

**MODEL PUBLIC LIBRARIES BILL**

SPONSORED BY THE UNION MINISTRY OF EDUCATION

**AN EVALUATION**

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[Examines the bill clause by clause. Indicates the undesirability of over-burdening Act with details. Shows that the bill does not show sufficient respect to the Viability Principle. Shows also that the organizational set-up can be less cumbersome than what the bill makes it.]

**A Introductory Note**

*In what follows, the clause number given at the top of each of the sections of this paper is the number of the clause in the Model Public Libraries Bill. Each section begins with the quotation of the clause of the bill evaluated. Then follows an evaluation of it.*

**B Clause 3 : Library Function of the Government****B1 CLAUSE 3(2)(a)**

"3(2).—for carrying out the purposes of sub-section (1), the State Government may :

"(a) acquire for its public library system

- (i) books published in the State ;
- (ii) books published in the regional language or languages ;
- (iii) books bearing on the State, its people and the regional language ;
- (iv) State Government publications ;
- (v) a representative collection of English books and books in other foreign languages ;
- (vi) a representative collection of books in Indian languages other than the regional languages for the use of linguistic minorities in the State."

**B11 EVALUATION**

1 This clause enumerates the classes of books that *may be acquired* by the State Government for establishing, maintaining, and developing an adequate library service in the State. Books will have to be selected and acquired for the different libraries in the State not by the Government but by the libraries themselves. Surely it could not be the intention of the Model Public Libraries Bill to take away this essential function from a library and vest it in the Government of the State. There is no justification for this clause. If it is retained, it will be harmful. It should be deleted.

2 Apart from this, the enumeration of the kinds of publications that may be acquired is unnecessary in the Act. Surely, a Library Act need not spell out the classes of books to be acquired by the library system. These are determined entirely by the measure of the local demand for them. On this ground also, clause 3(2)(a) should be deleted.

3 The retention of the clause will lead to some other difficulties. For, the enumeration of the classes of books made in the clause is not exhaustive. For example, while the acquisition of a representative collection of books in Indian languages, other than the regional languages, is mentioned, there is no provision for acquiring books in the English language or in Sanskrit published in any other State. For, category (i) imposes a restriction to "books published in the State". Again, it is difficult to see how it is proper for the Library Act to restrict acquisition to "books bearing on the State, its people, and the regional language". Surely a library is a social institution for promoting universal understanding among the people of the world. It is therefore within the legitimate function of a library system to buy books bearing not only on the other Constituent States of India but also on any other country in the world. It should have been within the knowledge of the Drafting Committee that many of the countries are operating something on the lines of the Farmington Plan, according to which the library system of a country taken as a whole endeavours to have all worthwhile books published anywhere in the world and in any language of the world. The restriction imposed perhaps unintentionally by category (a) will be clipping the wings of development of the public library system so as to perform its social function in full measure. For this reason also this category should be deleted.

#### B2 CLAUSE 3(2)(b)

"(b) offer in its public library system an adequate book service and reference service to the people of the State."

#### B21 EVALUATION

1 According to this, the State Government may "offer in its public library system an adequate book service". Is it not a case of "shall offer"? How can there be a library without giving book service?

2 Secondly, the inclusion of "reference service" amounts to going into too great a detail in the Public Library Act. An Act should not do so. It is desirable to replace the words in (b) by

"provide for a public library service in the State."

#### B3 CLAUSE 3(2)(c)

"(c) promote the use of books for the benefit of the people."

#### B31 EVALUATION

1 Among whom should the State Government promote the use of books? If the clause means "promote the use of books by the people", it should be stated clearly in that way. In other words, the phrase "for the benefit of" should be replaced by the word "by".

2 Apart from this, the retention of the words "for the benefit of the people" would indirectly imply the exercise of censorship. The government has already sufficient power to censor undesirable books. But once the books have been passed by the censor, it is dangerous for anybody else to be given legal powers to decide on what will be of benefit and what will not be of benefit to the people. The concept of "benefit" is determined by the social conditions prevailing in a

community. Further, these social conditions are not static. As the social conditions change, the concept of "benefit" also will change. In these conditions to restrict the promotion of the use of books "for the benefit of the people" would throw an apple of discord. It will be open to any person to challenge the work done by the library system for the promotion of the use of books. On this ground also, the category (c) should be amended so as to read "promote the use of books by the people."

**B4 CLAUSE 3(2)(d)**

"(d) establish and sponsor organisations and institutions with a view to promoting public interest and participation in the public library system ;"

**B41 EVALUATION**

What is the kind of organisation or institution that the government can "establish . . . with a view to promoting public interest and participation in the public library system"? It is only in a monolithic dictatorial system of government that the government will enter into such a work. In a democracy such as ours, these kinds of activities are best left to the care of voluntary organisations set up by the public, such as the Library Association. This category should be amended so as to read:

"encourage the formation of and give aid to organisations promoting public interest in and acceptance of public library service".

**B5 CLAUSE 3(2)(e)**

"(e) give adequate library service to all Government departments, and offices subordinate or attached to those departments ;"

**B51 EVALUATION**

Does the government require legislative sanction "to give adequate library service to . . . departments and offices"? Surely, the government is a business organisation. To secure its own efficiency, provision of library service for its employees is its inherent managerial right and duty not needing the sanction of legislation.

This category should be deleted.

