# UNIT 5: LIBRARY LEGISLATION

## UNIT STRUCTURE


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## 5.1 LEARNING OBJECTIVES

After going through this unit you will be able to

- Know about the concept of library legislation;
- Explain the need of library legislation;
- Explain the essential features of library legislation;
- Know about the history of library legislation in India;
- Know about the Delivery of Books and Newspapers (Public Libraries) Act;
- Know about Intellectual Property Right.

## 5.2 INTRODUCTION

Act means preparing the format of law or legislation. In the context of libraries, the Library Act means to give legal provision for establishing a

library system, its maintenance, services, functions, right and management under any state or a national government. Library legislation is capable of regulating various organs of public library services. It is an instrument for the development of public libraries in a planned manner to ensure establishment, development and maintenance of libraries in a uniform pattern. It can help in promoting a sense of self consciousness among the people who would feel it obligatory on their part to use services offered by the library.

In the year 1850, the first library act was passed in Great Britain. At present most of the countries specify free use of public library services.

## 5.3 NEED FOR LIBRARY LEGISLATION

Provision of public library service is a natural corollary to the democratic way of life. Free communication is essential for the preservation of a free society and creative culture. A public library expects its users only to spend time and not money for the utilization of services. In that situation, the question arises from where will the finance come? It has been experienced that public library service can be effectively offered only through legislation. Library Legislation is needed because:

i) A law helps in creating necessary conditions under which public libraries can be established nation wide.
ii) To put the public library on a sound and sure financial footing by way of levy of library tax.
iii) To make the public library independent from subscription, donation or private gift and to save the library from political influence.
iv) For a sound administrative setup permanent, uniform, efficient, balanced and coordinated library service and also for proper line of growth.
v) To solve the problem of land, building, legacies, etc.
vi) For centralized services like acquisition, processing, etc.

The library legislation has the provision of financial support to the public libraries, but the provision to be made in library legislation would

depend upon the social, political and economic environment. There are mainly two ways of making provision of finance to public libraries through library legislation. They are

i) Annual budget allocation by the state out of its total funds with capital grants from central government.

ii) Levying of library cess with a matching grant from the state government.

## 5.4 COMPONENTS OF LIBRARY LEGISLATION

Dr. S. R. Ranganathan recognized the following components of public library act.

**a) Preliminaries:** The description of all the terms used in the act and the brief title of the act are under this component of library Act.

**b) Top Management:** It discusses the issues relating to the management of the libraries that will fall under the jurisdiction of the Act, such as who will manage the libraries. It is the second component for consideration.

**c) Library Committee:** To give suggestions to the library authority (top management) and to the librarians, a committee is to be constituted. The library Act should clearly mention who will be the members of such library committees, what are their functions, rights, qualifications, responsibilities, etc.

**d) Finance:** The Act should mention clearly-

i) Rate of library cess / Local extra tax or surcharge;

ii) Goods on which tax will be levied i.e. vehicle, land, house, other properties, etc;

iii) The method of receiving the cess from the public;

iv) Checking of received money through cess;

v) Other sources of finance;

vi) There should be a component in the library Act itself to maintain all the records of accounts and audit from time to time. The appointment of staff, categories of the staff, pay scale, service condition and working period should also be mentioned in the Act.

vii) The laws, rules and by laws should be mentioned in the Act.

## 5.5 CHARACTERISTICS OF LIBRARY LEGISLATION

Some of the important characteristics of library legislation are-

i) The library legislation must be simple and general. It should also allow future modification or development.

ii) It must be free from political influence or political changes.

iii) It must define the respective responsibilities of the local, state and national government.

iv) It must make the library service compulsory and free to one and all.

v) It should create conditions for libraries to flourish.

vi) It must coordinate and control library activities in full recognition of the people to have free access to the information and knowledge.

vii) It must meet the every interest of its reader.

viii) Different tasks can be assigned to different types of libraries based on specialization to ensure a better service to the community with the least cost.

ix) It also must take into account the other types of libraries.

## 5.6 ROLE OF DIFFERENT BODIES IN THE PROCESS OF ENACTING LIBRARY LEGISLATION

In the process of enacting the library legislation, the levying of library cess should not be the pre condition. Otherwise, it will lose the support of the general public or other members of the society. The following roles can be played by different bodies in the process of enacting the library legislation in respective states.

