has added some extra definitions than the Madras Act.

The second set of directive denotes the standard of library service to be provided in different Library Acts. Among the ten Acts, Madras and Andhra Pradesh Acts provide for a State Library Committee while the Mysore Act provides for a State Library Authority, the Maharashtra Act provides for a State Library Council and other state Acts are following
the above concept.

The third directive deals with the Library personnel — the number, status, training, cadres of staff on the pattern of other professions, salary etc. Different Acts provide separate provision for State Libraries, Chief Librarians of the cities and Districts and all the other staff about the qualification, training, status, scale, etc. Rules also indicate the professional qualifications of Director/District Library Officer and other personnel connected with the Library Administration.

Finally, a Library Act should provide the statutory Bodies necessary at the federal, state and viable local levels, to establish, maintain and manage each Library efficiently in the National Library System.

Library legislation is not required merely for the establishment of some Libraries as that can be done by the Government.

Library Legislation is needed for the following reasons: such as

1. To provide free book service to the entire population of an area.
2. To set-up an effective organisational and administrative machinery to run such a system efficiently.
3. To ensure regular flow of adequate funds to meet the day to day expenses for running the system, and
4. To obtain a minimum standard of service in all the libraries of India.
Since the inception of the first Library Legislation in the form of Madras Public Library Act, 1950, about other ten states have been able to pass Library Legislation (Acts) and provide Library Services in a planned manner.
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