**B6 CLAUSE 3(2)(h)**

"(h) promote co-operation between the public libraries and cultural and educational institutions in the country ;"

**B61 EVALUATION**

It is difficult to believe that the responsibility of promoting co-operation between the public libraries on the one hand and the cultural and educational institutions on the other should need provision in an Act of legislature. Normally, any library worth the name will co-operate in the manner suggested as a matter of course. For as a social institution, it is at once its inherent right and duty to do so. It is certainly superfluous to include this in a Library Act.

This category should be deleted.

**B7 CLAUSE 3(2)(i)**

"(i) promote production and publication of useful literature.

**B71 EVALUATION**

There is no doubt that the government should "promote production and publication of useful literature". But, the Library Act is not either the proper or the only legislation in which the government should take this power. The Universities Act, the Secondary Education Act, the Elementary Education Act, and any other Act bearing upon the promotion of the social well-being of the community will require for the fulfilment of their purpose the production and publication of books and periodicals and kindred reading materials. A government has always the inherent right, without the sanction of any legislation, to adopt any means for the production and publication of such reading materials and also vary their methods from time to time.

This category should be deleted.

**B8 SUPERFLUITY**

1 If trivial details such as those in Clause 3(2) are mentioned in an Act, it will lead to the presumption that the details are exhaustive. Any other thing that a government may do in behalf of library service will appear to be foreign to the intentions of the Act.

2 Whenever details appear to be essential, they should be left to the Rules to be made under the Act. They should not be allowed to clutter the pages of the Act itself.

**C Clause 4 : State Library Authority****C1 CLAUSE 4(1)(i)(c)**

"4(1) The State Library Authority shall consist of

(i) the following ex-officio members :

(c) The chairmen of District Library Associations".

**C11 EVALUATION**

1 A State may have from 15 to 50 districts. This would mean swelling the size of the State Library Authority to a corresponding extent. The only function of the State Library Authority as laid down in clause 4(2), is to advise the State Government in regard to development of library service in the State. It is presumed that district library association will be affiliated bodies or branches of the State Library Associations. The interest of this class of non-Governmental organisation can be sufficiently promoted by about two or three representatives of the State Library Association.

2 Such a slimming of the State Library Authority will make it a more compact and effective body than it would be otherwise. The cost of maintenance including travel expenses of the State Library Authority will be nearly reduced to about a half or a third of what it would be otherwise.

3 As it is proposed in the bill, the State Library Authority will be too unwieldy to be of much help. It will amount to making the top too heavy with too little of function. It is improper to swell bodies in such disproportionate way in the name of democracy .

**C2 REPRESENTATION OF LOCAL LIBRARY AUTHORITY**

It is desirable to add the following category in the clause 4(1)(i).

- (i) the chairman of the Local Library Authority of the capital city of the State.
- (k) the chairman of the Local Library Authority of one city in the State, the cities being given representation by the Principle of Rotation.
- (l) the chairman of the Local Library Authorities of two of the districts of the State, the districts being given representation by the Principle of Rotation.

*Note* :—If the number of districts exceeds twenty in a State, its Act may provide at the rate of one representative for each complete ten of the districts.

**C3 CLAUSE 4(1)(ii)**

"(ii) a member of the State Legislative Assembly interested in library development to be nominated by the Speaker thereof ;"

**C31 EVALUATION**

1 The provision of just one member to represent the State Legislature appears to be too meagre. It will be particularly so in a constituent state with two houses of legislature.

2 Nomination of the representative of the legislature by the Speaker does not appear to be happy. It should be thrown open to election by the Legislative Assembly or Legislative Council as the case may be.

3 It is suggested that clause 4(1)(i) may be amended so as to read as follows :

"(i) (a) two members of the State Legislative Assembly elected from among themselves; and

(b) one member of the State Legislative Council, if it exists, elected from among themselves."

**D Clause 5 Standing Advisory Committee****D1 CLAUSE 5(4)(i)**

"5(4) (i) to advise the State Library Directorate in all technical matters relating to library development and organization."

**D11 EVALUATION**

This Committee is stipulated to be eight strong. Out of this, only two will belong to the profession of librarians. I wonder how this body is competent to advise the Director of Libraries on *technical matters*.

**D2 CLAUSE 5(4)(ii)**

"5(4) (ii) to make recommendations to the Authority on matters relating to the promotion and development of library service in the State."

**D21 EVALUATION**

According to Clause 4(2), the State Library Authority itself is only to advise government on these matters. What is the purpose served by providing a chain of advising bodies ?

**D3 FIFTH WHEEL**

The Standing Advisory Committee will be either a mere dummy or a delaying supernumerary. Coming in between the State Library Directorate below it and

the State Library Authority above it, it has practically no positive function. As already stated, it is not competent to discharge one of the functions assigned to it. This kind of lengthening of the hierarchy of committees and authorities is not healthy. It will not contribute anything useful. By slimming down the State Library Authority as suggested in Sec C11 and the direct linking of the State Library Authority and the State Library Directorate will prove sufficient. It will also make for greater efficiency. It is therefore recommended that Clause 5 of the Bill be deleted.

#### **E State Library Directorate**

##### **B1 CLAUSES 7(1) AND 7(2)**

"7(1) A State Library Directorate under the State Education Department shall constitute the Secretariat of the Authority."

"7(2) The Director of the State Library Directorate (hereinafter called the Director) shall be appointed by the Government and will have the rank of Joint/Deputy Director of Education."

