

## **Conceptualisation of Public Libraries in Indian Legislations: A Comparative Analysis of Three State Public Libraries Legislations in India**

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### **Abstract**

This purpose of the study is to compare the Public Library Acts of three States in India – Tamil Nadu, Haryana and Maharashtra – to understand how public libraries and library services are conceptualised in Indian legislations. The three library legislations were studied across six parameters, identified based on a review of literature: Library services and facilities, digital access and services, funding, subscription fee, inclusivity and independence. It was found that all three Acts had some features about them which differentiated it from the other two Acts. However, there were glaring gaps in how the three legislations conceptualised public libraries and services in very traditional ways, without accounting for the need to cultural, recreational, informational, digital and social justice needs that a public library system serves. It was also found that inconsistent and insufficient sources of funding, along with no autonomy with the public libraries left little scope for expansion of these services to include the constantly growing understanding of public libraries. The author gives some recommendations for the legislative reforms, with the conclusion that the hope of building a public library system based on the lens of inclusion, social justice and serving diverse needs of communities, lies on a complete overhaul of the existing conceptualisation of public libraries and library services among people responsible for drafting library legislations and policies.

## Introduction

As per the Indian constitution, libraries are a state subject. Nineteen states in India have a legislation on public libraries. Despite this the growth of public libraries and their access for the public in India has been severely limited. Balaji et al. (2018) have recognised several reasons for this – outdated systems in the libraries, lack of policies on libraries, legislations that have not been updated in years and lack of political consensus and goodwill, and of course, the fact that 16 states and Union Territories do not have a library legislation yet. It is a matter of concern considering the first state legislation on public libraries was passed more than 70 years ago, in 1948 in Tamil Nadu.

The work on library legislation and policy in India, however, began much earlier. In the 1930s, Dr. S.R. Ranganathan, often hailed as the one to start the library movement in India, proposed a draft bill on public libraries in India. In 1931, he wrote his seminal work, “The Five Laws of Library Science.” While his bill never became a law, it did impact legislative work on libraries in the future, as the Madras (Tamil Nadu) Public Libraries Act, 1948 was directly influenced by Ranganathan’s draft bill. Throughout rest of the 20<sup>th</sup> century several important events around public libraries occurred in India. Several states enacted public library legislations. The central government constituted the Sinha Committee to advise them on libraries and they came out with a report with strong recommendations in 1959. Another committee was constituted by the University Grants Commission, with Dr. Ranganathan as its head, to advice the UGC on University and College libraries, and they produced a detailed and relevant report in 1965. In 1986, a draft National Policy on Library and Information Sciences was presented by the Chattopadhyaya Committee, which was unfortunately never adopted. In the more recent years, the Government of India initiated the National Mission on Libraries, which concluded with its survey report in 2022. So, the library landscape that we are studying today, has been years in the making, and has a long way to go still. In 2022, we don’t have a national policy on libraries, and a little less than half the states and Union Territories do not have a library legislation.

In terms of the library system already in existence, too we have a lot of ground to cover.

Ranganathan (1931) in his book describes the evolution of libraries as follows,

The chains [binding the books] were first removed and sold as old iron; but access was limited to the chosen few. Then those that could pay were allowed the use of the books. Then came the further step of making them free to all, but only for use in the premises of the library. Then, lending to the favoured few; then, to all who paid the fee; and at last, lending free to all. Perhaps we are just reaching this stage in our land. But this was by no means the end elsewhere, where the first law had been familiar sufficiently long to lay bare all the implications embedded deep in its bosom. In such places, aggressive methods, which have made other enterprises successful, came to be employed to push forward the use of books.

Unfortunately, till date in many regions of the country we are stuck at the stage where books are lent only to those who pay for it, in the other parts there are no libraries. Legislations and policies themselves do not solve the entire problem. For instance, Munshi & Ansari (2021) report that while the public libraries in West Bengal, where a library legislation was passed in 1979, offer a lot of services to their members, they suffer from an acute shortage of staff which impacts the upkeep of data, and that their book collection suffers for being largely dependent on the annual book fair. In Karnataka, where the legislation was enacted in 1965, a survey conducted revealed that while majority of the users surveyed were satisfied by the public library services, the users in these libraries were mostly young men, and there was hardly any representation from women, children and old people (Heitzman & Asundi, 2000).

Legislations and policies, however, do help in some significant ways, as it has helped in many parts of the world to promote a strong public library system. "The establishment of public libraries should be based on legislation, which assures their continuance and place in the government structure" (Koontz & Gubbin, 2010, pg. 24), by increasing the accountability of the government towards the public to create a public library system. A well drafter legislation and policy also clearly

defines a library and its services, conceptualising them as more equitable, inclusive and just spaces that everyone has the right to visit and use. This helps the people demand what they rightfully should have, a free and accessible public library system. It is, thus, essential that we study existing legislations and policies in the country to understand how they conceptualise public libraries. In this paper, the attempt is to answer the question how a public library is conceptualised in Indian legislation on libraries by conducting a comparative analysis of three state public library legislations in India – Tamil Nadu, Haryana and Maharashtra – across six parameters identified, through a review of literature, as key characteristic features of a public library system.

### **Literature Review**

A very simplistic definition of a public library can be that it is a library for the public, and since it is for the public, it is established and funded by the government; but a simplistic definition would undermine the complexities that make up a public library. Over the years many attempts have been made to define a public library, by outlining its attributes or the purpose it serves or by defining its standards and facilities or by describing the functions it performs. Identifying some common features of a public library, the IFLA Public Library Service Guidelines states the following about public libraries (Koontz & Gubbin, 2010).

