Comparative Study of Model Library Act
(Planning Commission, India) and Gujarat Public Libraries Act

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Abstract:

Overall seen Gujarat Library Act seems too much lag behind model library Act. It can be observed that in the matters of definition, district and library council it has expertly followed ‘Model Library Act’. But certain fundamentals of model library Act such as financial competence, Public library convention up to rural level, Independent state library intellectual property in the form of published bibliographies in the state, Publication of library Literature which enables state Libraries to keep pace with national and global trends what Dr. Rangnathan has gifted to the world in the sphere of Library and information science has not been erased after his death. But the various central libraries of Indian states are much enthused and inquisitive to endow the world precious gift of knowledge with that sublime vision, our central Libraries may sustain their position and representation in IFLA / FID / UNESCO. It is quite unfortunate to express that Gujarat public Library Act is much backward in all such matters.

Key World: Library - Public Libraries – Legislation - Library Legislation - Act (Library)

• Model Library Act:

The seeds of Indian library act were sown on the soil of England. It was when Dr. Rangnathan went to England for pursuing his higher studies and visited a number of public libraries during his stay in Britain and participated in a number of conferences of public libraries. Being highly impressed by the British tradition of public libraries, he could soon perceive that the reason behind their exquisite public services was the British library act and strongly felt that if such a fine public library act were to be realized in India, there ought to be ‘Library act’’. Hence on his return to India, he determined to give it the top most priority. In around 1928, Madras Library Association was established and the association initiated brain storming for the need to enact Model Library Act. And in that direction, ‘First All Asia Educational Conference’ was held in Banaras on 26-30 December 1930. In this conference Dr. Rangnathan presented the first draft of Model Library Act and the copy of the same was distributed to all the members. A comprehensive discussion was conducted on it. Not only that, this draft was published under the title, ‘Draft Model Public Libraries Bill’ in Dr.

This Model Library Act was reviewed and researched by Dr. Rangnathan in 1957 and 1972. The researched Model Library act was published under the title ‘State Library Act’ in the second Edition (1957) of Five laws of Library and the one which was researched in 1972 was published under the title ‘Model public libraries Act’ in the book, ’Public library System’ (1972) co edited by Dr. Rangnathan and Nilmegan. Moreover, Dr. Rangnathan furnished the draft of ‘Model Union Library Act’ which was often reviewed and revised by Dr. Rangnathan between 1957 and 1972. Also the Education Ministry of India prepared ‘Model Public Libraries Bill in 1963 and the planning commission of India prepared ‘Model Public Libraries Bill’ in 1965. In 1989 the leading library exponent from India Dr. Velaga Venkatappaiah made a draft of ‘Model Public Libraries Bill’ which he full-fledged with the new title ‘Model public library and Information Services Act’ between 1995 and 2005.

Thus efforts were made at both the levels, government (Education Department and planning commission) and individual (agenda) to formulate Model Library act. Its salient features are depicted as follow:

(I) **Model Library Act of Dr. Rangnathan:**

Dr. Rangnathan did not only furnish ‘Model library Act’ but also updated the same in order to sophisticate libraries with the changing sands of time. He imparted certain top most priorities in Model library Act which are elucidated below:

(a) Indebted to his foresightfulness, Dr. Rangnathan appointed education minister as the chairman of State Library Authority. As library is integral to education, if the outline of the development of libraries is scripted under the chairmanship of education minister, it could be easily endorsed without any obstruction when sent to Government.

(b) He also recommended Library Fees. Not only that, although is dependent on the permission of Government, he assigned its power to State library Authority in order that essential financial service can be easily utilized for the development of public libraries.

(c) He also provisioned ‘State library Council’ to render suggestions and recommendations to state Library Authority.

(d) He also facilitated one ‘Regional Library Authority’ to every district and town.

(e) Public libraries attempted to include towns, villages and other regions.

The efforts made by Dr. Rangnathan for ‘Model library Act’ did not absolutely go waste. ‘Madras Public Libraries act, was passed in 1948 which adopted certain recommendations of his. Albeit Dr. Rangnathan was not fully satisfied. With reference to the same, he expressed his annoyance in the book, ‘Library legislation Handbook to madras Library Act’ published by Madras Library Association where he observed, ‘This is a Classical exposition of the Government policies in the field of Indian Library Legislation.’

