

Ranganathan Institute of Library and Information Science, Patna

(A Complete solution of Library science & Software)

Registered from Govt. of India, Reg. No. BR-26-0080476

Library Legislation in India

Compiled by Afroz Ahmad, Mob. 9006658740

Library Act is a type of law or legislation that is any country and state government passed and implemented to establish a library system in its territory. Thus we can say that the Library act or legislation is known for the creation of a library system under the central or state government and its maintenance, functions, services, rights and management in a lawful form.

Great Britain is one of the countries in the world where the library act was first passed on **14 August 1950**. In **1956** passed the library act in the USA.

Need of Library legislation:

- To established the library.
- To the development of the library.
- For the establishment of networking in the libraries
- Library, structure, strengthening policy, determining finance provisions.
- Formation of the board of directors of ensuring and continuing the library.
- Training of employees.

Concept of library legislation:

- Top management
- Library committee
- Finance provision
- Account and audit
- Rules and Bylaws

The best library acts has the following qualities:

- The act should contain provision relating to the administration and direction of libraries.
- The publication of committees and subcontract related to the library and various functions. There should be a provision for the formation of committees.
- There should be a clear provision of the duties and responsibilities of these reviewer and sub-committees.
- There should be a provision of good financial resources for the operation of libraries.
- There should also be a provision for the establishment of additional, non-governmental libraries.
- There should also a provision to maintain harmony between the libraries.
- There should be a free provision of services provided in the library.
- Keeping in mind the interests of all sections of the society, according to the type of libraries.
- People of the society who are unable to visit the library due to the personal reasons. There should be a provision to provide library service for man.
- Along with this the posts, pay scale, service of employees working, promotion, teaching training in the libraries etc. should also be arranged.

Library act in India

In 1933 and 1937 the Madras library Association was first prepared and presented the Madras library acts but for some reasons they could not be passed.

In independence India the same act was passed in the state of **Madras in 1948**. This is the first state in India to pass the library act.

19 states of India have passed the library legislation act in their state.

1. Madras state Public library act, 1948: The Madras Public Libraries Act is the first of its kind in the independent India. This act provided basis of the Public Libraries System in the erstwhile composite Madras State (before November 1956) and Tamil Nadu State: **The salient features of the Act are delineated as under:**

- This Act facilitates the establishment of Public Libraries in the State.
- Provision to constitute State Library Authority for the purpose of advising the Government on such matters relating to libraries as they may refer to it.
- Provision to appoint a Director of Public Libraries. (From the year 1972 a separate department was created to that effect).
- Constitution of Local Library Authorities, one for the City of Madras and one for each District. The District Library Officer is, the Ex-officio Secretary of the Local Library Authority.
- Each Local Library Authority shall levy library cess in the form of surcharge on the property tax or house tax at a rate of 5 paise per rupee. The Government gives each local-Library Authority, except Madras, a matching grant to the amount of library cess collected.
- The Connemara Public Library, Madras was treated as the State Central Library, Tamil Nadu.
- Declaration that libraries are eligible for Government aid.
- The Act amended Sec.9 of the Press and Registration of Books Act, 1867, Central Act, XXV of 1867 to the effect that every printer shall deliver five copies of each book to the State Government out of which four will be deposited in the State Central Library, Madras.

2. Andhra Pradesh Public library act, 1960: When Andhra Pradesh was formed in 1956, comprising Andhra areas of composite Madras State and Telengana area of Hyderabad State; Madras Public Libraries Act was in force, in Andhra area. So, administrative problems were bound to be there, when two separate Acts are in operation in one State'. To clear this problem, both the Acts were amalgamated, modified and brought up to-date as Andhra Pradesh Libraries Act in 1960, and later, it was amended in 1964, 1969, 1987 and 1989 (major amendments); and such major amendments resulted into the . Constitution of Andhra Pradesh Granthalaya Parishad, more or less a State Library Authority as the apex body. This Act is an improvement over Madras Act. **The salient features of this Act are given below: -**

- Constitution of Andhra Pradesh Granthalaya Parishad, with nominated body by, Government, as apex body with statutory powers and functions.
- Constitution of Directorate of Public Libraries to direct, supervise and control the Public Library System.
- Constitution of City/Zilla Granthalaya Samsthas through nomination of Chairman and Members by the Government.
- Librarians of City/District Central Libraries will act as ex-officio Secretaries of the City/Zilla Granthalaya Samsthas.

- Provision to collect library cess, upto eight paise per rupee as surcharge. on house tax and property tax collected by local bodies.
- Payment of establishment charges of the staff working in the City/Zilla Granthalaya Samsthas by the Government.
- Grant-in-aid to private libraries by Government and City/Zilla Granthalaya Samsthas. This act is more functional than the earlier Madras Act and Hyderabad Act.