A public library is an organisation established, supported and funded by the community, either through local, regional or national government or through some other form of community organisation. It provides access to knowledge, information, lifelong learning, and works of the imagination through a range of resources and services and is equally available to all members of the community regardless of race, nationality, age, gender, religion, language, disability, economic and employment status and educational attainment. (pg. 1)

While this is a good ideation to begin from, but it is by no means a complete definition of a public library nor the only one. The idea of the community being responsible for maintaining a public library is worth exploring, as the community is better situated to understand the community's needs

and expectations from a library than a government agency at the national or state level. Also, this enables more independence for the library from political bias, essential for it to remain an inclusive and just space (Williamson, 2000). However, for the community to be responsible for financing them cannot ensure sustainability and assured funding for the library. For a public library to be able to serve the needs of all people equitably, and for it to be sustainable and a reliable source of information for the public, it has to be brought within the government system, formalised through national legislation and funded by the government (Koontz & Gubbin, 2010; Krass et al., 2022). In fact, the IFLA-UNESCO Public Library Manifesto 2022 asserts that it's the responsibility of the local and national authorities to maintain and support public libraries (Krass et al., 2022).

All the early efforts in India to revolutionise public libraries and to legitimise them by bringing them into a formal policy and legislative framework, also emphasised that one of the fundamental characteristics of a public library is that it is financed through public funds (Committee on National Policy on Library and Information System Department of Culture, 1986; Ministry of Education Government of India, 1959; Ranganathan, 1931). The Sinha Committee in its 1959 report notes that despite the landmark Madras Public Libraries Act, 1948 coming into force soon after India's independence, no work happened on its implementation till states started receiving funds from the Central Government as part of its "Improvement of Library Service" grants in the early 1950s (Ministry of Education Government of India, 1959, pg. 4). Another report by the Library Committee of the UGC similarly notes that it has to be the Governments that finance University and College Libraries (University Grants Commission, 1965).

Funding of libraries through public funds is also a means to ensure that the libraries remain open to all, free of cost. The necessity of libraries being free, without any subscription cost or security deposit requirements, has been recognised as being an essential principle for it to be accessible to the public (Krass et al., 2022; Ministry of Education Government of India, 1959). Report of the advisory committee on libraries in India stated that only free libraries, and not subscription libraries can lay claim to being public libraries, identifying a public library as one "which charges no

fees from readers and yet is open for full use by the public without distinction of caste, creed or sex” (Ministry of Education Government of India, 1959, pg. 28). It has been reiterated in literature on public libraries, even identifying it as a common practice in public libraries across the world (Mainka et al., 2013). Libraries cannot selectively choose to be free for some and paid for others, or provide some facilities for free and charge fees for others. A sliding scale model of pricing serves some people more than it does others, emphasising that people who have the money to pay for the fees, deserve more and better library services.

A public library is a “state-funded but not state-controlled institution,” (pg. 181) and thus in public libraries information is freely available and access is not dependent on any cost; its services are funded from taxes, and the place and all library services are free of bias towards anyone (Williamson, 2000). Williamson (2000) also talks of the dangers of funding public libraries using private finance or sponsorships. He warns against funding models that rely on patron subscriptions, private funding or public-private partnerships, as opposed to state funding through taxes, as it would undermine the independent nature of a public library, which is essential to maintain the status of a ‘public sphere’.

The ‘public sphere’ ideal of the public library is also under threat from the increased replacement of public funds with sponsorship or other private finance. Private sector monies are only obtained in return for some ‘payment’ by the public library, whether this be in the form of free advertising, using the sponsoring company’s resources rather than competitors’, or the service being delivered in a way which is agreeable to the sponsor. (pg. 182)

For public libraries to be universally accessible, they must be situated in well-equipped buildings, with good reading, study and technological facilities, and open to the public for sufficient number of hours (Krass et al., 2022). Through content analysis of 31 sample libraries’ websites, social media and information gained through email exchanges, a research conducted in 2013 attempted to identify the core library services that physical and digital libraries provide in what are identified as

Informational World Cities in the Knowledge Society. They identified that the physical libraries were usually located in attractive buildings that represent architectural landmarks, and offer more than just books. Physical libraries offer spaces for learning and meeting, and spaces for children (Mainka et al., 2013). This is also emphasised in the IFLA-UNESCO Public Library Manifesto 2022, when it states that public libraries are “a living force for education, culture, inclusion and information” (Krass et al., 2022). Williamson (2000) warns against the diminution of the recreational and cultural role of the library, a role majorly used by the socially excluded, as a result of redefinition of the informational and educational role of the public library in the post-industrial information age. He further emphasises the need to balance the five important service roles of a public library – information, cultural, economic development and education – as being essential to continue to maintain the democratising function of public libraries.

This democratization, through information, culture, recreation, economic development and, above all, education is the major stay which the public library has against the rise of the 'private sphere' and the 'faked version' of the 'public sphere'. (pg. 184)

Mainka et al. (2013) also note, that the public libraries studied in their research also provide wi-fi facility to all its patrons, and organise special events and seminars on information literacy. They identified that typically the libraries studied had digital libraries with digital resources in many different forms and media, including e-journals, e-books, audiobooks, music, e-magazines, videos, and newspaper and bibliographic databases, which are available free of cost to the members of the library. Digital libraries also provide guides on how to use the digital library and the diverse resources within, and have a strong social media presence.

The availability of digital access, however, may be impacted by the location of the public library. A study conducted in the US found that compared to their urban and suburban counterparts, rural libraries fared much worse in terms of providing internet and technological services (Real et al., 2014). They found that these libraries usually had poor devices and other equipment, slower broadband connections, and inadequate digital literacy programs and other supports for patrons

wishing to access information, government services or employment opportunities online. The study identified that some key reasons for this included poorer funding for libraries located in rural regions, and rural libraries being understaffed. It was also identified that policies and interventions to promote digital inclusion weren't sufficient either. Moreover, funding and interventions aimed at better equipping rural public libraries with internet and technological needs and for promoting digital inclusion were usually temporary and time bound, whereas with continuing technological innovations new problems associated with digital inclusion will emerge making this a work of continued efforts. The authors recommend an increased dialogue between rural libraries and researchers, scholars and other stakeholders to gather more data and advocate for more funding and continued support for establishing technological services in rural public libraries. The study points that a large proportion of people stand to lose information access as the digital divide increases with poor internet and technological support at rural libraries, since for a large proportion of the rural population the public library continues to be the sole source of internet and devices.

