

THE CHHATTISGARH PUBLIC LIBRARIES LEGISLATION: A CRITICAL ANALYSIS

Rushmanasab Gurikar

Brajesh Tiwari

This paper reviews the existing public library legislation of Chhattisgarh and compares it with the legislation of other state legislations in India. The paper finds some lacunas in the existing public library legislation of Chhattisgarh and has thus made certain suggestions for further modifications and improvements. Although Chhattisgarh has been carved out from Madhya Pradesh in 2000, yet efforts made for the implementation of library legislation of 2008, are highly appreciable. However, there is a need for further improvement in the legislation and its implementation as per the changing requirements and demands of the public.

Keywords: Public Library; Library Legislation; RRRLF, Chhattisgarh Public Library; Library Act; Chhattisgarh.

INTRODUCTION

India is a diverse land, in terms of culture, language, tradition, art and architecture, religion, ethnicity, education, socio-economic conditions and many other sphere of life. Leading such a nation towards social equality and prosperity is a big challenge. Jagnayak [1] reported that library plays a greater role in socio-cultural, economic-political and educational development of the society, specially the rural people. Whereas Academic library plays a significant role in formal education, public library basically serves the society in fulfilling their informal education's requirements. Therefore, Carlyle rightly remarked public libraries are peoples' universities [2]. Khanna [3] noted that "Public libraries are practical demonstration of democracy's faith in universal education as a lifelong process." In the same context, public libraries are true learning centres of society, for they serve their users irrespective of caste, creed, sex, status, religion, illiterate, profession etc. For the planned development of public library system, Library Legislation is required for a sound financial support. Gopalrao Ekbote [4] suggests that legislation must provide the durable, continuous and progressively rising financial support from public funds for establishing, create and running public libraries. Gurikar and Kumbar [5] considered that finance is an instrument for development of public libraries in a planned manner in any region to encourage use of public library services to its folk.

DEVELOPMENT OF LIBRARY LEGISLATION

In 1833, Peterborough (New Hampshire) opened the library to all supported from public fund. In 1848, Boston city was established and maintain a tax-supported free public library. Later New Hampshire and Massachusetts passed the permissive legislation in 1849 and 1851 respectively [3]. However, the first ever public library legislation was enacted at the international level in Great Britain in 1850, at the behest of William Ewart [6]. Public libraries in USA present a variety of features, with each state having its own set of library laws to suit the local needs[4]. New South Wales Library Act of Australia was passed in 1939[7].

Rushmanasab Gurikar
Dept. of Library and
Information Science,
Karnatak University,
Dharwad, Karnataka
rrgurikar@gmail.com

Brajesh Tiwari
Dept. of Library and
Information Science,
Guru Ghasidas
Vishwavidyalaya,
Chattisgarh
brajeshitiwari65@gmail.com

Corresponding Author
Rushmanasab Gurikar

As far as India is concerned, the first Public Library Act was passed as Imperial Library Act, 1902 [8], followed by princely state Kolhapur that also passed the public libraries Act in 1945 [9]. However, in sovereign India the first Act was passed by Madras government in 1948. Till now, Public Library legislation has been enacted in 19 states including a union territory, Lakshadweep in 2007[9]. The *Indian Constitution* has given the authority to make library legislation to the states as described under part-XI of the article 246 indicated in seventh schedule of state list entry 12 [10], whereas Central Governments of Finland, Norway, Denmark, Sweden and England have taken the responsibility to establish and manage public libraries [11]. However, Government of India has established a centralized funding body called Raja Ram Mohan Roy Library Foundation (RRRLF), as well as some other libraries of national importance under provision made in the entry 62 of union list of constitution of India.

STATUS OF PUBLIC LIBRARIES IN CHHATTISGARH STATE

As a result of enactment of Chhattisgarh Public Libraries Act in 2008 [12], a state level library called Mahant Sarvaswar Dayal Public Library has since been working in Raipur with 45, 000 collections. The other ten district public libraries operating in the state include Raipur, Durg, Jagdalpur, Rajnandgaon, Raigarh, Bilaspur, Ambikapur, Dantewada, Kawardha and Dhamtari, the last three public libraries were established recently in 2008. The state library cell has been establishing the panchayat libraries in collaboration with high schools and higher secondary schools. Under the provision of the Act, 1597 volumes of books have been provided to 1608 schools during the period 2010 to 2014 for the purpose of establishing public libraries [13].

OBJECTIVES OF THE STUDY

- To present an overview of the public library legislation of Chhattisgarh;
- To compare the Chhattisgarh Act with public library legislations of other states.
- To suggest possible improvements and modification in the Act.