3. Karnataka Public libraries act, 1965: The Karnataka Act, one of the good Acts, so far, enacted paved the way for a State-wide network of Public Libraries in the Karnataka State. It comprises of Bombay-Kainataka area, old Mysore area, Hyderabad-Karnataka area, Madras-Karnataka area and Coorg, area. **The salient features of this Act are given below:**

- Provision for a State Library. Authority in the form of a corporate body with Minister in-charge of Education as Chairman. The members are drawn from different segments of the society.
- Provision for creating an independent Department of Public Libraries, with a professional-as its head.
- Provision for the establishment of State Central Library at the apex of Public Library System in the State.
- Constitution of Local Library Authorities for the cities and districts.
- Provision for setting up Advisory Committee for Branch and Village Library Services.
- Provision: for centralized technical processing.
- Provision for centralized units like:
 - Copyright collection of the State
 - State Library for the Blind
 - State Bibliographic Bureau etc.
- Provision for the levy of library cess in the form of a surcharge on all possible taxable units of the State revenues. The District Library Authority gets the annual grant from the State Government (3% of the land revenue).
- Creation of a State Library Service bestowing upon its employees all the benefits~ and privileges as are available to the other State government servants:

4. Maharaashtra Public Libraries Act, 1967: Maharashtra State was constituted with the areas of Western Maharashtra, Marathwada, Vidarbha, and by amalgamating princely states like Kolhapur, in the year 1960. Even though there were efforts.for Library Legislation from 1940 onwards, it could succeed only in the year T967, by enacting of Maharashtra Public Libraries Act:

The main features of this Act are given here under:

- Constitution of State Library Council by the Government. Minister for Education shall be the Ex-officio President of the Council. The Council will advise the State Government "on all matters connected with the administration of this Act."
- Constitution of a separate Department of Libraries, and the appointment of a professional as its Director.
- Establishment of State Central Library arid a Divisional Library for each Division.
- Constitution of a District Library Committee for every District.- The Chairman of the Education Committee of the Zilla Parishad functioning in the district, as the Ex-officio President of the Committee. In case of the Committee of the Greater Bombay, the Chairman of the Education Committee of the Municipal Corporation shall be the Ex-officio President of the Committee.

- Establishment of Maharashtra State Library Service and to treat all members of such service as Government servants.
- There is no library cess. The Government shall contribute to the library fund every year, a sum not less than 25 lakh of rupees. The Government may make special grants to library fund.
- Grant-in-aid to public libraries organized by voluntary organizations.

5. West Bengal Public libraries act, 1979: With a gap of more than a decade, the West Bengal Public Libraries Act entered in the statute book in the year 1979. This is more or less a replica of the Madras Act. But the unique feature of the Act is the conspicuous absence of library cess. The State Government is meeting the expenditure on the maintenance of libraries from its exchequer. The important features of this Act are given below:

- Constitution of a State Library Council with the Minister in Charge of library Service; as its Chairman, for advising the Government on the matters of public library system.
 - Representative from the employees of the libraries as a member in the State Library Council.
 - Constitution of a Department of Libraries to supervise and direct the matters of Public
 - Constitution of Local Library Authority for each district, The District Magistrate of the District shall be the Ex-officio Chairman of the Local Library Authority.
 - Provision for constitution of Executive Committee for Local Library Authority (LLA).
 - The Government is empowered/to appoint District Library Officers and District Librarians in districts: The Government, after consultation with the Authority, may place the District -Libraries in charge of District Librarian. He shall manage library affairs subject to the control of the Authority.
 - No provision for Library Cess. The financial management for local libraries by the Local Library Authority. The following are the means: for augmenting funds:
 - Contributions, gifts and income from endowments;
 - Grants from the government for general maintenance of libraries or for any specific purpose; and
 - The amount collected by the LLA under the Act or the rules:
- The Act provides funds by the State Government in the form of Annual Grants.

6. Manipur Public libraries act, 1988: A small State, Manipur, located in the eastern part of India got the opportunity for library legislation in 1988. The Salient features of the Manipur Public Libraries Act are given here under:

- Constitution of a State Library Committee, to advise the State Government on all matters arising under this Act and to exercise and perform such other powers and duties as maybe prescribed.
- Constitution of a Department of Public Libraries.
- Provision for constitution of Executive Committee for District Library Authority.
- Constitution of District Library Authority in each District, as a corporate body, for the purpose of organizing and administering public library service in the district.
- Constitution of 'Library Fund' formed mainly with the contribution of the State Government:
- No Library cess.