This is true in the case of India, too, that for a large proportion of the population access to internet and devices only comes through public places like the public library. Chitralakha (2014) in her paper, while appreciating the increase in willingness to spend more state money on public libraries, referring to the central government's National Mission on Libraries, cautions that it is important to consider how that money is spent. For instance, spending a lot of money on digitally integrating public libraries in India may not be a very prudent effort, when there are insufficient or no libraries in many parts of the country, and a large proportion has no access to electricity. Thus, while technological services and digital access in public libraries is indispensable, it should not be seen as a replacement for physical libraries. It is essential we think of public libraries as more integrated spaces, which has facilities of both a physical library space and of digital resources and access.

Another research emphasizes the role that libraries can play in building national integrity, especially in times when it is plagued by sectarianism (Ignatow, 2011). The research uses literature



review method and analysis of historic trends as well as qualitative data collected by UNESCO on public libraries from 6 developing nations – Malaysia, Chile, Turkey, Bulgaria, Lithuania and Vietnam. The study found that increasing globalisation sees a simultaneous decline or no growth in the country's public library system. In countries like Chile and Malaysia, investing in and expanding the public library system in the country was a means to promote and sustain national unity and integration as a counter to sectarianism, and religious and ethnic heterogeneity. It was found in these countries, especially Malaysia, the public library system emerged as integral cultural centres, promoting the country's cultural policies as a means for affirmative action.

A study conducted in three townships in Norway using a survey method, as part of a bigger project called the PLACE (Public Libraries – Arenas for Citizenship) Project, commissioned by the Norwegian Research Council, can help explain, to some extent, how public libraries can help counter sectarianism (Aabø et al., 2010). The purpose of this empirical research was to study the extent to which people use public libraries as meeting places, the different kinds of meetings that occur at public libraries and the factors that influence the frequency of the different kinds of meetings. 750 respondents were surveyed across 3 urban townships in Norway's capital, Oslo. The survey sample represented the populations across different variables including gender, age, income, education and western and non-western cultural and linguistic backgrounds. The paper concluded that "libraries stand forth as complex meeting places" (pg.25). It found that the communities where the research was conducted use libraries for a variety of meeting purposes. It is a place where people meet to work together on joint projects but also meet with strangers and engage in conversations with them. People accidentally meet friends, family and neighbours at the library, and also meet people with backgrounds different from themselves, exposing them to and helping them learn about "the other".

The library appears to be a place, where in a safe environment and in an unobtrusive way, people are exposed to the complexity of the digital and multicultural society and learn something about multiculturalism. (pg. 25)

Drawing on the works of Jurgen Habermas and John Stuart Mill, Williamson (2000) argues that the public library is a 'public sphere' in that it is meant to be an impartial space that apart from providing educational and informational services, plays the recreational role, especially for the socially excluded, functioning as the only impartial space that offers this service to those who experience injustice. Williamson goes on to say that "cessation of injustice is the primary role of the public library" (pg. 180).

It's important to consider what role public libraries can play to stop and undo injustices in India. The long history of caste-based discrimination in India has meant that people from Dalit and other backward castes have been excluded from education, cultural and many other public spaces, and denied their identity and history. This reality continues to plague socio-economic and political realities in India till date. Education is a prime example, where despite wide scale enrolment of children from Dalit and other oppressed castes, attitudes and beliefs about castes deny an authentic education to these children (Kumar, 1988; Nambissan & Sedwal, 2002; Shrinivasan, 2009). To undo the consequences of this oppressive history and the continuing practices of injustices, merely creating education and work opportunities won't suffice; we need to work with the intention of social justice for all (Nambissan & Sedwal, 2002). In this purpose, public libraries that are free and inclusive for all, have a significant role to play in India and in the world.

In this sense, the public library is identified as a place that should be free of government interference, even though state funded. It should be independent of political or religious bias, a space for open debate, and independent of capitalistic interests, with increased public accessibility and accountability (Williamson, 2000).

It can be said that the public library is seen as a threat to the newly-powerful capitalist 'elite' who see the democratization which the public library offers as being in direct conflict with their 'faked version' of the 'public sphere'. As Usherwood (1989) says, charging for information leads to the creation of a 'less informed, less questioning public' (pp. 18-19). (pg. 182)

Libraries, Chitralkha (2014) says, should “be empowered to be able to provide relatively unfettered spaces for learning, sharing, and most importantly, critique” (pg. 25). The author questions the stated objective of the National Mission on Libraries to advance the state’s purpose of creating a knowledge economy, which she points is a rather limiting understanding of what libraries are and can do – which includes serving as public spheres where people have access to diverse thoughts and ideas and can “nurture ideological deference, or subversive thoughts” (pg. 25). Herein, the author expresses her concerns for state-imposed censorship on what services and resources a library is at liberty to deliver, and if the librarians within have the autonomy to make these decisions. She concludes that the emancipatory role of libraries is significant and it can exercise it by contributing “towards the development of intellectual and political counter-publics essential to the growth and well-being of democracy” (pg. 27).

Scott (2011) in her paper, centralises the role of public libraires in community building. The author emphasizes the need for libraries and librarians to seriously consider the strategies a public library uses towards this end. The paper identifies the need for librarians to advocate for more libraries, higher budget for public libraries and the need to communicate with the public to help them view the significant contribution that tax money makes in the operation of libraries. The paper notes, that from 2000 to 2010, the use of public libraries increased in the US by 57% (Gilmore, 2010 as quoted in (Scott, 2011)), countering the long-held belief that digitization and the advent of internet has reduced the demand for libraries. The author emphasizes, the need is for librarians to hear the public to understand their needs, upgrade library services to make provisions for programs that work towards community building and to advocate among the public and funders that libraries are much more than repositories of books and resources. Aabø et al. (2010) found that the local community involvement was a significant factor that explained how the library is used as a meeting place. Their study concluded that, “the library as a meeting place plays a substantial role in equalizing the possibilities of being an active citizen across social and economic differences” (pg. 25), emphasising deep implications this has on how we understand public libraries and public

librarianship. For the community to be actively involved in the public library space, the librarians need to do the work to bring them to the library and help them build relationships with it. Librarians must conduct outreach services to help those who are unable to come to the library to visit it and use it, and then adapt the library services to the diverse needs of the community they are serving (Krass et al., 2022).