SCOPE AND METHODOLOGY

The Chhattisgarh Public Libraries Act enacted in 2008 has been the source material or focus of the present study. The Act was thoroughly and critically analysed in relation to the other existing public library legislations in India, in view of the current developments in library and information science field.

AN OVERVIEW OF CHHATTISGARH PUBLIC LIBRARIES LEGISLATION

The library professionals accelerated the efforts to implement the library legislation in the state after its partition from Madhya Pradesh, with a demand to enact the public library legislation in the state. Hence, a draft public library bill was submitted to the government. The bill was moved but failed to make headway initially. However, the government constituted a draft committee for the public library bill.

The Chhattisgarh public library legislation provides the establishment, organization, maintenance and development of free and effective public libraries in rural and urban areas of the state [14].

1. Chapter-I: Preliminary

The preliminary chapter gives an idea about title, coverage and commencement of the Act and also defines the various aspects regarding public libraries like: books and other reading materials; the authorities such as chairman, council, director, district, public library etc.

2. Chapter-II: Advisory Committee

This chapter describes the constitution and functions of three advisory committees i.e. State Library Council, State Standing Committee and District Library Committee. The State Library Council shall advise the state government on all matters arising in the administration of the Act. It exercises power and functions prescribed in the Act. The school education department minister and principal secretary are chairman and vice-chairman respectively, while 11 nominated secretaries from other departments of the government shall be the members. The officer on special duty (library cell) school education department shall be member secretary of the State Library Council. The State Standing Committee shall ensure the implantation of the decisions and suggestions made by the State

Library Council. It also plans, monitors and executes the projects in connection with public library development in the state and other prescribed works and functions in the Act. The principal secretary school education department shall be chairman and other government departmental secretaries, directors, shall be members and the OSD (library cell) school education department shall be member secretary of State Standing Committee. The District Library Committee shall prepare plans for the development of public libraries system in the district and monitor progress thereof. District collector shall be chairman, CEO, Zilla Panchayat shall be Vice-chairman, Librarian district public library shall be member secretary and other institutions, organisations, heads and Directors shall be members of District Library Committee.

3. Chapter-III: Director of Public Libraries

The Director of Secondary Education of the state shall be Director of public libraries and be responsible for the proper administration and operations of the provisions of the Act. The chapter also describes other functions by the Director.

4. Chapter-IV: Structure and Functions of Public Libraries

This chapter made provision to establish the State Central Library at Raipur, the State Reference Library at Bilaspur and District Libraries at every district centre. The chapter also deals with the functions of State Central Library, State Reference Library and District Libraries to perform and provide services to the public at their level of operations.

5. Chapter-V: Finance

The chapter deals with finances for establishing and development of public libraries in the state. The Act describes library development plan shall form an integral part of centralised and decentralised annual and five-year plan and non-plan budget of the state. If it is necessary, government may also find other ways and means to raise additional resources for the development of public libraries in the state.

6. Chapter-VI: Recognition and De-recognition

The chapter gives an insight on recognition and derecognition of public libraries, public library association. The Act made provision that the government can recognise any library run by

voluntary organisation or library association registered under Chhattisgarh Society Registrarian Adhinyam; 1973 or any library run by local authority open to use for public as public library by receiving grant-in-aid or other financial assistance. It also made provision of recognition of any public library. If it is found that it is not complying with the valid direction or fails to fulfil any obligations laid down in this Act or rules made the state government.

7. Chapter-VII: Reports and Inspections

The chapter exposes that the person who is in-charge of public library management and public library association shall submit reports, returns and furnishes such information to the government. It also provides the power to director or an authorised officer to inspect the public libraries and public library associations or any other institutions attached thereto.

8. Chapter-VIII: Miscellaneous

The last chapter noted the miscellaneous aspects about the Act like public servant shall be council members, protection of action taken to fulfil the purpose of the Act, validation of proceedings of the council; power to make rules and regulations for this Act and power to remove the difficulties in this Act.

FINDINGS AND SUGGESTIONS

An in-depth study finds out some major difficulties in Chhattisgarh Public Libraries Act and makes some suggestions for further improvements and modifications.

The draft bill of the existing Chhattisgarh Public Libraries Act, 2008 was not prepared by the library professionals purely. It is suggested that government shall constitute a committee chaired by library professionals to revise and modify the present Act. It may be seen that many bills in the past were drafted by the expert committee, e.g. Tamil Nadu, Andhra Pradesh, Karnataka, Goa, Delhi etc. constituted the committee chaired by LIS professionals to draft public library bill. Then only it will be more effective to serve the current and exhaustive needs of public library users in Chhattisgarh state.