##### **B11 EVALUATION**

Putting the State Library Directorate under the State Education Department is an anachronism. It will prove particularly harmful in the formative stage of the first one or two decades. The State Education Department is more than a century old. It has naturally become rigid in its outlook. Further, it is armed with Education Acts providing compulsory sections and positive sanctions at the disposal of the Director of Education. Therefore, unless he is exceptional in his human qualities, he cannot develop the attitude of persuasion and other non-coercive forms of public relation. The Library Act cannot have compulsory clauses. The Director of Libraries will have to work through persuasion. He must be daring enough to use all the legitimate methods of good public relation to make the people accept library service. His personality should not be corroded by the spirit of bureaucracy. The Director of Libraries should have constant contact with the Minister for Education and the Education Secretariat. With the status of a Deputy Director of Education, he will be denied this opportunity. All this will stifle the healthy development of library service in the State. The Department will suffer from inhibitions of all kinds. The working of the already existing Library Acts in the country under the control of the Director of Education has proved to the hilt the certainty of such mishaps occurring. Therefore, it is recommended.

- 1 That the words "under the State Education Department" be deleted from Clause 7(1); and
- 2 That the words "of Joint/Deputy Director of Education" be replaced by "and the privileges of the Head of a Department of the State."

##### **E2 CLAUSE 7(4)(d) (iii)**

"7(4) (d) (iii) he may absorb a subscription library into the public library system of the State;"

**E21 EVALUATION**

Surely, there should be a more elegant word than "absorb" to express the idea implied in this clause.

It may be amended to read as follows ;

"He may sanction the taking over of a Subscription Library by the Local Library Authority of its area on such conditions as may be agreed upon between the Local Library Authority and the Subscription Library and approved by him."

**F Clause 8 Public Library System—The Set-up****F1 CLAUSE 8(B)**

"8 The Public Library System in the State shall consist of :—

(B) the State Regional Libraries (only in bilingual States)."

**F11 EVALUATION**

Presumably this Bill was drafted just before 1960. Even at that time the only surviving bilingual State was Bombay. It too has since been bifurcated into two linguistic States. The following recommendation is therefore made :

Delete Clause 8(B).

**F2 CLAUSE 8(C)**

"C the District Library System, including Block, Anchal/Panchayat/Rural and Subscription libraries."

**F21 EVALUATION**

The words, "including Block, Anchal/Panchayat/Rural and Subscription Libraries" should be deleted as they are redundant and are provided for elsewhere in the Bill, viz. Clause 14(2).

**G Clause 9 State Central Library**

"9 There shall be a State Central Library located in the State Capital."

**G1 EVALUATION**

This clause makes it obligatory that the State Central Library should be in the State Capital. What is the overwhelming reason that this should be made a statutory obligation ? It is better to leave the location of the State Central Library to be decided by each State according to its particular conditions. In UP for example, it may be located in Allahabad, which is not the Capital of the State.

**H Clause 10 Book Stock of the State Central Library****H1 CLAUSE 10(1)**

"10(1) The stock of books in the State Central Library shall consist of books acquired through any legislation for the time being in force providing for compulsory acquisition of books published in the State, books acquired otherwise by purchase, exchange, gifts and bequest and its own publications."

**H11 EVALUATION**

This clause is partly redundant. For, some of the details mentioned in it are already included in the definition of 'Book' in Clause 2(1).

Clause 10 may be replaced by the following simple sentence :

"The State Central Library shall acquire books, periodicals, and other kindred reading and kindred materials including tape-records, gramophone records, and pictures."

**J Clause 11 Mode of Book Acquisition****J1 CLAUSE 11(1)**

"11(1) The Secretary, State Legislative Assembly, shall deliver to the State Librarian bound volumes of all debates and proceedings of the Legislative Assembly and Legislative Council separately."

**J11 EVALUATION**

It is not quite necessary to provide in the Act itself for the donation of the debates and proceedings of the legislature to the State Central Library. It is better to leave such a detail to administrative action. Apart from this, it is not proper to throw on the Secretary of the Legislature the task of binding the volumes. Library binding has its own specification. The responsibility for binding should be vested only in the State Librarian.

**J2 CLAUSE 11(3)**

"11(3) All books and other materials which have to be purchased by the State Librarian shall only be purchased on the advice of a Book-Selection Committee to be appointed by the Authority."

**J21 EVALUATION**

1 The provision that the State Librarian should purchase books only "on the advice of a Book Selection Committee to be appointed by the Authority" is an anachronism. This will also mean unbalanced selection without full relation to the needs of the clientele. The clause should really be amended to read as follows :

"The selection of books and all other reading materials for the State Central Library should be made by the State Librarian in accordance with the policy laid down by a Book Selection Committee to be appointed by the Authority and in consultation with an appropriate number of a panel of experts. The purchase should be made by the State Librarian. The Book Selection Committee shall review the books purchased, from time to time, in order to satisfy whether the policy is properly followed and to find out if there is any need for a change in policy."

2 It is doubtful whether Clause 11(3) is necessary at all even in this amended form. This is a detail which should be settled and, if necessary, revised from time to time by the Authority. It is bad to freeze the discretion of the Authority in this matter by the Act of legislature. Therefore, the recommendation is,

Delete Clause 11(3).

**K Clause 12 Departments of the State Central Library****K1 CLAUSE 12(1)**

"12(1) The State Central Library shall have at least two departments, namely, the State Reference Library and the State Lending Library."