(I) **Model Library Act of Education Ministry of India:**
In post independence India, Govt. of India appointed “Advisory Committee” under the chairmanship of Shri. P. Sinha, the former Director of Public instruction. This committee submitted its report in 1958 in which certain nuances regarding the state library act are stated as:

(a) The property tax of library should be 6 paisa per 1 rupee and the same will be collected by Local Bodies.
(b) The state government shall allot Matching Grants to Local Bodies which will have to plan for the next twenty years.
(c) Free Public libraries will be provided.
(d) For every unit of Library services, the internal ‘Library Council’ is also recommended.
(e) In library estate, a book will be at the centre and yet new technological means and other audio visual aids are to be included.

Taking these recommendations into consideration, Indian Library Association showed interest in Library Act. As a result of which Education Department Of Gujarat appointed one committee under the chairmanship of Dr. M. D. Sen for preparing the draft of Model Library Act. The committee furnished the draft of Model Public Libraries Act in 1963 and presented before the government. The salient features of the draft are as follow:

1. The minister in charge of education will also occupy the position of the chairman of State Library Committee.
2. For availing up to date information regarding library services, one ‘State Library Council’.
3. The government will have to make provision for funds to activate planning prepared by ‘State Library Council’.
4. The appointment of State Library Director will have to be done to supervise administrative and technical matters.
5. The employees of Public Library will enjoy equivalent designation to that of Education Department.

However, no provision for library tax has been made in this draft.

Indian Library Association undertook the most comprehensive discussion on this act in 14th All India Library Conference held on 10-14 April, 1964 in Patna and derived at certain recommendations.ILA has circulated the draft of the library act in every state but did not achieve any positive results.

(2) Planning Commission, Model Library Act of Government of India:

On June 15th 1964, The planning commission of India founded one “Working Groups on Libraries” in order to advise government on the development of libraries during the phase of fourth five years’ plans. This group comprised of 18 members. This working group
recommended ‘Library Development Project’ with the financial aid worth Rs.3,60,00000/- during the phase of fourth five years plan. During this plan, new libraries were founded and maintained and also old libraries were started being renovated.

Working Group submitted the draft of Model Library Act on 7th September, 1965 in which an attempt was made to include library related matters under 17 Codes which are elaborated below:

(1) The state government shall be fully responsible for the establishment, maintenance and development of library services in the State. Code-3(1)

(2) The state govt. shall appoint the committee of experts to fulfill the objectives of library services. Code-3(2)

(3) The state govt. shall also appoint ‘State Library Council’ to advise the state on the issues like development and promotion of public libraries. Code-3(2). The education minister shall be designated as the chairman of the council and State Library Director shall be its secretary.

(4) Code-6 specifies provisions for the state director office for libraries.

(5) The following libraries are comprised in State Library System(code-7).

- State central Library
- State Regional Library (only in multi lingual states)
- District Library System which includes Taluka, Rural and Subscription Libraries.

(6) All the published books in the state shall be included under some code in State Central Library.(code-9)


As seen earlier, ILA has been showing vital interest in Library Act since its inception. In 1942 ILA circulated the draft of the act furnished by Dr. Rangnathan to every State Government. It also co operated in ‘Model Library Act’ prepared by Education Ministry in 1963. 14th All India Library conference was held in Patna in 1964. Simultaneously a seminar on ‘Model Public Libraries Bill ‘ was also held. In 1978 a seminar on Library Legislation in India was organized during ‘All India Public library Convention’. In this seminar the need for Library Act was most emphasized for the services of public libraries and the states devoid of library act were recommended to pass this act.