The finance is the major obstacle for the development and progress of public libraries. The Chhattisgarh Public Libraries Act, 2008 has made provision of finance for the development public

libraries through annual plan, five-year plan and non-plan budget. If needed, government can fund the public libraries in the state as it was explained in the Chapter-V of the Act. However, the Act failed to find the permanent financial solution for public libraries in the state. The Tamil Nadu [15], Andhra Pradesh [16], Karnataka [17], Kerala [18] public libraries Acts made provision for revenue collection in the form of cess on moveable, non-moveable properties and other means for development of public libraries. Similarly, Goa [19] levy the library cess in the form of a surcharge on the Excise Duty at the rate of 0.50 (Paise fifty only) per litre of the Indian made Foreign Liquor and per bulk litre of beer. Further the Kerala [18] and Goa [19] public library legislations have provision made to provide 01% of education budget for the development of public libraries. However, the Chhattisgarh Public Library legislation does not make any such provision in the Act, 2008. It is therefore suggested that a modified Act may be introduced with library cess on moveable and non-moveable properties and on other sources for raising funds for public library development in the state.

As per the provision of Act, there are three advisory committees viz. State Library Council, State Standing Committee and District Library Committee. The State Library Council consists of the Minister in charge of school education department as chairman, principal secretary of school education as vice-chairman, officer on special duty [library cell] as secretary member of the council along with other 11 secretaries from various departments as its members. The council neither incorporates the elected members of assembly, nor any experts from library science or even state central librarian of state reference librarian. So, it is advisable that Minister in charge of Public Libraries [if not School Education Minister] should be made ex-officio chairman; principal secretary as vice chairman and state librarian as ex-officio secretary of the council. The 04 elected members of assembly, three experts in the field nominated by government, a person elected by syndicate of each of the universities in the state among the syndicate members, librarian of the state reference library, one district librarian from every revenue division should be made the members of the council, the director of RRRLF, one person elected by the Executive Committee of the state library association shall be the members of the State Library Council. These members can suggest making better policies for the

development, improvement and administration of public libraries in the state.

The State Standing Committee shall ensure the implementation, monitor and execute the plans of public library system in the state. It was prescribed in the Act that the principal secretary of school education shall be chairman; officer on special duty [library cell] shall be member secretary and secretaries from other departments shall be members of the committee. However, the state librarian and district librarians are the real implementing and executive authorities. Thus, it is advisable that principal secretary of public libraries department [if not education department] be the chairman, state central librarian be the vice chairman and state reference librarian be the ex-officio secretary of the committee. Three district librarians from very revenue division, one district commissioner from every revenue division, one CEO of Zilla Panchayat from every revenue division, one Zilla Panchayat member from every revenue division, and one government college librarian from each revenue division should be designated as the members of the State Standing Committee.

Karnataka and Manipur states have separate departments in government, Tamil Nadu and Andhra Pradesh states have separate directorate under school education department. However, Chhattisgarh government has neither the department nor the directorate of public libraries but there is provision to create a library cell within the school education department. Further, it was explained in chapter-III of the Chhattisgarh Public Libraries Act that the director of secondary education shall be director of public libraries. Therefore, it is suggested that Chhattisgarh government takes initiative to establish a separate department of public libraries for the establishment and maintenance of public libraries in the state.

The chapter IV of the Chhattisgarh Public Libraries Act made provision for establishment the State Central Library at Raipur, the State Reference Library at Bilaspur and District Libraries at every district. Even though, the government is not in a position to establish the district libraries at every district in the state. As of now, there are only 10 district libraries established in the state. However, in case of cities there is no such provision to establish public libraries in the Act. Karnataka, Haryana, Odisha and other public libraries Act made a provision to establish the city public libraries which

REFERENCES

operators within the jurisdiction of cities. Thus, it is recommended to follow the Karnataka, Haryana and Odisha in the matter of city public libraries. Further, there is no provision made to establish the Gram Panchayat libraries in the Act. It is suggested that Karnataka model be followed for establishing the Gram Panchayat libraries in the state as Karnataka is the first state to establish the public libraries in all Gram Panchayats. It also suggests for establishing the special public libraries like slum libraries, tribal libraries as Chhattisgarh has more tribal population, library on wheels, prison libraries, children libraries, etc. to accomplish mission of public libraries.

Library personnel always play an important role in helping the users and potential user. The library staffs act as mediator between users and information sources. Therefore, the government should recruit the qualified and skilled library staff for the smooth running of public libraries. It is also worth mentioning that the public libraries must possess its own infrastructure like building, good collections, equipments, furniture and other fittings etc.