**K11 DISTINCTION WITHOUT DIFFERENCE**

No purpose can be served by the legislation going into the details of the way in which the State Central Library should organize its stack room and its work. The overlapping in the distribution of functions between the two Wings proposed in the later subclauses by itself shows the un wisdom and impracticability of attempting such a distinction in the Act. For example, sub-clause (2)(i) asks the Reference Wing "to prepare and issue reports on the working of libraries, especially the public libraries in the State." But sub-clause (4) (b) asks the



Lending Wing "to undertake supervision of all public libraries in the Capital". What is the purpose served by giving inspection to one Wing and reporting to another Wing? Again, sub-clause 2(g) asks the Reference Wing is "to organise book exhibitions." And sub-clause 4(c) asks the Lending Wing "to arrange book exhibitions". Clause 12(1) attempts to make a distinction without difference. It is recommended that

Clause 12(1) should be deleted.

#### K2 CLAUSE 12(2) (b)

"12(2)(b) to procure and maintain in a readily available manner all books, reports, especially the reports of the Houses of Parliament, the State Legislative Assembly and the State Legislative Council and Central and State Government reports together with their indexes as well as other reference materials needed for consultation ;"

#### K21 EVALUATION

This is totally redundant. The level of pathos is reached when it spells out that the State Library should maintain "indexes" of Government reports.

#### K3 CLAUSE 12(2) (d)

"12(2)(d) to undertake bibliographical works, including special bibliographies for the use of scholars and research workers, and to prepare useful catalogues and bibliographies in the regional languages ;"

#### K31 EVALUATION

The State Central Library is asked "to prepare useful catalogues . . . in the regional languages". In the first place, what is meant by "useful"? Is it possible to prepare useless catalogues? Secondly, does it mean that the State Central Library of any particular State should prepare catalogues in all the regional languages of the country? Or, is the term "regional languages" a survival of the original draft made before the bifurcation of Bombay? Again a State Central Library may have to prepare bibliographies of reading materials in any language whatever. It should not be prevented by the Act from doing so.

The words "in the regional languages" at the end of the sub-clause should be deleted.

#### K4 CLAUSE 12(2) (e)

"12(2)(e) to offer in co-operation with departmental and research libraries, book and bibliographical service to institutions, groups and individuals engaged in higher studies and research ."

#### K41 EVALUATION

This sub-clause makes the Reference Wing offer book and bibliographical service to institutions, groups, and individuals engaged in higher studies and research. To whom else can it give such a service? What is the purpose of spelling out this detail, which is the normal function of a library?

#### K5 CLAUSE 12(2)(f)

"12(2)(f) to promote library-service for children ;"

#### K51 EVALUATION

How can "promotion of library service for children" be regarded as a distinctive function of the Reference Wing of the State Central Library? Library service to children should essentially be a matter for local libraries. The Director

of Public Libraries should certainly promote it. But it cannot be the responsibility of the Reference Wing of the State Central Library.

Therefore Clause 12(2)(f) should be deleted.

K6 CLAUSE 12(3)

"12(3) The State Reference Library shall not lend books for use outside the premises of the Library."

K61 EVALUATION

Let us read the above clause with the provision of "offer book and bibliographical service to institutions" found in Clause 12(2)(e). How can book service be given to institutions unless the books can be removed from the State Reference Library?

K7 CLAUSE 12(4)(a)

"12(4) The function of the State Lending Library shall be  
(a) to render home-lending service to residents of the State Capital."

K71 EVALUATION

It is certainly amazing and irrelevant to be put in an Act. Further, at the place of the State Central Library, there is bound to be a City Central Library and several City Branch Libraries. These local service libraries should share the resources of the State Central Library equally with the service libraries in the other cities and towns in the State and in the same way. In other words, the residents of the State Capital should draw their books only through their own local library. It is unnecessary to make the State Central Library maintain a circulation staff similar to that of local libraries and to duplicate the work of the public libraries. This would mean a waste, apart from other practical difficulties.

K8 CLAUSE 12(4) (c)

"12(4)(c) to replenish from time to time the stocks of District Libraries;"

K81 EVALUATION

Does this mean outright transfer of the books? If so, this is an extraordinary provision in an Act. Or, does it mean lending books to district libraries?

K91 CLAUSE 12(4) (f)

"12(4)(f) to publicise its book-stock;"

K911 EVALUATION

To prescribe by an Act that a library should publicise its book stock is to reach the limit of triviality in any legislation.

The sub-clause 12(4)(f) should be deleted.

K92 CLAUSE 12(4)(g)

"12(4)(g) to publish library reports and literature;"

K921 EVALUATION

According to this, the Lending Wing should "publish library... literature". This legal obligation on the part of the State Lending Library is unheard of. Nor can it be enforced.

**K93 REPLACEMENT OF CLAUSE 12**

Clause 12 of the Model Public Libraries Bill should be deleted as it is. The departments of the State Central Library should be enumerated in an altogether different way such as copy-right department, department of library for the blind, bibliographical department, inter-library loan department, union catalogue department, and so on.

**L Clause 13 State Librarian****L1 CLAUSE 13(3)(c)**

"13(3)(c) The State Librarian shall advise the Authority on all technical matters."

**L11 EVALUATION**

According to this, the State Librarian has a duty to "advise the Authority on all technical matters". Here, we must remember that Clause 5(4)(i) stipulates that the Standing Advisory Committee should advise the State Library Directorate in all technical matters. This is one of the results of listlessness of the maker of the Model Bill. Without any co-ordination, the Bill spells out details here, there, and everywhere in the Act—details which are not worth giving in a Statute.