7. Kerala Public libraries act, 1989: Kerala Act is quite a different one, than the other Acts, but it is a unique one because of its democratic and more decentralized pattern. The characteristics of the Act are given below:

- There is a three tier administrative system for the organization and administration of the public libraries system in the Kerala State. It comprises :
- Kerala State Library Council
- District Library Council
- Taluk Library Union
- The Presidents, Vice-Presidents, Secretaries, and Joint Secretaries, for the State Library Council, District Library Councils, and the Taluk Library Unions shall be elected and shall be responsible for the administration and organization of public libraries.
- The State Library Council advises the Government on all matters connected with the development of public libraries and also acts as authority.
- The State Library Council coordinates the working of District Library Councils and the Taluk Library Unions, and controls the Public Library System in the State.
- The Trivandrum Public Library shall be deemed to be the State Library of the State.
- The District Library Council will supervise, coordinate and control the library service in the district.
- Constitution of Taluk Library Union, with the powers to supervise, coordinate and control the library service in the Taluk and to give directions and advise to affiliated libraries in, regard to their day to. day function and management.
- Transfer of Kerala Granthasala Sangham with its staff, assets and liabilities to the State Library Council.
- Library cess will be levied in the form of surcharge on building tax or property tax in the area with the jurisdiction of panchayats, municipalities and corporations.
- The State Library Council shall maintain a fund called State Library Fund from which all the expenses of the State Library Council, District Library Councils and Taluk Library Unions shall be met. The library cess collected in the State and the grants of the State and Central Governments etc., will be credited to the State Library Fund only.
- Reservation to at least one women and one person belonging to scheduled castes and scheduled tribes in all committees.

This Act appears to be more functional. Somehow, it has not been implemented so far, and reasons for it are not known.

8. Haryana public libraries act, 1989: The Haryana State was formed in the year 1966, carved out from the earlier Punjab State. Haryana Act has got the following features:

- Constitution of the State Library Authority to advise the Government on all matters in promotion of Library Service in the State.
- Formation of State Library Directorate to implement the programmes approved by the State Library Authority.
- Establishment of the State Central Library.
- Constitution of a District Library Committee for each District.
- Constitution of a City and Town Library Committee for each city with a population of over a lakh and a Town Library Committee for a Municipal Town with a population of not more than one lakh, were provided in accordance with such rules as may be framed by the District Library Committee concerned.
- Constitution of Block Library Committee and Panchayat Library Committees by the District Library Committee concerned:
- Constitution of the State Library Fund, District Library Fund, City or Town or Block or Village Library Fund meant for the development, improvement and maintenance of the Library Service.
- Levy of Library Cess in the form of surcharge on property tax and house tax at such a rate decided by Government from time to time.

- Provision to recognize State library associations, and co-operative institutions by the State Library Authority.

This Act was passed to provide for a comprehensive rural and urban library service with the establishment of network of libraries. However, this Act has not come into force so far:

9. Mizoram public libraries act, 1993: Mizoram became a fully fledged State in 1987. Within five years it enacted the library Act. It possessed the following special features.

- Constitution of the State Library council to advise the Government on all matters relating to libraries and also in regard to promotion and development of libraries in the State.
- Constitution of Department of Public Libraries to control and supervise the public library system in the State.
- Establishment of State library, District Library, Sub-divisional Libraries, Village Libraries, and so on.
- Provision of grant-in-aid for private libraries.
- There is no library cess. The total expenditure for the establishment and maintenance of the public library system will be met from the State funds.

10. Goa public libraries act, 1994: Goa is the tenth State to have library legislation.

- Constitution of State Library Authority with Minister in-Charge of Libraries as its Chairman. This Authority shall advise the Government on all matters arising under the Act.
- Constitution of State Library Directorate for controlling and directing the public Library System in the State.
- Organization of State Library, District Library, Taluk and Village libraries.
- All the employees are treated as Government Employees.
- Grant-in-aid for private libraries.
- Recognizing the State Library Associations.
- There is no library cess. Expenditure on the maintenance of the Department will be met from the consolidated fund of the State:

11. Gujarat State Public libraries act, 2001: Finally Gujarat state passed the Public Library Bill in 2001 and was published as 'Gujarat Public Libraries Act No. 25 of 2001 on 1st September 2001 after receiving the assent of the Governor in Gujarat Government Gazette.

- Gujarat State Development Council is the apex body of the Library System.
- The Director of Public Libraries shall be responsible for the administration of the Act.
- One or more State Central Libraries, District Libraries and Taluka Libraries Constitute the Public Library System in the state.
- There shall be District and Taluka Advisory Committees.
- There shall be a fund called the 'State Library Development Fund. Grants, contributions, gifts constitute the fund.
- Recognizes Public Libraries and public library association.
- The Director or an officer authorized by him shall have powers to inspect public libraries.
- Members of the Council to be public servants

12. Odhisa Public libraries act, 2001: Finally the Orissa Assembly passed the 'Orissa Public Libraries Act' in 2000, and got the assent of the governor on 28 February 2002.