Based on this review, we can say that in a public library, while books are essential, they are not only service that a library provides. A good public library serves its members with many more services than just book related, and among them are digital services and resources, which in today's time are essential. When planning and expanding their services, a key consideration is all the people who are visiting the libraries and those who are unable to, and to actively work towards inviting them to the library and making the library places that include them equitably. This also means recognising and maintain libraries as places of social justice. Such a place is independent of any political, religious and social bias, and free of charge for every individual. For a library to be able to maintain this, they need to be assured of consistent and sustainable source of financing by the government through public funds. Thus it is significant to review and analyse the public library legislations in India to see if they conceptualise public libraries and library services as places that are characterised by these defining features.

### **Design and Approach**

The purpose of this paper is to critically review and analyse three state library legislations in India, to understand how they conceptualise a public library, and how these conceptualisations compare with each other. The three legislations selected for this study represent three different models for funding public libraries –

1. **Tamil Nadu** has a model for funding public libraries through library cess only.
2. **Maharashtra** has a model for funding libraries through government grants only.
3. **Haryana** has a model for funding through both library cess and government grants.

Based on the review of literature, six parameters were identified as being defining parameters for public libraries, and based on these six parameters the three legislations have been analysed and compared. These characteristics are by no means exhaustive; there are other important parameters like staffing and librarian training, that are beyond the scope of this study.

The six parameters identified for the purpose of this study are as follows:

1. **Library Services and Facilities** – How do the legislations define public libraries and library services, and what kind of services and facilities do the Acts prescribe for the public libraries in the respective states?
2. **Funding** – What are the sources of funding for the libraries that are identified in the legislations – Government or private or any other sources? Are they consistent, reliable and sustainable sources?
3. **Subscription Fee** – Are public libraries identified to be free for all public or are they envisioned as subscription libraries?
4. **Inclusivity** – Are public libraries conceptualised as inclusive spaces that serve the purpose of social justice? Do the legislations serve the needs of people who have been socially excluded from public, cultural and educational spaces like libraries?
5. **Independence** – Do the legislations provide for the public library system to be autonomous and independent of government and private interference in their daily services, to allow them to function free of political, religious and social bias?
6. **Digital Access and Services** – Do the legislations recognise the need to expand library services and facilities to include digital services and facilities, and to provide free access for the members to serve their need and necessity for access to digital information and resources?

### **Review and Observations**

In this section, each of the three public libraries legislations is reviewed based on the six parameters, and key observations have been recorded according to each parameter.

### **Tamil Nadu Public Libraries Act, 1948**

The state of Tamil Nadu enacted the Tamil Nadu Public Libraries Act in 1948, amended in 1954. Further amendments were made to it, the latest being in 2001 through the Tamil Nadu Public Libraries (Amendment) Act, 2001. In January 2022, a committee was constituted to amend the Act<sup>1</sup>, in response to the funding problems faced by the public libraries in the state (Ramakrishnan, 2022).

#### ***Library Services and Facilities***

The Act defines a public library as one which is “established or maintained by a Local Library Authority, and includes the branches and delivery stations of such a library.” The Act doesn’t say much in terms of the services and facilities that the libraries shall provide, except stating that the Local Library Authority shall have the power to “provide for lectures and holding of classes.”

#### ***Digital Services and Facilities***

The Act predates the advent the popular use of internet and digital devices in India, so technology is notably missing from the Act. No sections on provisions for digital access were added through amendment. The website of the State Directorate for Public Libraries has a digital library, which has the option to browse resources by multiple criteria<sup>2</sup>. The digital library is open for general use.

#### ***Funding***

The Tamil Nadu Public Libraries Act has provision for a library cess to be levied by the Local Library Authority as a surcharge on property tax or house tax at the rate of 3 paise on every rupee of the tax levied. This rate was revised to 10 paise per every rupee of property tax or house tax, in

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<sup>1</sup> In accordance with the G.O. (MS) No.3, School Education (P.L.I) Department, Dated 19.01.2022. As on the date of writing this, suggestions were invited from the public on the amendments to be made to the Act. For more information: <https://tamilnadupubliclibraries.org/public-library-act-high-level-committee/>

<sup>2</sup> The digital library of the Directorate of Public Libraries of Tamil Nadu state can be accessed here: <http://117.239.65.2:8080/dpl/>

2008<sup>3</sup>. The tax is collected by Corporation of Madras or a Municipal Council or a Panchayat or District Board, depending the area where the Authority is located. The library cess thus collected is then paid to the respective Local Library Authority.

The Act has provisions for a Library Fund maintained by each Local Library Authority, within which are credited the library cess transferred to the Authority, any contributions or gifts, any special grant that the government may make, or any fees, fines or any other amounts collected by the Authority as per the prescribed rules. In an earlier version of the Act, it was also required of the State Government to contribute to every Library Fund in the state an amount that at minimum matches up with the library cess collected within respective Authority areas<sup>4</sup>.

The Government shall contribute to the Library Fund maintained by every Local Library Authority other than the Local Library Authority for the City of Madras, a sum not less than the cess collected under section 12, sub-section (2). (Section 13(3) of the Madras Public Libraries Act, 1948)

The Act also has a provision for a General Fund<sup>5</sup>, which may be used to assist a financially weaker Local Library Authority for “purchase of books or furniture or construction of building or for any other purpose as may be prescribed.” Every Local Library Authority is required to contribute a sum of no more than 20% of the library cess collected, with variable rates of contribution applicable for different authorities.

Every Local Library Authority shall contribute to the General Fund a sum at such rate not exceeding twenty per cent of the cess collected under sub-section (2) of section 12 as may

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<sup>3</sup> The library cess rates in Tamil Nadu were revised through a Government Order, G.O. No. 92, Education Department, dated 23 April 2008. For more information: <https://chennaicorporation.gov.in/gcc/department/revenue/#property>

<sup>4</sup> This subsection (sub-section (3) of section 13) was omitted by section 3 of the Tamil Nadu Public Libraries (Amendment) Act, 2001

<sup>5</sup> The provision for a General Fund was made in the Act by adding section 14-A in the act. This section was inserted by section 4 of the Tamil Nadu Public Libraries (Amendment) Act, 2001.

be prescribed and different rates may be prescribed for different Local Library Authorities.