The view was expressed that the state where library act exists is to be studied and the state where this act does not exist is to have a seminar on library act. ILA initiated to support this view and decided to organize a one day seminar on library act in the states where this act does not exist. Moreover ILA took into consideration the experiences of existing developed
libraries and resolved to prepare the draft of Model Library Act. ILA appointed “Central Sectional Committee” to formulate model library act for public libraries and appointed Dr.Velaga Venkatappaiah as its chairman and he furnished the draft of ‘Model Library Act’.ILA organized a seminar on ‘Model Public libraries Act’ in 9th World Book fair with the support of Rajarammohan Rai library foundation on 14th February.1990 where discussions were held on Model Library Act and some new suggestions were obtained and thus the act was once again updated. On 12th August 1995 a national level seminar was held on ‘ Library Act’ which resulted into a new draft of ‘Model State Library Policy and Library Legislation’.

The literacy rate increased in India at the end of 20th century and at the beginning of 21st century and the spirit of right to information sprang up in people. The information technology also took a quantum leap. Model library act also could not remain unaffected by these factors and therefore both the drafts Library Policy and Library Act were bound to be updated. The discussion on the need of updating was held in 46th All India Library conference organized by Central Sectional Committee at Ahmedabad on 3-6 January 2001.The previous two agenda were updated as the outcome of the discussion.

1. Information Method and Model Library Policy for services


The bill of Model State Library and Information Services comprises of 21 chapters. The details regarding library and information services are classified into total 87 codes.

The peculiarities of the present Library Act are described below:

1. The details regarding libraries are defined under total 29 titles.

2. Provision for State Library Authority is made which contains 11 members. Secretaries of libraries will be chair persons where as the the director of public libraries and information services shall be its chief secretary (code-5). Also the functions of ‘ State Library Authority’ are specified.(code-6)

3. An independent department is functioning for State Public Library and Information Services. The eligibility criteria for the post a director in terms of qualifications are clearly provisioned. Codes 11 and 12 specify their functions.

4. ‘District Library Authority’ for every district in the state and ‘Town Library Authority’ for the municipal corporation having the population of 5-10 lacks have been provisioned.(code-13)

5. Library tax has been facilitated. This tax is levied upon property tax, house tax and liquor.(code-62(1)) whereas the responsibility to collect this tax is born on local bodies. In Code -62(1-2) provisions for establishing different bodies for different functions are made as,

1. State Planning Board
2. State information Technology Centre
3. Board of Library Education. Code- 51
4. State Book Development Council
5. Adult Education Wing (codes 49,50)

6. The printer will have to send three copies of every published book within one month of its publication in the state under Press and Books Registration Act. These three copies will be distributed in the following libraries.(code-84).

1. State Public Library
2. District public Library,( The library of the district where the book is published)
3 Central Secretariat Library, New Delhi
4. Provision for irregularity in the use of power and public inquiry for its misuse.

Comparative study of Model Library Act and Gujarat Public Libraries Act

Comparative study of following matters: -

(1) **Definition of terms incanted in the act:**

In section-2 of ‘Model Library Act’ and ‘Gujarat Library Act’ The terms concerning libraries are defined.

In ‘Model Library Act’ terms such as A book, book service, prescribed, public libraries, reference service, regional language, state and year are defined, whereas Gujarat Library Act contains the definition of terms like book, book distribution centre, book service centre, council, director, district, education committee, expansion service, library, library service, member of library, local body, municipal school body, municipality prescribed, president, public library, public library methodology, public library union, Relevant Local Authority Law, Rules, State, Taluka and year.

Thus, 5 definitions out of 8 of model library act are included in public Gujarat library act, as book prescribed, public library, Sate and year whereas library service, reference service and regional language are not used of course the library service and reference service of model library Act. Those of Gujarat public library Act. The definition of regional language given in section-2(6) of model library Act is irreverent as Gujarat public Library Act as Gujarat is Gujarati linguistically so there is no question of any regional language.

Thus, the substance of all sections of Model Library Act is entirely maintained in Gujarat Library Act in one way or the other. In addition to this as stated before; definitions of large number of terms are developed in Gujarat public Library Act.
Moreover, the definition of book propounded by model library act has been very much entailed in Gujarat Library Act. Presided, incorporation and computer programme are included in any form of manuscript and computer.

As it is stated about the definition of public library in Model Library Act, “A library under the convention of public library which is maintained by public fund and facilitates lending and borrowing of books without any fees, deposits, subscriptions or guarantee in any form.