**L2 13(3)(c)**

"13(3)(c) organise, conduct and supervise training courses for librarians of various categories."

**L21 EVALUATION**

If it is the duty of the State Librarian to "organize, conduct, and supervise training courses for librarians of various categories", do not universities have any part to play in this work? Certainly they have. If so, no university giving a course for librarians will ever submit itself to supervision by the State Librarian. The Bill seems to be ignorant of either Library Science being a subject of university standard or of our universities being autonomous statutory bodies.

**M Clause 14 District Library System****M1 CLAUSE 14(1)**

"14(1) An integrated system, giving book-service to the residents of a district, especially in the rural area, shall constitute the District Library System."

**M11 EVALUATION**

It is totally unnecessary to insert the words "especially in the rural areas". In fact, the whole sub-clause serves no purpose. Clause 14(2) mentions the constituents of a District Library System. The very word 'system' means that it is an integrated one. It is recommended that

Clause 14(1) be deleted.

**M2 CLAUSE 14(2)(2)**

\* "14(2)(2) Municipal/City/Town Library,"

**M21 EVALUATION**

1 It is reasonable and also usual to make the district library system responsible for library service to the rural parts and the towns in the districts with a population cluster below a stated figure such as 100,000. But the library system of a city with a population cluster of more than the stated figure and that

of the other areas in its district cannot go together with convenience. The vocation, the educational level, and even the literacy level of the people in a city will differ much from those in smaller towns and the rural areas. Accordingly the nature of the books and other reading and kindred materials needed by the readers will also be different, the kind of help to be given to them will also be different. Further, a city has usually better financial resources than the rest of its districts. In Madras, the City Library System was made part of the District Library System, virtually in order to rob Peter to pay Paul. The Education Minister himself wrote to me in 1948 that he had to take recourse to it as he could not at that time find a suitable basic tax in the rural areas on which a library surcharge could be levied. It is now 16 years since then that state of affairs existed in one State. Since then the tax pattern has changed enormously. The difficulty of finding a basis for library rate in non-city areas no longer exists in most of the States. Therefore it is not necessary to imitate the outmoded provisions in the Madras Public Libraries Act of 1948 and merge the City Library System into the District Library System which is essentially rural in its character.

2 Further, it is not necessary to spell out the constituents of a District Library System in such details as are given in Clause 14(2). The nomenclature used for the different kinds of constituent libraries will not be permanent. It will change from time to time. It is desirable that an Act should use relatively more lasting terms to denote its intention. Clause 14(2) may therefore be amended so as to read as follows :

"14(2) A District Library System shall consist of

- 1 District Central Library ;
- 2 Town Branch Libraries ;
- 3 Travelling Libraries to serve villages and hamlets ;
- 4 Book-Deposit Centres in villages and hamlets ; and
- 5 Such intra-district regional reservoir libraries as may become necessary from time to

time for circulating reading materials to Town Branch Libraries and the Travelling Libraries, economically."

## N Clause 15 Functions of a District Library

### N1 CLAUSE 15(1)(b)

"15(1) The functions of a District Library shall be as follows :

"(b) to give special reference service to the members of the Municipal Committee/ Corporation of the town/city in which it is situated."

### N11 EVALUATION

One is unable to understand the singling out of this class of users of the library's collection. The members of the municipality are bound to get the reading materials needed for the discharge of their duties as members of the municipality, from the working library of the municipality itself. If any service over and above what the municipality can give to them is necessary, no doubt will they seek the help of their local branch library of the District Library System. As City Fathers no doubt they will be given every consideration by the Branch Librarian. On the other hand, if they want service in their private capacity, they should

naturally share whatever service the Branch Library can give to any resident of the town. Therefore, it is recommended that

Clause 15(1)(b) be deleted.

**N2 CLAUSE 15(1)(c)**

"15(1)(c) to feed Block Libraries with supply of suitable books."

**N21 EVALUATION**

It is not clear what the term "feed" implies. Does it mean outright transfer of books from time to time or only long-term loan? Outright transfer will soon result in an unwieldy accumulation of unwanted and outmoded reading materials in the Block Libraries. The clause may be amended so as to read as follows:

"to circulate books and other kindred reading materials to Block-Libraries."

**P Clause 16 District Library Committee**

**P1 CLAUSE 16(1)**

"16(1) There shall be a District Library Committee for each District Library System in the State which shall be constituted in accordance with such regulations as may be framed by the Authority."

**P11 EVALUATION**

This clause leaves the constitution of a District Library Committee to regulations to be framed by the State Library Authority. It is strange that a Bill which mentions so many trivialities delegates this important constitutional problem to the care of subsidiary legislation instead of being provided for in the Statute itself.

**P2 CLAUSE 16(3)(b) & (l)**

"16(3) The functions of a District Library shall be as follows:

"(b) to start branch libraries.

"(l) to extend library-service in its area by setting up branch libraries, travelling libraries, deposit-centres and book-service by mail."

**P21 EVALUATION**

The starting and the setting up of *Branch Libraries* is thus provided twice in this very clause. This is no doubt bad in drafting. Therefore it is recommended that

In Clause 16(3)(l) delete the words "branch libraries".