(Section 14-A(2) of the Tamil Nadu Public Libraries Act, 1948)

### ***Subscription Fee***

The Act authorises the Local Library Authorities to make regulations regarding conditions and fee payments for admission of the public to the public library, as well as for guarantees and security deposit.

...such regulations may provide for\_\_\_\_\_

(a) the admission of the public to public libraries in its area on such conditions and on payment of such fees as it may specify;

(b) requiring from persons desiring to use such libraries any guarantee or security against injury to, or misuse, destruction or loss of the property of such libraries; (Section 11(1)(a) & (b) of the Tamil Nadu Public Libraries Act, 1948)

The public library system in Tamil Nadu has a calibrated subscription model (Directorate of Public Libraries Tamil Nadu State, n.d.), with different membership fee and caution deposit rates for libraries at different levels in the state and also for different library services. There may also be different rates for individuals and families, and for senior citizens and students. For example, at Connemara Public Library the caution deposit for two books is Rs. 100, for 4 books is Rs. 200 and for 6 books is Rs. 300.

### ***Inclusivity***

The Act makes several references to 'remove' or 'exclude' persons from the libraries upon non-compliance of rules or regulations. It further notes, as a condition for eligibility for receiving grant-in-aid, that the libraries shall remain open "without any restriction except those relating to proper behavior, public health and conformity to the rules of the library which have received the approval of the Director."<sup>6</sup> The Act or the Rules thereunder do not specify what constitutes improper

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<sup>6</sup> Chapter II, Section 18 (1) of the Tamil Nadu Public Libraries Rules. Notifications. (G.O. No. 627, Education, dated 28th February 1950).



behaviour, or what are the conditions under which a person may be excluded from the library premises or denied entry.

The Rules further state that the books permitted to be stocked in the library must be of 'general taste and of cultural value' and shall be by 'standard authors' and not of 'doubtful taste,' without further details on whose 'general taste and cultural values' it refers to, and who identifies them and the standard authors. The Act doesn't identify any patrons of different identities or abilities that may use the library, nor does it make provisions for them.

### ***Independence***

The state of Tamil Nadu has a State Library Committee to advise on all matters pertaining to public libraries in the state. The overall supervision of the public library system in Tamil Nadu rests with the Directorate of Public Libraries. The Director supervises and controls the work of all Local Library Authorities and has the authority to inspect any public library in the state. Each district in the state has a Local Library Authority which has ownership over all movable and immovable property acquired or used for the purpose of public libraries within their jurisdiction, and prescribes the manner of their use. They also have the powers to make regulations related to membership and admission to the library. Libraries can only acquire books that meet the approval of the Local Library Authority and confirm to the requirements laid down by them.

### **Haryana Public Libraries Act, 1989**

The Haryana Public Libraries Act was passed in 1989. While the Act is easily available on the state's Higher Education Department's website, the rules for the same could not be located. An RTI will need to be filed to enquire about the availability and existence of the same.

### ***Library Services and Facilities***

The Haryana Public Libraries Act, 1989 describes public libraries as "a library which permits members of the public to use it for reference or borrowing without charging fee or subscription." Besides offering book services, the libraries are also required to offer special services to student

groups, study circles and educational groups; the meaning and purpose of special services are not specified in the Act. The Act also says,

to co-operate with other institutions and groups, especially the social educational institutions and workers, in promoting library mindedness among the people (Section 13(g) of the Haryana Public Libraries Act, 1989)

The district libraries are also expected “to arrange conferences, camps and seminars of librarians and other library workers in the district.”

### ***Digital Services and Facilities***

The Act predates the advent the popular use of internet and digital devices in India, so technology is notably missing from the Act. No sections on provisions for digital access were added through amendment even after the popularisation and eventually indispensability of internet and digital technology. The website of the Department of Higher Education, Government of Haryana provides lists of e-resources and a list of all books available in Haryana’s Public Library<sup>7</sup>. The lists, though, are not interactive. There are some audio recordings of online book events, that at the time of writing this paper could not be accessed.

### ***Funding***

The Act has provisions for three types of library funds in the state:

- 1) The State Library Fund – This fund includes a grant from the state government, any contribution received from the Central Government, and any special grant from the Central or a State Government. The amount of the annual grant from the State Government is not specified.
- 2) The District Library Fund – This fund includes contribution from the State Library Fund with “the State contribution to the District Library Fund being in no case less than the total amount of library cess collected in the district” (Section 19(3)(a) of the Act). It also includes any special grant

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<sup>7</sup> The compiled list of e-resources and library resources can be accessed here: <https://library.highereduhry.ac.in/LibraryBooks>

from the State Library Authority, amount collected under District Library Rules, any gifts, contributions or endowments received, and any loan raised by the District Library Committee.

- 3) The City or Town or Block or Village Library Fund – The library cess collected within the city, town, block or village, any special grants from the District Library Committee, any amount collected under Town or Block Library rules, any gifts, contributions or endowments received, and any loans raised by the concerned Library Committee.

Besides this, the Act also has provision for a library cess. The Act, however, doesn't specify the rate of cess to be levied.

Every local body in a district may levy in its area a library cess in the form of a surcharge on property tax and house tax at such rate as the Government may decide from time to time.

(Section 20 of the Haryana Public Libraries Act, 1989)

### ***Subscription Fee***

In Haryana, by definition, the public library is available free of charge to the public for "reference or borrowing". The Act, however, doesn't refer to any other library services, including circulation of book outside of the library premises, being available for free of cost. The website of the Department of Higher Education states the membership fee for each of its district libraries and the state central library. The State Central Library, for example, charges Rs. 510 for a lifetime membership (Department of Higher Education, Government of Haryana, 2020).

### ***Inclusivity***

The Act doesn't make any reference to the patrons that may visit the library, or may find it difficult to access it because of various socio-economic reasons, or because of disability. The Act does add in its Statement of Objectives and Reasons that one of the purposes of this Act is to make libraries easily accessible to everyone irrespective of their age and qualifications, but there are no provisions or inclusions in the Act to facilitate this or make it a necessity for all public libraries in the state to ensure that access is enabled for people of all ages and qualifications.