**a) Library Association:** The local as well as the state and national level library associations can lay down a strategy to get the public legislation passed. They can utilize various media and platforms to propagate the idea of library legislation. Members of the state assembly, especially the concerned ministers should be approached and be presented a strong case for library legislation. Indian Library legislation must provide all the support and guidance needed for the purpose.

b) **Library Professionals:** The library professionals should make the general as well as the elite people aware about the significant role that can be played by the library. They should first do so through their services in the organization in which they are working and then through newspapers, radio, television, etc.

c) **Elite Groups**: The elite have the responsible of framing policies, procedures etc. As the leader of the society they also have the hidden responsibility to give the people the best they can. As such, considering the role that can be played by the library they should take upon themselves the responsibilities of awakening the general public about the library services, facilities, etc.

d) **Political Leader and General Public:** Leaders, who matter in decision making be given special attention in enacting library legislation. The general people should also give pressure to enact the library legislation.

## 5.7 LIBRARY LEGISLATION IN INDIA

In ancient India learning was the concern of the Brahmin and the common man had to depend for his enlightenment on the spoken words of gurus. General people were also accustomed to this oral tradition of learning and, as a result in ancient India there was no tradition of public library legislation.

a) **Before Independence:** Pre independence India shows some of the significant steps in implementing the library legislation, which can be summarize as follows

   i) *The Press and Registration of Books Act (1867):* The Press and Registration of Books Act was passed in 1867 for the British India. This Act was for the regulation of printing-presses and newspapers for the preservation of copies of books and newspapers printed in India and for the registration of such books and newspapers. It helped some specific libraries to get some copies of books free of cost and to maintain a continuous catalogue of early printed books in the country. In terms of this Act the publisher or the printer of

every book or newspaper was to send a copy of the book or newspaper to the Secretary of state for India, another copy to the Governor General in Council and still another to the local government.

ii) Funds for the encouragement of literature (1898);

iii) Imperial Library Act (1902);

iv) Model Library Act (1930).

Dr. S. R. Ranganathan drafted a "Model Library Act", which was presented at the All Asia Educational Conference held at Banaras in 1930. In 1942 on the request of ILA, Dr. S. R. Ranganathan drafted another bill called 'The Model Public Library Bill'.

**b) After Independence***:* The major steps in implementing library legislation in the post independence era are as follows

i) Imperial Library Act (1948): In 1948, the Government of India passed the Imperial Library (change of name) Act. By this act the Imperial Library of Calcutta (Kolkata) became the National Library (of India).

ii) Delivery of Books (Public Libraries Act) 1954: In 1954 Indian parliament passed Delivery of Books and Newspaper Act which was further amended as the Delivery of Books and Newspaper (Public Libraries) Amendment Act 1956 to include serials as well.

iii) Model Library Act / Bill (1963): A library bill was also drafted in 1963 by a committee under the chairmanship of Dr. D. M. Sen. Then in 1972 revision was made to the model library act of 1930. Another model public libraries bill was prepared by the library legislation subcommittee of the Planning Commission in 1966.

**c) Present Status of Library Legislation in India:** In India nineteen states have so far enacted library legislation and the rest are providing library services without legislation. The list of the nineteen Acts is given below

i) Andhra Pradesh (Hyderabad) Public Libraries Act, 1960;

ii) Arunachal Pradesh Public Libraries Act, 2009

iii) Bihar Public Libraries Act, 2007;

iv) Chattisgarh Public Libraries Act, 2007;

v) Goa Public Libraries Act, 1993;
vi) Gujarat Public Libraries Act, 2001;
vii) Haryana Public Libraries Act, 1989;
viii) Karnataka (Mysore) Public Libraries Act, 1965;
ix) Kerala Public Libraries Act, 1989;
x) Maharashtra Public Libraries Act, 1967;
xi) Manipur Public Libraries Act, 1988;
xii) Mizoram Public Libraries Act, 1993;
xiii) Orissa Public Libraries Act, 2001;
xiv) Pondichery Public Libraries Act, 2007;
xv) Rajasthan Public Libraries Act, 2006;
xvi) Tamil Nadu (Madras) Public Libraries Act, 1948;
xvii) Uttar Pradesh Public Libraries Act, 2005;
xviii) Uttarakhand (Uttaranchal) Public Libraries Act, 2005 and
xix) West Bengal Public Libraries Act, 1979.