**P3 CLAUSE 16(3)(d)**

"16(3)(d) to employ in accordance with the regulations framed by the Authority, staff for the District Library;"

**P31 EVALUATION**

According to Clause 20(1), "The State Government shall create cadres for State Library employees similar to those of the employees of the State Education Department and lay down the qualifications and the other terms and conditions of service for those cadres." We should read Clause 16(3)(d) and Clause 20(1) together. If we do so, we see a certain conflict between the two clauses. While it is desirable that the Director of Libraries should informally consult the District Library Committee in respect of appointment and transfer of the staff of the District Library, it will lead to diarchy, full of friction, if the District Library Committee is empowered to employ its own staff. It would interfere with transfer of

officers from one district to another. If such a transfer is denied, the substance of the benefit of having a library cadre for the State will be nullified. It is therefore recommended that

Clause 16(3)(d) be deleted.

**P4 TOO MANY DETAILS**

Clause 16(3) spells out far too many details—details which need not come into an Act, and details which are uneven in their potency. The sub-clauses of this section should be reduced to a few essential ones.

**P5 CLAUSE 16(4)**

"16(4) The District Library Committee shall meet as often as the Chairman thereof may decide to summon it, but preferably at least four times a year."

**P51 EVALUATION**

While Clause 16(1) leaves the very constitution of a District Library Committee out of the purview of the Act and relegates it to regulations to be framed by the State Library Authority, it implies far too much of unevenness when Clause 16(4) stipulates the minimum number of times the District Library Committee meets. Surely, either the constitution should be brought within the purview of the Act or the minimum number of meetings in a year should be left to the purview of regulations. It is preferable to bring both within the purview of the Act.

**P6 CLAUSE 16(5)**

This clause makes the District Library Committee a body corporate in the eyes of law. This fact reinforces the recommendation that the Act should take the responsibility to fix the constitution of a District Library Committee.

**Q Clause 17 City and Town Library Committee**

**Q1 CLAUSE 17(1)**

"17(1) There shall be a City Library Committee for each city with a population of over a lakh, and a Town Library Committee for a Municipal town with a population not more than one lakh, constituted in accordance with such rules as may be framed by the District Library Committee concerned."

**Q11 EVALUATION**

1 A town is invested with library powers. But it is not defined. Unless a minimum population is prescribed, a town will not be a viable library unit. According to the present day experience, a population cluster with less than 100,000 population is not a viable library unit.

2 The formation of the Library Committee for a large town is too important a matter for it to be withdrawn from the purview of the Act. Strangely enough, it is withdrawn even from the purview of the State Library Authority. It is relegated to the purview of the District Library Committee concerned. This is not a happy situation. This is particularly bad since Clause 21(4) invests the City and Town Library Committees with financial powers to administer the Library Fund made of proceeds of cess and government grant.

**Q2 CLAUSE 17(2)**

"17(2) The functions of a City or Town Library Committee shall, so far as may be, be the same as those of the District Library Committee within its jurisdiction."

## Q21 EVALUATION

1 The remarks in Sec Q11 get reinforced when read with clause 17(2) of the Bill. A City Library Committee is allowed to exercise powers and to discharge duties parallel to those of the District Library Committee.

2 The implication is that it can even administer its own library fund. In the establishment of branch libraries, conflict can arise between the will of the City Library Authority and that of the District Library Authority concerned. The Act should avoid creating opportunity for conflicts so visible on the very surface.

## R Clause 22 Library Cess

## R1 CLAUSE 22(1)

"22(1) Every local body in a district shall levy in its area a library cess in the form of a surcharge on property-tax at such rate not being less than six naye paise nor more than ..."

## R11 EVALUATION

The sole basis for library cess is made the property tax. This is an anachronism in the new tax pattern prevailing in the country. There are now more elastic sources available such as octroi, profession tax, and basic revenue. It is not desirable to make the property-tax-payer carry the entire burden of the library cess.

## R2 CLAUSE 22(2)

"22(2) For the purposes of sub-section (1), property-tax on which the cess is to be levied shall, where it is not actually levied, be assumed to be levied at the rate of 20% of the rental value of the property...."

## R21 EVALUATION

This makes an extraordinary financial provision for a locality where no property tax is levied. It prescribes a cess on twenty per cent of the rental value of the property. This is surely a case of "the tail wagging the dog".

## S Clause 21 Public Library System Finance

## S1 CLAUSES 21(3)(1) &amp; 21(4)(a)

"21(3)(a) There shall be credited into a District Library Fund the amount transferred to it from the State Library Fund, the State contribution to the District Library Fund being in no case less than the total amount of library cess collected in the district."

"21(4)(a) There shall be credited into a City, Town or Block Library Fund the amount raised as library cess within the limits of the City, Town or Block."

## S11 EVALUATION

It is not obvious what part of the cess in a district will go to the District Library Committee, if each city, town or block will appropriate the cess collected in its area. Perhaps none. The government is asked to give its grant to the District Library Fund, maintained by the District Library Committee. What is the destiny of this government grant? Is a city to depend entirely on its own library cess, unless the District Library Committee gives it a "special grant"? The framing of the financial clauses is very bad and unrealistic.

## S2 CLAUSE 21(1)

"21(1) There shall be three types of library funds in the State :

- (a) The State Library Fund.
- (b) The District Library Fund.
- (c) The City or Town or Block Library Fund."

## S21 EVALUATION

1 The bad and the unrealistic quality of the financial clauses is traceable to a complete blindness to the Principle of Viability in respect of Library Fund and of the size of the minimum population, whose area alone can have a Library Fund of its own.

2 Surely, the State Library Fund is viable and it is also necessary.

3 A City Library Area is also viable and it should have a City Library Fund.

4 A District Library Area—consisting of the area of the district excluding the areas of the cities in it—is also viable and it is necessary to have a District Library Fund. Here it must be remembered that for purposes of viability of library organization and fund, a city is taken to be a population cluster of not less than 100,000 people.