***Independence***

Haryana has a State Library Authority, which is the largest among the 4 legislations under study, in terms of the number of members. It also has the largest ratio of government representatives, which includes elected representatives, bureaucrats and other government officials. The SLA primarily has an advisory role. The state also has a Standing Advisory Committee, which also has an advisory role, and advises the State Library Directorate on matters of library development and organisation, and library services. It is not clear how the roles of the Authority and the Committee are different, and why was there a need for two separate state level bodies.

Overall, the State Library Directorate, which comes under the Department of Higher Education, oversees the public library system in the state of Haryana. The Director has the responsibility to implement the plan of work, administer grant-in-aid and decide where new public libraries need to be set up. It is compulsory for all libraries to stock books published in the state. Only those books approved for purchase by the Book Selection Committee, constituted by the State Library Authority can be acquired and stocked within the libraries.

All books and other materials which have to be purchased by the State Librarians shall only be purchased on the advice of a Book Selection Committee to be constituted by the Authority. (Section 9(3) of the Haryana Public Libraries Act, 1989)

**Maharashtra Public Libraries Act, 1967**

The Maharashtra Public Libraries Act first came into force in 1967 and has since been amended multiple times, including in 1998 and 2005, and most recently in 2013. Maharashtra Public Library Rules were made in 1970.

***Library Services and Facilities***

The Act defines a public library as one which is established and maintained by the state government for use by the public, or recognised and declared to be a public library by the state government. It doesn't define or describe the services that the library will offer, but does refer to the

rules to be drafted on the functions of public libraries. The website of the Directorate of Libraries lists down the services that the government libraries provide, stating that the state central library and its two or more sub centres have in their premises separate sections for reference, children, women, periodicals, newspaper, computer and career guidance (Directorate of Libraries, M.S., 2022). Apart from providing information and guidance on resources available and how to locate them, the reference section also gives orientation to all new members on the library's collection organisation, catalogue and the various services the library offers. The women's section maintains a special collection for women; there is, however, no information on what comprises the collection. The computer section has devices with internet connection and audio-visual resources, and the career guidance section has books to help patrons prepare for competitive exams. Besides these, the libraries offer other services like government gazetteers services, bibliographic services, photocopying, seminars, lectures and workshops (Directorate of Libraries M.S., 2022). There is no information to clarify if the same services and facilities are provided in the public libraries at division and district levels. There isn't any information on the nature of workshops, seminars and lectures organised in the state central library and its branches.

### ***Digital Services and Facilities***

The Act itself has no provisions for digital services or resources. There is no mention of wifi facility, or use of digital devices for purposes other than to access e-library services or audio-visual resources, even in the website of the Directorate of Libraries, Maharashtra State. There is a digital library that can be accessed through the DoL website<sup>8</sup>. The website hosts a list of 10 weblinks to websites that host digital resources. It is unclear which of these, if any, are government sources. Collectively, these sources hold 1636 digitised books, all in Marathi.

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<sup>8</sup> The website with digital resources can be accessed here: <https://dol.maharashtra.gov.in/en/digilib>

**Funding**

The Act has provision for a Library Fund which is constituted and maintained by the State Government. As per the Act, the Library Fund will consist of contributions made by the State Government, any special grants by the State Government or by the Government of India for the purpose of development of public libraries in the state, and any donations or gifts from the public for development of public libraries. The Government is required to make a minimum contribution of Rs. twenty-five lakhs.

The State Government shall, after due appropriation made by law in this behalf, contribute to the Library Fund every year, a sum not less than twenty-five lakhs of rupees. (Section 20 of the Maharashtra Public Libraries Act, 1967)

The Act also provides for any movable or immovable property acquired or used for the purpose of a state government maintained public library, shall vest in the State Government. There is no provision for a library cess in the Act.

**Subscription Fee**

The MPLA describes only one kind of library, the public library, and further the libraries at different levels in the state like taluka library and village library. It isn't described as a library that charges a subscription fee, nor as one that doesn't charge it. There is no mention in the entire Act of the public libraries having a subscription charge or them being free, nor any reference to rules that describe the patronship model. The rules drafter in 1970, do refer to the need for a library to be open free of cost to the public for use of the library on the premises, as a necessary condition to be recognised as a public library. However, this only refers to the reading facility inside the library. The Directorate of Libraries, Maharashtra, has described a differentiated model for district library subscription (Directorate of Libraries M. S., 2022). As per a government scheme, schools in rural and remote areas, gram panchayats, women's and youth groups, get membership in a district library at security deposit of Rs. 500 and a two-yearly admission fee of Rs. 150. Individual membership is granted at a Rs. 100 security deposit and Rs. 20 two-yearly admission fees.

***Inclusivity***

The Act doesn't make any reference to the patrons that may visit the library, or may find it difficult to access it because of various socio-economic reasons, or because of disability. There is no clarity from the website of the Directorate of Libraries, Maharashtra State, what provisions are made to address the diverse needs of current and potential patrons. The rules accompanying the Act state the libraries shall remain open to all public "without any discrimination on the ground of religion, race, caste, creed, sex, place of birth or descent" (Education Sports and Social Welfare Department Government of Maharashtra, 1970).

***Independence***

The Public Library system in Maharashtra is governed by the Directorate of Libraries, within the Ministry of Higher and Technical Education. It is headed by a Director. The state also has a State Library Council, which primarily has an advisory role. The State Library Council has large representation from the government, included elected representatives, bureaucrats and other government officials, and a very small representation from libraries and librarians, and no representation from any other stakeholders, including library patrons. There are also district level Library Committees, with primarily advisory role. The main responsibility for administration of the Act resides with the Director.

**Analysis, Discussion and Recommendations**

This section begins with a summary of the key features of the three Acts in a comparative table. It is followed by a more detailed analysis of all the three Acts across the 6 identified parameters, along with some recommendations.

