



Public Library Legislation in india-A Review of Miscellaneous Provisions in The Preamble

KEYWORDS

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ABSTRACT

Public libraries are invaluable social institution that provide free library services to citizens of a country. So the public library system should carefully be designed and develop to serve the public in a most efficient way. This may be achieved only by passing and enacting library legislation in the concerned state or in a country. Every library legislation start with preamble and present paper is focus on the aims and objectives which is giving in briefly every preamble in that particular Act.

Introduction

The public library, as we understand today, is a multipurpose informative, educative and Cultural agency; but above all, it is an agency of Communication. It exists to facilitate the full flow of Information, which is considered as an essential economic tool.

The public library of today however is considered to be an intellectual powerhouse, which strives to fulfill and meet to the public by providing documents containing the information related to their respective fields of specialization, activities, professions and occupations. It makes them aware of economics social, cultural and political developments around them. It is also considered to be an institution for recreational reading and for the positive use of their leisure time.

Library Legislation-

The term legislation means the preparing and enacting laws. In other words it is sometimes used to apply to municipal ordinance and to the rules and regulations of administrative agencies passed in the exercise of delegated legislative function.

Library legislation is an act to provide for the establishment, maintenance, and development of effective public library system and the organization and development of a comprehensive rural and urban library service.

Need For library Legislation-

It is recognized that freedom prosperity and the development of society as well as of individuals are fundamentals human values. These values can be achieved through proper utilization of public libraries. Public libraries are necessary for developing human resources. They must support by specific legislation and financed by National and Local Governments. Proper library legislation guarantees establishment, development and maintenance of libraries. They have the authority to appoint the staff, make necessary regulation, inspect the functioning and control the system and services. Library legislation is required to constitute a proper administrative and supervisory body with executive power, to provide well organized library system for the state, district and up to the remote village level with free access to all citizens, to provide a steady and permanent sources of finance and to maintain a slandered in library services.

As per the Indian constitution, the state has the responsibility to establish and maintain the state, uniform, effective and integrated public libraries in the state. Library legislation becomes highly necessary and vital for organization and systematic functioning of the public libraries.

It is only after India's independence that, Dr. Ranganathan's dream of public Library Act enactment was fulfilled. Through the good office of the then Minister for Education, Avinasingam Chettiar, a modified Bill was introduced in the state legislature which was passed as the Madras Public Libraries Act in 1948. Since then the following Eighteen States have enacted library Acts for their respective States.

Public Library Acts in India

Sr.no	Name of State	Year	Date of enactment
1	Tamil Nadu	1948	1/4/1950
2	Andhra Pradesh	1960	1/4/1960
3	Karnataka	1965	22/4/1966
4	Maharashtra	1967	1/5/1968
5	West Bengal	1979	12/9/1989
6.	Manipur	1988	1/10/1993
7.	Kerala	1989	NA
8.	Haryana	1989	NA
9.	Mizoram	1993	25/2/1993
10.	Goa	1993	29/7/95
11.	Gujrat	2001	1/9/2002
12.	Orissa	2001	1/7/2002
13	Uttaranchal	2005	NA
14	Rajasthan	2006	20/4/2006
15	Uttar Pradesh	2006	11/8/2006
16	Bihar	2008	23/4/2008
17	Chhattisgarh	2008	10/9/2008
18	Arunachal Pradesh	2009	NA

The Public Library Acts provide for the establishment of the Directorate of Public Libraries to administer the public libraries in the State; to make provision for funds either through Library Cess or Budget provision; and for the establishment and maintenance of a network of public libraries in the State such as State Central Library, District Central Library, Taluk Library, Branch Library, Village Library, etc., and to make these public libraries more user-friendly and responsive to the public need.

The purpose of the Act should be clearly stated in the preamble so as to focus attention on the main purpose of the legislation. Since it is always emphasized that public library service should generally be free of charge, it would be always better if this aspect of free service is mentioned in the preamble.

Preamble

An ultimate aim of Library Legislation is to establish an integrated comprehensive and efficient public library system for the state. The success of Library Service depends upon a system which mobilizes resources, maximizes the utilization of such resources and provides services to all citizens on equality basis. At present Public Library Service of the states are scattered. All Public Libraries were linked structurally with each other but not linked as practical service units. Recognized Public Libraries are independent and isolated units, rendering services to their own limited subscribers. Government libraries are providing services to the limited population like recognized public libraries, without understanding their role in the system.