Whereas Gujarat public Library Act as per the definition of public library act included following libraries:

1. A library according the state public library convention.
2. The Library recognized by the director under section 20.
3. Any library declared as public library by State government or gazette for the aims of this act is deemed as public library.

Thus, the condition of ‘Model Library Act’ for public library as library recording to convention of public library is included in the definition of public library in Gujarat public library Act. but it lacks of the clause, maintained by public fund All in all, any library here in declared as ‘Public Library; by the director or state government is known as public library so, it can also be said that it is left to the desertion of director and state government to deem any library as public library.

(2) Library Authority :-

It is Stared in Section -5 (2) of model library act that a Council will be formulated to advise and assist-state government in all library related affairs as well as development of public Libraries. which is defined in section 5 as state library council.

It is also stated in section–3(1) of Gujarat public library act That the State Government for the sake of objectives of act. He will designate Gujarat state library Development council by issuing referendum.

In this Council “the members as specified in”

‘Model library Act’ included are following:-

- Two member of Literary council and other cultural wing Accordingly, the chivvied of Gujarat Literary academy hold the membership
- Any two members from state legislative assembly who are interested in library activities.
- Chairman / President of state library union. In Gujarat Act, any one member representing public library union is included
- Not move than 4 library experts and also not supposed to be holding any office.
- The Government will appoint any two members concerned with library services and library and Information Science in Gujarat Act. Whereas the Chairman of the council will nominate such 4 members in model library act.
- State Librarian the executive in change of Gujarat State central library.
- The director of state library beauro will be a secretary the director of public Libraries in Gujarat will be deemed as the secretary of the council. 
Thus, 9 out of 17 member of Model Library Act and endowed membership in Gujarat library act

And the members who are present in model library all that not included in Gujarat Library Act are as follow:-

- Education minister.
- Secretary, Education Dept.
- Director, Education Dept.
- 1 member representing state Universities.
- Secretary, State community Development –Center

The above mentioned member are not comprised in Gujarat library Act, but some other member are positioned which follow as,

- Secretary in change of librarians chairman of the committee
- Chief –Secretary in change of libraries.
- 2 members from chairmen of district –Education committees.
- 1 member of municipal School body
- 2 persons from reputed educationists having 10 years experience in we higher education
- 1 person conserved with book publication.

Thus, Gujarat public library Act does not include education minister, education secretary, University representatives, education director and state community development department. Farther are it is stated in the model library all that there should be minimum 4 professional librarians in the council. No such provision can be four cleanly mentioned in Gujarat library act. Prot. director public library 1 member from the members of public library unions and 2 persons having district knowledge of information science thus totaling 4 members are included in the council. And Gujarat library act.

However, the membership given is the person conserved with book publication is quite appropriate. Hence issues regarding book purchase, obtainment and payment can easily resolved.

Tenure of Designation:

The tenure of members other than designatories is stipulated 4 years in Model Library Act. on the contrary the tenure of members depends on will and wish of government in Gujarat public Library Act.
Thus the entire council is under the dominance of government. As designated members are government employees they would dare at go against the government and it other members insisted upon the mandate against the government their membership would come into danger. In such circumstances. The members cannot express their ideology democratically.

Committee Meeting:

It has been specified in section-5(3) of Model Library Act that the committee will meet minimum once a year whereas in Gujarat Library Act, Committee will meet at least twice a year as it is stated in section-8 (1) Time duration between these two should not be more than six months. From this point of view the Gujarat Act proves to be more acceptable.

Functions of the Committee:

The functions of the council are not stated in Model Library Act but it id mentioned in the section-5(2) that the council will advise the state government to encourage and develop library services in the state while elucidated in section 5 (i 90 xvi) in Gujarat Public Library Act.

Headquarters :

There is no mentioning regarding the location of head 9 maters in Model Library Act. Whereas in Gujarat Library Act the headquarter of the committee shall be as the state government selects Gandhinagar or anywhere else through gazette (Section-4).