	<b>Tamil Nadu (1948)</b>	<b>Haryana (1989)</b>	<b>Maharashtra (1967)</b>
<b>Library services and facilities</b>	Books & related resources & services	Book & reference service; promote library mindedness; conference & seminars	Books & related resources & services

<b>Funding</b>	Cess as surcharge of house tax or property tax levied by the Local Library Authority at the rate of 3 paise per 1 rupee; revised rate of 10 paise per 1 Re. <sup>9</sup> <sup>10</sup>	Library funds at 3 levels: state, district and city/ town/ block/ village, with contribution from state govt in state library fund & district library fund + cess as surcharge on property tax & house tax levied by city/town/block/village library authority, rate of cess not specified	Annual grant from government, no less than Rs. 25 lakh per year
<b>Subscription Fee</b>	Yes; LLA decides conditions & fees for admission, security deposit. Differentiated models <sup>11</sup>	Public libraries defined as being free of charge for public. Subscription libraries defined as separate category. According to directorate websites, libraries have a subscription fee	Yes, differentiated models for groups/ organisations & individuals; security deposit & admission fee on 2-year renewal <sup>12</sup>
<b>Inclusivity</b>	LLA drafts rules to exclude or remove patrons on non-compliance. Differentiated subscription models offering different services. Act implies law primarily for students and readers who can access libraries	Act implies law primarily for students and readers who can access libraries	Act implies law primarily for students and readers who can access libraries
<b>Independence</b>	Relatively more decentralised with powers vested in Local Library Authority at district level; however book selection authority very centralised	Centralised & bureaucratic. Books selection & purchase on advice of State Book Selection Committee	Centralised & bureaucratic decision making, book & resource selection rests with State Book Selection Committee
<b>Digital access &amp; services</b>	Digital library. No information on wi-fi facilities. Law doesn't	Digital resources on Directorate website. No information on wi-fi facilities. Law doesn't talk	Digital library with Marathi resources. No information on wi-fi facilities. Law doesn't talk

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<sup>9</sup> G.O. No. 92, Education Department, dated 23 April 2008. For more information:

<https://chennaicorporation.gov.in/gcc/departement/revenue/#property>

<sup>10</sup> A clause requiring the government to contribute a grant of no less than the library cess collected was omitted from the Act by section 3 of the Tamil Nadu Public Libraries (Amendment) Act, 2001

<sup>11</sup> Libraries at different levels in the state library structure have different subscription costs. Further, there are different subscription models, offering different services. For more details, visit the website of the Directorate of Public Libraries, Tamil Nadu state. <https://tamilnadupubliclibraries.org/membership/>

<sup>12</sup> Based on information accessed from the website of the Directorate of Libraries, Maharashtra State. [https://dol.maharashtra.gov.in/government\\_divisional\\_libraries](https://dol.maharashtra.gov.in/government_divisional_libraries)



	talk about digital facilities & resources	about digital facilities & resources	about digital facilities & resources
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Table 1: Comparison of the three libraries Acts across six key parameters

**Library services and facilities**

Ranganathan (1931) in his book defines the following five laws of library science:

- 1) Books are for use
- 2) Books are for all, and it is the responsibility of the librarians to help readers find the book they need
- 3) Every book has its readers, and it is the responsibility of the librarians to bring the readers to the books
- 4) There should be in place tools and systems in the library to save the time of the readers
- 5) A library is a growing mechanism

This last law is very important and has significant implications on all the other laws. As our understanding and the scope of libraries grow with the time, so does our understanding of what a library does. For instance, books are a source of information, and now information sources include more than just books. To accommodate the expanding understanding of what a library is and what it does, it is important to keep our legislations and policies abreast of the new knowledge.

Unfortunately, this is not the case with any of the three legislations. The three Acts define public libraries as follows, without any further information in the legislation to suggest that libraries may be viewed as doing anything more than what is defined below.

‘public library’ means a library established or maintained by a Local Library Authority, and includes the branches and delivery stations of such a library; (Section 1(8) of Tamil Nadu Public Libraries Act, 1948)

“Public Library” means a library, which permits members of the public to use it for reference or borrowing without charging fee or subscription; (Section 2(e) of the Haryana Public Libraries Act, 1989)

“public library” means,—

(a) a library established and maintained by the State Government for the use of the public ;

(b) a library recognised by the Director for the purposes of grant-in-aid from the Library Fund; and

(c) any other library which the State Government by notification in the *Official Gazette* declares to be a public library for the purposes of this Act; (Section 2(xi) of Maharashtra Public Libraries Act, 1967)

Only Haryana's Act goes on to define book service and reference service, both intended towards only the traditional role of libraries, that related to availability of books and services to help procure books. From the detailed review of literature, it can be understood that a library is expected to provide a lot many more services than just books. It is considered to be the centre of information in whichever locality or community it is located, with the information being available in multiple forms and media. Here people come to get, share and produce knowledge and information. It's also the cultural centre and people often come here to practice their own culture and learn about other cultures. It is also a place where people come for learning and for civic engagement, and also to meet people. Libraries are also a place of social justice and inclusion. For a library to be able to perform all these functions, it has to be in an accessible place and well equipped, with the librarians trained and equipped to perform these roles and to reach out to people and help them connect with the library. Unfortunately, none of the legislations recognise this about public libraries, and they define libraries only in terms of book collections, reading, referencing and borrowing.

Recognising the diverse population that can potentially visit and use libraries, and the diverse services that they will require, will help better describe libraries and library services in the legislations too. This is what Krass et al. (2022) say about public library services in the IFLA-UNESCO Public Library Manifesto 2022.

The services of the public library are provided on the basis of equality of access for all, regardless of age, ethnicity, gender, religion, nationality, language, social status, and any

other characteristic. Specific services and materials must be provided for those users who cannot, for whatever reason, use the regular services and materials, for example linguistic minorities, people with disabilities, poor digital or computer skills, poor literacy abilities or people in hospital or prison. (pg. 1-2)

Currently, Directorates of Libraries in all three states are located within either the School Education Department or the Higher Education Department, which also limits the visions we have for the of scope of a public library's functions.