## 5.8 THE DELIVERY OF BOOKS AND NEWSPAPERS (PUBLIC LIBRARIES) ACT, 1954

The Delivery of Books (Public Libraries) Act, 1954 extends to the whole of India except the state of Jammu and Kashmir. According to this Act, the publisher of every book, newspaper or serial must deliver at his own expense a copy of the book within thirty days from the date of its publication to the National Library at Calcutta and one copy each to three other public libraries specified by the Central Government. The Delivery of Books (Public Libraries) Act, 1954: No. 27 of 1954, amended by the Delivery of Books (Public Libraries) Amendment Act, 1956: No. 99 of 1956 and thus it became “The Delivery of Books ‘and Newspapers’ (Public Libraries) Act, 1954". The insertions “and Newspapers” provided by the Delivery of Books (Public Libraries) Ammendment Act, 1956: No. 99 of 1956 to includes serials as well.

*i) Mode of Delivery:* A copy of every book published by a publisher and the publisher of every newspaper, published in the territories to which

this Act extends, shall deliver at his own expense one copy of each issue of such newspaper as soon as it is published, shall be delivered by him to the librarian of three public library either by registered post or through a special messenger. Under the Delivery of Books and Newspapers (Public Libraries) Act, 1954, the National Library, Calcutta (presently Kolkata) is entitled to receive a copy of every publication brought out by anyone anywhere in the country. The other copies should be delivered to the Connemera Public Library, Madras (Chennai), The Central Library, Town Hall, Bombay (Mumbai), and the Delhi Public Library. The copy to be delivered to the National Library, Kolkata should be the best of its kind.

*ii) Receipt for Books Delivered:* The person in charge of a public library (whether called a librarian or by any other name) or any other person authorised by him in this behalf to whom a copy of a book is delivered shall give to the publisher a receipt in writing and send it to the publisher by registered post and such receipt shall be conclusive proof of the fact that a copy of the book has been duly delivered to the public library of which he is the librarian.

*iii) Benefit for the Publisher:* The Indian National Bibliography is procured by all leading libraries and learned institutions throughout the English speaking world and much beyond. The books that are received by way of Delivery of Books (Public Libraries) Act 1954, 56 are included in the INB. Thus, the INB provides the publisher or the author with an excellent and unique opportunity of using the forum of the Indian National Bibliography to give the widest possible publicity to their publications not only in India but virtually all over the world. So, Delivery of Books (Public Libraries) Act 1954, 56 also gives a commercial advantage of publicity to the publisher or authors.

*iv) Penalty:* Any publisher who contravenes any provision of this Act. or of any rule made hereunder shall be punishable with fine which may extend to fifty rupees and, “if the contravention is in respect of a book, shall also be punishable with fine which shall be equivalent to” the

value of the book, and the court trying the offence may direct that the whole or any part of the fine realised from him shall be paid, by way of compensation to the public library to which the book or “newspaper”, as the case may be, ought to have been delivered.

## 5.9 INTELLECTUAL PROPERTY RIGHT

Like other forms of property, intellectual property is also an asset which can be bought, sold, exchanged or gratuitously given away. Owners of intellectual property also have the right to prevent the unauthorized use or sale of their property.

According to The World Intellectual Property Organization (WIPO) <http://www.wipo.int/>, “Intellectual property (IP) refers to creations of the mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce”.

Intellectual property is divided into two categories: Industrial property, which includes inventions (patents), trademarks, industrial designs, and geographic indications of source; and Copyright, which includes literary and artistic works such as novels, poems and plays, films, musical works, artistic works such as drawings, paintings, photographs and sculptures, and architectural designs. Rights related to copyright include those of performing artists in their performances, producers of phonograms in their recordings, and those of broadcasters in their radio and television programmes.

According to The World Intellectual Property Organization (WIPO) <http://www.wipo.int/> “Copyright and related rights protect the rights of authors, performers, producers and broadcasters, and contribute to the cultural and economic development of nations. This protection fulfils a decisive role in articulating the contributions and rights of different stakeholders and the relation between them and the public. The purpose of copyright and the related rights is twofold: to encourage a dynamic creative culture, while returning value to creators so that they can lead a dignified economic existence, and to provide widespread, affordable access to content for the public.”