District Library Committee and Taluka Library Committee:

In Model Library Act under section-14 a provision is made ffor District Library committee foe every district. Whereas for Taluka no Taluka Library committee is provisioned. It is also not mentioned whether who all will be the members in the district library committee. The director will the whole and sole of district Library committee. Gujarat Public Library Act goes one step ahead of Model Library Act in matters of ‘District Library Committee’ as it provides for the strict provision of ‘District Library advisory committee’ for District and ‘Taluka Library advisory committee’ for Taluka in section-15, and also state whether who all will be the members in section-15(1) and section-15(2) respectively whereas its functions are suggested in section-16. Here also the only the director will be whole and sole of the committee.

(3) Public Library Development :

In Model Library Act the provision of ‘State Library Beauro’ is done in section-6. Not only is that but the functions of the beauro also mentioned.

On the contrary there is no provision for any independent department or beauro functioning for public libraries in Gujarat Public Library Act.

In Model library act the entire responsibility to activate the state public library convention as laid on the shoulder of the director. And so, as per 96 section-6(3), the director
of libraries ought to have adequate academic qualification and professional eligibility whose functions are shown truth explicitly and implicitly in section-6(2-6).

In this regard Gujarat Library Act is also on the way of model library act and it is mentioned in section-12. But no such provision that the director must possess professional eligibility is found here

To what extent is it justifiable to put the reins of state public library convention in the hands of a person devoid of professional competence?

It is difficult to understand why the mentors of the act would have ignored such a crucial aspect of the act.

(4) State Library Service:

In section-3 of ‘Model Library Act’ the state library services are enormously introduced under the title “Inception Maintenance and Development of Library Service of Libraries founded by State” while there is no mentioning of state library service in ‘Gujarat Public Library Act.’

(5) Library Finance:

In Model Library Act how much fund should be allotted by government for public library convention solely depends on state library committee. Since the act has assigned the responsibility of preparing the plan of public library for 25 years to state library committee. And it will furnish budget keeping in view the schemes prepared by state government beauro and committee. In section-16 provision for library finance is stated overall. The government will have it provide financial assistance according to necessity of state library committee and ‘Library Preauro’ it activate this project. As the sometime ‘State Library committee’ will have lot exhibit extraordinary diligence in exercising long form vision of 25 years to realize the weary of public libraries. Thus, it will be responsibility of both ‘State Library Committee and government’ to develop public library convention.

In Gujarat Library Act, Section-17, the provision regarding library finance is done. The said provision states that the director will prepare annual budget on proposals for both planned and unplanned expenses of the office of the director public libraries. The director will have to shoulder the responsibility of annual budget. Have ‘Model Library Act’ is thoroughly violated as,

1. Budget is to be prepared by the director only instead of ‘State Library Committee.’
2. As the budget is to be prepared annually, there is no scope for the long term planning of public library convention.
No intent of the government so as to which type of public library convention it wants to actualize in the state is clarified. If said in other words the government does not seem to have any crusted vision regarding public library in the state.

3. The fact that government will have to provide adequate financial assistance is not at all emphasized. In other words, the government is not at all obliged for everything
except whatever is sanctioned by government. Albeit in section-18, a provision for ‘State Library Development fund’ is made where it is mentioned that donation will be given by government but what criteria and credentials will be followed by government it give this donation is not illustrated.

(5) Library Structure :

It is clearly said in ‘Model Library Act’ that ‘Public Library Convention’ will be set in the capital where the state central library is located (section-8). In section-7 under the title ‘Public Library system – The setup’, State Central Library, State Regional Libraries, Taluka, Rural and subscription Libraries along with ‘District Library Convention’ are incorporated.

Whereas in section-12. In ‘District Library Convention’, are included district library, municipal / City / Town library, Taluka Library, Village Library and small scale books distribution centers. Section-6 is related with State Library Beauvan.

[Diagram of Library Structure]

State Government

- State Library Directorate

- State Central Library

- State Regional Libraries

(Only for Multi-lingual States)

- District Library

- Municipal/City/Town Library

- Taluka Library

- Rural Library

- Panchayat Library

- Rural Book Deposits (Regional) Centres


[Diagram of Gujarat Library Structure]

Gujarat Government

- State Central Library

- District Library

- Taluka Library
Thus, The libraries of Model Library Act Shell as City/Town/Municipal Library, Village Libraries, Regional Library, Panchayat Library, Rural book Deposit Centres etc. are not included in Library Act of Gujarat. Also, the function of state central Library and district Library which are described by statutes 10 and 13, are also missing from Gujarat Library Act.