5 A Town Library Fund will not be viable. It is not economical to provide a Town Library Fund. Let us take a typical town with a population of 25,000 as an example. Its house property tax may yield Rs 50,000 annually. A Library cess of six naye paise will yield an income of Rs 3,000 annually. Even assuming that it gets an equal amount as a grant from government *via* the District Library Fund, its annual income will be only Rs 6,000. With this Rs 6,000, the town will have to buy the reading materials, pay the staff, maintain the library building, and incur binding and other contingent expenditure. The minimum staff that the library can have is one peon on Rs 80 p m and one librarian in the scale Rs 100-200, giving an average of Rs 150 p m. The annual salary of this minimum staff, including leave allowance, will be Rs 3,000 in round figures. The maintenance of the building or the house rent will require a minimum of Rs 700 per year. Binding and other contingent expenditure may require about Rs 300. Thus the balance available for buying reading materials will be only Rs 2,000. The Town Library will have to take some periodicals and perhaps some newspapers also. Allowing for this, the number of books that can be bought will be between 250 and 350. This is totally inadequate for a population of 25,000.

6 A Block Library Fund also will equally fail in viability in the present condition of the country. It may become viable after 20 or 30 years if the country develops normally.

7 In these circumstances, the district is the smallest viable unit for service to towns, villages, and hamlets.

8 As the provision in the Bill goes, the District Library Fund has only to receive the government grant and distribute it to the Town and Block Libraries after taking the necessary amount for its own expenses. All this is unnecessary.



9 On the other hand, if Town and Block Library Funds are not allowed, and the entire library cess of the district and the matching government grant are able to buy a sufficient number of books for circulation to the Town Branch Libraries and also to the villages and hamlets through Travelling Libraries. Instead of the books bought by a town from out of its own meagre library fund becoming a dead stock within a year or two, the entire stock of books in the district will be kept ever in circulation and use. This way of pooling the resources of small non-viable areas into viable resources by a larger containing area is a recognised method of equalising and stepping up opportunities for development. In the sphere of Elementary and Secondary Education, the Union Ministry of Education is already taking steps to adopt this method. It is necessary and urgent in the sphere of library service,

10 Therefore, the following amendment is suggested to Clause 21.

- 1 In sub-clause (1, delete sub-clause (c).
- 2 Delete sub-clause (4).
- 3 In sub-clause (3), insert at the proper place the words, "the amount raised as library cess within the library area of the district."

#### **T Clause 23 Power of Committees to Borrow**

##### **T1 CLAUSE 23(1)**

"23(1) A Block or a Town Library Committee may borrow money ... with the approval of the District Library Committee."

##### **T11 EVALUATION**

A Block or a Town Library Committee is authorised to borrow with the approval of the District Library Committee alone. This is too big a financial matter to be exercised without the knowledge and approval of the Government.

##### **T2 CLAUSE 23(2)**

"23(2) A District or City Library Committee may borrow money ... with the approval of the Authority."

##### **T21 EVALUATION**

Even here, this important public finance matter cannot be made to depend entirely on the approval of the State Library Authority. It must get the approval of the Finance Ministry of the Government. Public Loan requires both co-ordination and vigilance at the State Level in full measure and in some cases even of the Central Government in some measure.

#### **U Clause 25 State Library Association : Co-operating Institution**

##### **U1 CLAUSE 25(2)**

"25(2) The Director shall consult the State Library Association on all matters of importance relating to libraries and librarians in the State, and especially on all matters concerning library legislation, conditions of service of librarians, training of library workers and regulations concerning the book-trade."

##### **U11 EVALUATION**

1 It is a wholesome and desirable provision to make the Government Department and a non-governmental public body to work in unison.

2 However, it is not understood how a Library Act can give powers to the Director to make regulations concerning the book-trade. It is therefore recommended that,

In Clause 25(2), the words "regulations concerning the book-trade" be deleted.

#### V Clause 2 Definitions

##### V1 CLAUSE 2(1), (5)

"2 In this Act, unless the context otherwise requires,

(1) 'book' includes—

- (i) every volume, part or division of a volume, and pamphlet, in any language;
- (ii) every sheet of music, map, chart or plan separately printed or lithographed ;
- (iii) newspapers, periodicals, and other such materials;

(5) 'reference service' means assistance from the library staff to the reader or user of the library to enable him to know, locate and consult books and other materials and to secure from such books and materials information relevant to his purpose."

##### V11 EVALUATION

It is not usual nor is it proper to include in the Definitions Clause of a Legislative Act definitions for terms such as 'Book Service' and particularly 'Reference Service'. Definition in an Act should not descend to this level of detail.

#### W Errors of Omission

##### W1 NATIONAL ECONOMY

In a social service like library service, one of the essential functions of a State Library Directorate should be to promote the economic utilisation of the library fund and the library manpower of the State, by centralization of certain activities, co-ordination of certain kinds of work and responsibility, and such other methods as may become necessary. The Bill should include this explicitly in one of the clauses.

##### W2 RELATION TO REGISTRATION OF BOOKS ACT

The Press and Registration of Books Act came into force nearly a century ago. According to that Act, the Registrar of Books is in charge of the copyright collection. In some States, he is the Director of Public Instruction. In some others, he is the Translator to Government or some other officer. When a Public Libraries Act comes into force, the function of the Registrar is more fittingly exercised by the State Librarian. For this purpose, there should be a clause in the Public Libraries Bill indicating the amendments necessary to the Press and the Registration of Books Act in its application to the State concerned.