It is necessary to think that there is an advantage in creating an integrated library service network of all public libraries. A network of all public libraries to be organized around the State Central Library at the top and village libraries at the root. Uniting all libraries in one piece of legislation at an early stage is not practicable. Hence there is an obvious need for provision enabling co-operation and co-ordination among their libraries.

The preamble of library Act should summarize and state the aims and objectives of that library Act. Every Act opens with a preamble which is a concise statement of the purpose of the Act. In most of the Acts the preamble is substantially alike with some minor variations in content and wording. But in some it is more detailed with substantive variations. The relevant portions of the preambles as given in different Acts are reproduced below-

Tamil Nadu Act

"to provide for the establishment of public libraries in the province of (Madras) Tamil Nadu and the organization of comprehensive rural and urban Library Service therein."

Andhra Pradesh Act

"to consolidate and amend the laws relating to the establishment and maintenance of public Libraries in the State of Andhra Pradesh and matters connected therewith."

Karnataka Act-

"to provide for the established and maintenance of public libraries and the organization of a comprehensive rural and urban library service in the state of Karnataka."

Maharashtra Act-

"to provide for the establishment, maintenance, organization and development of public libraries in the state of Maharashtra."

West Bengal Act

says "to provide for the establishment of public libraries in the state of West Bengal and to regulate, guide, control and supervise and to grant recognition to the existing libraries in the state and also to provide for a comprehensive rural and urban library service in the state of West Bengal."

Manipur Act

"to provide for the establishment and maintenance of public libraries in the state of Manipur and matters connected therewith."

Kerala Act-

"to consolidate and unify the library laws in the state and to provide for the reorganization of the entire library system in the state of Kerala with a view to the development and maintenance of comprehensive rural and urban library service."

Haryana Act

"to provide for the establishment, maintenance and development of public libraries in the state of Haryana and for matters ancillary thereto."

Mizoram Act

"To provide for the establishment, maintenance and development of public libraries system and organization of a comprehensive Village Library Service in the State of Mizoram."

Goa Act

"To provide for the establishment, maintenance and development of public libraries in the State of Goa and for matters ancillary thereto."

Gujarat Act

"An Act to provide the promotion and development of public libraries in the state of Gujarat and for that purpose to constitute a State Library Development Council and for the matters connected there with or incidental thereto."

Orissa Act

"An Act to provide for the establishment of a network of public libraries in the state of Orissa and to maintain, regulate, guide, control, supervise, integrate and consolidate the libraries in the state as also to provide for a comprehensive rural and urban library service in the state and for matters connected therewith or incidental thereto."

Uttaranchal Act

"To make the law relating to the establishment and maintenance of Public Libraries in the Uttaranchal and matters connected therewith and incidental thereto."

Rajasthan Act

"to provide for the promotion and development of public libraries in the State and for that purpose to constitute State Library Council for the matters connected therewith or incidental thereto."

Uttar Pradesh Act

"to provide for the establishment, organization, maintenance and development of Public Libraries."

Bihar Act

"to provide for the establishment, re-constitution of public libraries in the state of Bihar and to regulate, guide, control and supervision for systematic development of Libraries"

Chhattisgarh Act

"public library means a library established maintained and managed by the stat Government local body or other organization receiving aid from state Government and declared open to the public and shall include any other recognized by notification by the stat Government."

Arunachal Pradesh Act

"Public library means a library which permit member of the public to use it for reference or borrowing reading materials with or without charging nominal fees".

Conclusion-

Preamble to an Act provides a window for exhibiting to motives of an Act. It is a pre-factory statement explaining or declaring the reason and motives for an object sough to be carried out by the enactment of the statute. Therefore, the preamble, ought to be precise and explicit. It should express functions of the public libraries also. It is necessary that preamble must reflect legislative intension briefly.

Since all the public libraries have a common objectives, these should be linked up with each other for several useful purpose legally to form a network. Baring in mind, these basic points and the objectives, the present structure suggested in the Acts examined herewith. An attempt has been made to evaluate the implementation of the provisions in the Acts, in the light of objectives mentioned in the preamble.

The purpose of the Act should be clearly stated in the preamble so as to focus attention on the main purpose of the legislation. Since it is always emphasized that public library service should generally be free of charge, it would be always better if this aspect of free service is mentioned in the preamble itself.

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