7. **Press and Registration of Books Act, 1867.**

In Model Library Act statute-9, it is stated under the title ‘Books stock of the state central Library that under the act of the respective state, the books will have to be obtained from the state.

Statute 19 states the functions of the state central Library in which stature 10 cas states that the published books in the state will be collected. In addition to, the responsibility of preparing bibliographies and reference notes is assigned to state central Library.

State central Libraries have to also publish reader’s manual and list of rules and regulations [statute 10(f)]

Although it has been clearly mentioned in model Library Act, it has not been prioritized in Gujarat Act. There is of course a provision for sending books under copyright Act.

Model Library Act stipulates that the books of respective district should be collected in the respective district and cataloging of these books is to be done by District Libraries.

Such provisions are not done in Gujarat public Library Act.

**Comparative bird eye view of Model Library Act and Gujarat Public Library Act.**

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<td>1. Introduction is given</td>
<td>1. Introduction is equivalent to that of model Act.</td>
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<td>2. Statute 1 denotes the title, area of</td>
<td>2. Statute 1 is exactly similar of that of model library Act but stated that its date of implementation will be declared by Govt.</td>
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<td>implementation and commencement of the act.</td>
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<td>3. 8 Library related terms are defined</td>
<td>3. 24 Library related terms are defined.</td>
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<td>4. Public libraries include all those libraries</td>
<td>4. Here, along with public Libraries the libraries which are declared as public by govt. or director are also included. No funds are utilized.</td>
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<td>which are maintained by Public funds.</td>
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5. State Library is a council. 5. Gujarate state library is a development council.

6. The committee is made of 17 members. 6. Total number of members are 19.

   - Education Minister
   - Director of state Library
   - Secretary of Education Dept.
   - One representative of state universities.
   - 1 member among the chairmen of District Library committers.
   - Membership of minimum 4 professional members.
   - A person related with publication does not hold membership.
   - Secretary of state community development cell holds the membership.

   - State Library council would advise government on Library services statute 5 (-2).
   - State Library committee will meet minimum once.
   - Others except desigatory will have the tenure of 4 years.
   - Act does not mention everything about its headquarter


   - The director is its whole and role.
   - Members are not specified.

8. No provision for taluka Library council. 8. Taluka Library Council and its members are specified.

10. 25 Years planning is choked out for 10. There is a provision to prepare
public library convention of the state annual budget.
- State council has to prepare the plan. - The director has to prepare annual

budget.

11. The government has to deliver financial 11. The government is independent
aid according to the scheme prepared by, about providing finance.
State Library council. - There is a provision for “state

Library Development fund”

12. Its structure includes state district, 12. State, District and Taluka Libraries
Taluka, Town, City regional, Panchayat are included.
Panchayat and Village Libraries.

13. Functions of state and District Library 13. There is no Specification on
are Specified. regarding it.

14. State central Library has to do 14. There is no such provision made.
cataloguing according to subject and region.

15. District Library also has to do 15. There is no provision regarding it.
cataloguing by books.

16. State central Library has to bring out 16. The act does that mention at
library literature rules and regulations everything of this sort.
handbook and manual.

Overall seen Gujarat Library Act seems too much lag behind model library Act. It can be observed that in the matters of definition, district and library council it has expertly followed ‘Model Library Act’. But certain fundamentals of model library Act such as financial competence, Public library convention up to rural level, Independent state library intellectual property in the form of published bibliographies in the state, Publication of library Literature which enables state Libraries to keep pace with national and global trends what Dr. Rangnathan has gifted to the world in the sphere of Library and information science has not been erased after his death. But the various central libraries of Indian states are much enthused and inquisitive to endow the world precious gift of knowledge with that sublime vision; our central Libraries may sustain their position and representation in IFLA / FID / UNESCO. It is quite unfortunate to express that Gujarat public Library Act is much backward in all such matters.