##### W3 LOCAL DEVELOPMENT PLAN

All the cities and districts will not be able to develop their library service abreast of one another or at the same rate. The pace and pattern of development may vary from area to area. It is not proper for the State Library Directorate to take the responsibility to work out the details of development for all areas. This is best done by local agencies—Local Library Authorities—with an intimate knowledge of local conditions. The function of the Directorate should be merely to see whether the plan proposed is reasonable and sufficient to carry out the intentions of the Act within a reasonable time and whether the financial implications are within practical limits. For this purpose, it is best to make each Local

Library Authority to draft its own development plan. After it is finalised, gets the approval of the State Library Directorate, it must be made into a Local Library Order. This Order should form the blueprint and detailed drawings, so to speak, for the library development to conform to such modifications as may become necessary in the light of its working.

#### W4 POWER TO APPOINT COMMITTEES

The District Library Authority and the City Library Authority should be empowered by the Act to appoint committees for advisory work or for the exercise of delegated powers. The clause empowering appointment of committees should prescribe what functions of the Local Library Authority should not be delegated to a committee for example, passing the budget or the annual report.

#### W5 ACCOUNTS AND AUDIT

The Model Public Libraries Bill should provide clauses on the maintenance of accounts by the Local Library Authority, and getting them audited.

#### W6 UTILISATION OF EXISTING LIBRARIES

In many a State, it will be economical and appropriate to convert into the State Central Library an existing library, under the management of the government or of any other agency. A similar thing may also be possible in respect of the City and District Central Libraries. A Library Bill would have a clause making this possible. For, we are not beginning from scratch.

#### W7 CO-OPERATION

The Library Bill should also make provision for the collaboration of the State Central Library with the other libraries in the State and also with the State Central Libraries of the other States and with the National Central Library.

#### W8 SUPERSESSION

By way of abundant caution, it is desirable that the Library Bill should provide for the superseding of a Local Library Authority for grave reasons for a definite period and for making arrangements, for the discharge of the powers and duties of the superseded authority.

#### X Errors of Commission

##### X1 ERRORS IN FINANCE

The most grievous error in the Model Public Libraries Bill concerns the utilisation of the library cess raised in a district. It leads the cess collected within a town to be retained by the Town Library Committee and the cess collected in the rural areas (non-town areas) within a Block area to be retained by the Block Library Committee. This amounts virtually to the atomisation of the proceeds of the library cess. This will mean dissipation of the all-too-small funds available for library service. In its turn, this will mean ever-poor libraries. We can examine it by an analogy. We usually impound the water available in a locality to increase its usefulness. Then only we can get the water-head necessary for the irrigation and power-generation. We can get little use from the self-same quantity of water if we spread it thin over a vast area with no depth and quantity

anywhere. We shall only be dissipating it in that case. So it is with library fund. The lay-out suggested by the Model Public Libraries Bill makes dissipation inevitable. With the fund available in a district as a whole for public library service, we should build up a large "library lake" as the District Central Library or a City Central Library as the case may be. By drawing out from this "little library tanks" should be formed as branch libraries. The books in the "little library tanks" should be frequently sent back to the large "library lake" and fresh books brought therefrom. Further, there should also be "library irrigation channels" in the form of travelling libraries reaching all the hundreds of villages and hamlets.

#### X2 ADVISORY COMMITTEES

This means that a Town Library Committee and a Block Library Committee should have no financial or accounts responsibility. This responsibility should be concentrated entirely in the hands of the District Central Library and the District Library Authority managing it. Each Town Library Committee should have only advisory powers concerning the kind of book service needed by the town and any deficiency in service. There should also be similar advisory library committees in villages to be vested by the travelling library. The Block Library Committee is probably unnecessary.

#### X3 DOUBLING OF HIGH OFFICES

For some years to come, it is unnecessary and it will be too expensive to have two high-paid library officers as State Librarian and the other as Director of Libraries. The functions of both the officers can be merged into those of a single office. In the formative years, this is even essential. The Director of Libraries will not have opportunity to spend sufficient time every month in the holistic reader-cum-book setting to be found in the State Central Library. The absence of this experience will make him degenerate into a bureaucrat revelling in unwinding red-tape. There should be nothing more fatal than this to the flowering of the State Library System into a health-giving social institution bubbling with the spirit of service. The Director will also lose very soon all technical competence to foster library service among the people.

#### X4 TREES HIDING THE WOOD

The Model Public Libraries Bill spells out far too many details. Legislative enactment should abstain from going to the details. The details are bound to require adjustment from time to time. Therefore, the modern practice is to leave the details to the rule making powers of the government, that is the administrative legislation. This principle should be particularly respected in the case of library service where everything is now in a state of flux. This important principle in the framing of an Act appears to have been much missed by the Model Public Libraries Bill. This reminds one of the trees hiding the wood.

#### X5 KNOWLEDGE OF LIBRARY POLITY

The Model Public Libraries Bill does not embody much of sound and up-to-date knowledge of library organization in a country or a State. That such

a Bill should have been produced after several months, if not years, of deliberation is amazing. It is unworthy of being taken as a model by the governments of the Constituent States. It is equally unworthy of being released as model and thereby making it acquire the hallow which the tradition in our country attaches to anything emanating from the Centre.

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