- Orissa Public Library Council consisting of 19 members is the apex body of the library system in the state.
- Orissa Public Library Authority administers the Act and tries to achieve the objectives laid there in.

- The Directorate of Public Library Services looks after the functioning of the system.
- The Director of Public Library Services shall be one with professional qualifications.
- The State Central Library (named after Hare Krishna Mahatab); City Library System (with libraries in each city and the Bhubaneswar Public Library); District Libraries; and other libraries declared as libraries in the system constitute the public libraries.

13. Uttarakhand state large library act, 2005: The public Library system in Uttarakhand is basically the structure that was existing as part of Uttar Pradesh. However, the government of Uttarakhand has taken some quick and positive steps to evolve a structure and gave in the public library system of the state. The important steps in this direction are:

- Enacting “The Uttaranchal Public Library Act” (Act No. 19 of 2005); and
- Supporting the formation of “Doon library and Research Centre” in December 2006.
- The Act provides for establishment of a State Library Committee. The Minister –in-charge of Education is ex-officio Chairman; and The Principal Secretary/Secretary to the Government in the Education Department shall be ex-officio Vice – Chairman. Director, School Education shall be Member- Secretary.
- Department of Public Libraries is a ‘Cell’ in the Education Department.
- District Library Authority administers the public libraries in the District. A District Library Authority can appoint Executive Committees and Sub-committees.
- Provision for imposing a ‘Library Fee’ (= cess).
- The Director or his nominee can inspect any Public Library.

14. Rajasthan state large library act, 2006: it was in 2006 the Government of Rajasthan passed the Bill and got the assent of the Governor on 20 April 2006.

- State Library Council is headed by the Minister-in-charge of libraries.
- The State Library Council also decides the quantum of grant-in-aid by the Government.
- The Director of Language and Libraries shall be the Director of Public Libraries.
- State Library System constitutes State Central Library, Divisional Libraries, District Libraries, Panchayat Samiti Libraries, and Village Libraries.
- Library Advisory Committees for all Public Libraries.
- No provision for cess.

15. UP state large library act, 2006: UP Legislature adopted the Library Act in 2006

- A State Library Council which is of advisory in nature.
- State sanding Committee to ensure proper implementation of the decisions of the Council.
- Director of Secondary Education as Director of Public Libraries.
- There shall be a State Central Library, State Reference Library.
- District Libraries and District Library Committees.
- No provision for cess.

16. Bihar state public library act, 2008: Bihar Library Association was started in the year 1936. This Association organized Bihar Library Conference in 1937. Draft scheme for the development of libraries in Bihar prepared by the Association was discussed and passed in the conference. In principle the Government accepted this scheme, but it could not implement it owing to heavy financial commitment to the State exchequer.

At the request of the Government, a Draft Bill was prepared and submitted to the Government in the year 1973. Unfortunately this draft was lost in the floods in 1975. With revision, it was resubmitted to the Government for consideration in 1979.

The draft bill was revised on several occasions later, ie, in 1989, 1999 and in 2003.

Finally Bihar Legislature enacted the Bihar State Public Library and Information Centre Act in 2008.

- There shall be a 'State Library and Information Centre Authority'.
- State Government nominates the Chairman, Vice-chairman and other members of the 'Authority'
- There shall be a separate Directorate. The Director will perform the role of a 'Superintendent of Libraries'
- No provision for cess.

17. Chhattisgarh state large library act, 2009: The Chhattisgarh Public Libraries Act was passed by the Government of Chhattisgarh in 2008. Unlike other states, here the initiative came from the government.

- The State Library Council is headed by the Minister of School Education Department and the Principal Secretary of the School Education Department shall be Vice-chairman.
- The officer on Special Duty (Library Cell) in the School Education Department shall be Member Secretary.
- The Standing Committee shall be headed by the Principal Secretary, School Education.
- There shall be District Libraries guided by District Library Committees.
- The Director of Secondary Education, Chhattisgarh shall be the Director of Public Libraries.

18. Arunachal state Large library act, 2009: The Arunachal Pradesh Legislative Assembly passed the Arunachal Pradesh Public Libraries Act (Act No. 6 of 2009) which received the assent of the Governor on 31 August 2009 and came into existence.

- There shall be a 'Library Planning Committee' with Minister in-charge as Chairman.
- Envisages Library Service to all Government Departments.
- Promote reading and library habit among public.
- Promote production of useful literature.
- Make compulsory enrolment of every student in the public libraries on reaching standard eight.
- Creation of the Department of Public Libraries with a full-time Director.
- The Public Library System consists of a State Central Library, Sub-Divisional Libraries, District Libraries, Circle Libraries, Branch Libraries, Mobile Libraries, Children's Libraries.
- No provision for cess.

Compiled by Afroz Ahmad
Khuda Bakhsh Oriental Public Library, Patna
Mob. 9006658740