As in other realms of life, Information Communication Technology (ICT) is extensively used in libraries for the smooth operation of the libraries. However, the public libraries in the state are far behind, because of paucity of sufficient funds for providing ICT based services to the users. It is also suggested that every public library in the state should be brought under single umbrella with the help of consortia and networking. It is only possible by using latest ICT applications in Libraries.

CONCLUSION

Public libraries are Peoples' University. It should be open for all at no cost. Library legislations are most useful to establish the public libraries in any state to provide services to public. Chhattisgarh is a developing state in the country. Its literacy rate is below the national average. Chhattisgarh, therefore, has great opportunities for educating the people through public libraries as it supports for formal and informal education. The state has so far established only 10 district public libraries. It also has the opportunity to establish district libraries in remaining districts and in every tehsil headquarters and Gram Panchayats. Only then Chhattisgarh can empower its people by bringing necessary changes in the present Chhattisgarh public libraries Act.

- [1] Jagnayak, S. S. *Role of libraries in socio-economic cultural and educational development among rural people*. New Delhi: Classical Publishing, 1997.
- [2] Route, R.K. *Library legislation in India: Problem and prospects*. New Delhi: Reliance, 1986.
- [3] Khanna, J. K. *Library and Society*. 2nd ed. New Delhi: Ess Ess Publication, 1994.
- [4] Ekbote, G. *Public Library System*. Hyderabad: Ekbote Brothers, 1987.
- [5] Gurikar, R and Kumbar, B. D. *Karnataka Public Library System in India: A Case with Koppal District*. Germany: Lambert Academic Publishing, 2014.
- [6] Wikipedia. *Public Libraries Act 1850*, 2015. Retrieved on April. 19, 2017 from: http://en.wikipedia.org/wiki/Public_Libraries_Act_1850.
- [7] New South Wales. *New South Wales Library Act 1939 No 40*, 1939. Retrieved on December. 09, 2017, from: <https://www.legislation.nsw.gov.au/inforce/302179d8-da0c-e3ca-b274-9c18ff2b3391/1939-40.pdf>.
- [8] The Imperial Library. *Indentures Validation Act, 1902*. 1920. Retrieved on October 27, 2017 from: <http://www.theindianlawyer.in/statutesnbareacts/acts/i5.html>.
- [9] RRRLF. *Raja Rammohun Roy Library Foundation Status of library legislation in India*. Retrieved on November 27, 2017 from: http://rrrlf.nic.in/lib_legislation.asp.
- [10] Govt. of India. *The Constitution of India*. New Delhi: Ministry of Law and Justice, 2011.
- [11] Frank M. G. *Public Library Legislation: A Comparative Study*. Paris: UNESCO, 1971. Retrieved on December 10, 2017 from <http://unesdoc.unesco.org/images/0002/00025/025113eo.pdf>.
- [12] Government of India. *National Mission on Libraries*, Ministry of Culture, 2016.

- Retrieved on December. 02, 2016 from:
<http://www.nmlindia.nic.in/pages/display/24>.
- [13] Govt. Of Chhattisgarh. State library cell, Directorate of Public Instruction, 2015.
- [14] Government of Chhattisgarh. Chhattisgarh Public Libraries Act, 2008. Government of Chhattisgarh, 2008.
Retrieved on June 17, 2017 from:
http://rrrlf.nic.in/acts_rules/chattishgarh.pdf.
- [15] Government of Tamil Nadu. The Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948) and the Rules Made There Under. *Education and public health department, Government of Tamil Nadu*, 1970.
Retrieved on December 07, 2017 from:
http://www.rrrlf.gov.in/acts_rules/madras.pdf.
- [16] Government of Andhra Pradesh. The Andhra Pradesh Public Libraries Act, 1960. Government of Andhra Pradesh. No. VIII, 1960.
Retrieved on December 07, 2017 from:
<http://www.ilaindia.net/pdf/andhra-pradesh.pdf>
- [17] Government of Karnataka. The Karnataka Public Libraries Act, 1965. Government of Karnataka, 1965.
Retrieved on December 07, 2017 from:
<http://www.ilaindia.net/pdf/karnataka.pdf>
- [18] Government of Kerala. The Kerala Public Libraries Act, 1989. *Law Department, Government of Kerala*. Vol. XXXIV, 1989.
Retrieved on December 07, 2017 from:
http://www.rrrlf.gov.in/acts_rules/kerala.pdf.
- [19] Government of Goa. The Goa Public Libraries Act, 1993 and Rules. *Law (Legal and Legislative) Department, Government of Goa*. Vol. III, 1995.
Retrieved on December 07, 2017 from:
<http://www.lawsofindia.org/pdf/goa/1995/1995GOA14.pdf>.