Copyright is basically the individual right of an author to dispose of his / her work in return for remuneration. According to Christopher Scarles, "subject to certain exception, it is ownership of and right of control over all possible ways of reproducing a work".

The legislation covering intellectual property right in India is

i) Communication: Communication Bill, 2000;
ii) Copyright: The Copyright Act of 1957 (last amended in 1994);
iii) Designs: The Design Act 1911;
iv) Information Technology: Information Technology Act 2000;
v) Patent: The Patent Act 1970 (changes bought in 1994);
vi) Trade Mark: The Trade Merchandise Mark Act 1958, etc.

India signed the Berne convention in 1886 when it was part of the British Empire. India also signed the Universal Copyright convention in 1952 of its own choice as a free country.

*a) Intellectual Freedom*: According to American Library Association, Every individual has the right to both seek and receive information from all points of view without restriction. It provides for free access to all expressions of ideas through which any and all sides of a question, cause or movement may be explored. Intellectual freedom encompasses the freedom to hold, receive, and disseminate ideas.

According to Canadian Library Association, the fundamental right is to have access to all expressions of knowledge, creativity and intellectual activity, and to express their thoughts publicly.



**CHECK YOUR PROGRESS**

**A) Match the Following**

| | |
|---|---|
| a) First library act was enacted in Great Britain in | a) 1971. |
| b) The Press and Registration of books Act | b) 1952. |
| c) Delivery of Books (Public Libraries Act) | c) 1967. |
| d) WIPO was established by the WIPO Convention in | d) 1954. |
| e) Universal Copyright conventions in | e) 1867. |

f) Paris revision f) 1850.

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**B) Fill in the Blanks**

a) The Delivery of Books (Public Libraries) Act, 1954 was not implemented in .....state.

b) Delivery of Books (Public Libraries Act) 1954 was amended in .....

c) WIPO stands for the World ..... Organization.



## 5.10 LET US SUM UP

None of the countries in which library legislation exists are able to provide entirely satisfactory and effective library services. All of them have problem to some degree despite the fact that there has been revision of laws in most countries. Again, there are many countries without legislation but they are serving the general public in a better way in comparison to the countries that have legislation.



## 5.11 FURTHER READINGS

1) Chakrabarti, Bhubaneswar (1993). *Library and information society*. Calcutta: World press.

2) Chakraborti, M. L. (1996). *Bibliography: In theory and practice*, 4th rev. ed. Calcutta: World Press.

3) Krishan Kumar (1987). *Library organization.* New Delhi: Vikas.

4) P. S. G. Kumar (2004). *A student's manual of library and information science*. 2nd ed.. Delhi: B. R. publishing corporation.

5) Tripathi, S. M., Lal, C and K Kumar (2002). *Descriptive questions in Library and Information Science*. New Delhi: Ess Ess.

## 5.12 ANSWERS TO CHECK YOUR PROGRESS

**A) Match the Following**

| | | |
|---|---|---|
| a) | First library act was enacted in Great Britain in | a) 1850. |
| b) | The Press and Registration of books Act | b) 1867. |
| c) | Delivery of Books (Public Libraries Act) | c) 1954. |
| d) | WIPO was established by the WIPO Convention in | d) 1967. |
| e) | Universal Copyright conventions in | e)1952. |
| f) | Paris revision | f) 1971. |

**B) Fill in the Blanks**

a) Jammu and Kashmir. b) 1956. c) Intellectual Property

## 4.13 PROBABLE QUESTIONS

**A) Short Answers Type Questions**

1) Write on the need of having library legislation.

2) Write about the patterns of library legislation.

3) What are the different components of library legislation?

4) Write what do you know about the characteristics of library legislation.

5) What are the roles of different bodies in enacting library legislation?

6) Write the names of the four libraries entitled to receive books under Delivery of Books and Newspaper Act.

7) Write a note on intellectual freedom.

**B) Essay Type Questions**

1) Discuss the states of library legislation in India.

2) Describe the Delivery of Books and Newspapers (Public Libraries) Act, 1954.

3) Briefly describe the Intellectual Property Right.

4) Write notes on library legislation in India after independence.