### ***Recommendations***

1. A research on library legislations from countries with well established public libraries systems should be conducted along with detailed study of standards and guidelines for libraries proposed by organisations like IFLA.
2. The legislations should redefine a public library. Instead of describing it from the perspective of a physical location with physical material, it should be defined from the perspective of the objectives it is intended to serve and the functions it is expected to perform.
3. The legislations should also redefine library services to include the multitude of services that a library should provide, keeping in perspective the needs of the diverse members that the libraries can be expected to serve.
4. Standards and guideline for public libraries should be developed at the national level, which could serve as guiding principles not just for individual libraries but also for library science courses and for developing a Library Curriculum Framework.
5. The legislations should decentralise decision making, to vest more power in the hands of the libraries and the local authorities, so that decisions are taken based on member needs, which the librarians are in a better position to identify than the government authorities at the state or district level, who are far removed from a village library.

## **Funding**

IFLA Public Library Service Guidelines recognises 2 main sources of library funding – primary sources like taxes or cess and government grants; and secondary sources like individual and organisational donations, sponsorships, and revenues from commercial activities, subscriptions fees and individual services in the library (Krass et al., 2022). In the review of literature, it was argued that public libraries shouldn't be funded by private organisations, nor should they be dependent on other private sources of funding. They are usually of a temporary nature and are often unreliable. It is especially difficult for smaller libraries to connect with private sources of financing and procure funds. Most importantly, losing their independence in return for procuring funds is a real risk for a public library. Individual donations cannot be a sufficient and consistent source of finance, and charging a subscription fee negates the argument and need for free libraries for all. This will be talked about in more detail in the next sub-section. So, it's the responsibility of the government to provide assured funding to the public libraries (Ranganathan, 1931), and so it's indispensable to make provisions for funding through primary sources in the legislation on libraries.

On this front, all the 3 states being studied do well. All the 3 state library legislations studied have different models for funding the public library system in their respective states, but all 3 are through funds for public spending. Tamil Nadu has a cess-based model, which means that the public library system in the state is funded through the cess levied by the Local Library Authorities. Maharashtra has a grant-based model, wherein the Act prescribes the minimum grant amount that the State Government must contribute to the State Library Fund. Haryana has a library cess levied by the local body at the district level and it also requires the government to contribute a grant to the State Library Fund.

A library tax or a library cess is a model that is widely implemented and considered to be an essential source of funding for public libraries. It being levied by the local authorities in Tamil Nadu also means that it allows for relative autonomy in how the funds are spent in the libraries. Since the enactment of the Act, the rate of cess has also been revised given the increment in the financial

requirements. Cess alone, however, may not be sufficient and totally reliable. For one, the amount of cess collected depends on the amount of tax collected, and not on the amount of money needed to meet the annual expenses of a library. Secondly, some Local Library Authorities, located in cities or other well-settled areas, will collect more cess than other Authorities, which may leave some of the authorities struggling for funds. In the erstwhile version of the Act, there was a clause that required the State Government to contribute an amount not less than the cess amount in each of the Library Fund. While that would significantly increase the amount of funds in each of the Library Funds, it would not ensure that the financial struggles of the poorer Funds would be alleviated, given that the Library Funds that collect little cess will also likely receive smaller grants from the government.

The Act now has a provision for a General Fund with sliding scale model for contributions from each of the Library Funds, which gives an additional security to all the Funds. That, however, may not be sufficient to meet all the additional expenditure or expansion requirements of the poorer Local Library Authorities, and moreover, that also reduces the State accountability towards ensuring finances for the State's Public Library system. The State Government does allocate funds for public libraries in its annual budget. In the year 2021-22, the estimated budget expenditure on public libraries in Tamil Nadu state was approximately 150 crores<sup>13</sup>. Tamil Nadu has 4640 public libraries in the state – this includes the state central libraries, district libraries and the smaller libraries like village and branch libraries, the other prison and hospital libraries not being counted here<sup>14</sup>. This means the average government grant per library in one year was approximately 3.23 lakhs, which is a very small amount. Moreover, without there being any provisions for government grants in the legislation, there is no guarantee that the same or more amount of grant will be allocated for public libraries in the future, if at all. There is also the concern that without adequate

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<sup>13</sup> Data retrieved from 'Estimates of the Amounts Required for Expenditure in 2022-23.

[https://www.tnbudget.tn.gov.in/tnweb\\_files/demands/d43.pdf](https://www.tnbudget.tn.gov.in/tnweb_files/demands/d43.pdf)

<sup>14</sup> This is as per the data on the website of the Directorate of Public Libraries, Tamil Nadu State.

<https://tamilnadupubliclibraries.org/about-the-directorate/>

systems in place, the cess money may not be remitted by the local authority, which is responsible for collecting the cess, to the Local Library Authorities, which maintain the Local Library Funds, as was observed in a 2010 media report (Karthikeyan, 2010).

The Maharashtra Public Libraries Act, 1967 has provision for only one source of consistent funds for the purpose of public libraries in Maharashtra, which is the grant made by the state government. While it is a good provision to require the Government to make a minimum annual contribution to the State Library Fund, the minimum amount the State Government is obliged to contribute to the State Library Fund is Rs. twenty-five lakh per year, which is a significantly small amount. As per a recent report, there has been no change in this clause of the Act (Khorakiwala et al., 2022). Notably, the estimated expenditure on public libraries in Maharashtra state in the year 2021-22 was more than Rs. 150 crores (Higher and Technical Education Department, Maharashtra Government, 2022), which is 600 times the minimum requirement in the Act. The Government grants for Public Libraries in Maharashtra were in the same range in the previous two years (Khorakiwala et al., 2022). Given that there are 12858 public libraries in the state, the average Government expenditure on one public library in the year 2021-22 amounts to a mere estimate of Rs. 1.17 lakh. The concern is that, without any legislative requirement to meet the increasing financial needs of the public libraries, and there being no other source of financing the public library system, there is little scope for infrastructural and resources improvement, or for adding new facilities and services, for example to meet digital information needs of the public, with the paltry funds allocated for public libraries. The legislation has no provision for a library cess. Moreover, the Library Fund in Maharashtra is maintained and managed at the State level, which means financial autonomy at the district and local level is minimal.

The model of dual mode of public funding like Haryana has – both cess-based and grant-based models – is the ideal funding provision in public library legislation. However, similar problems as discussed above are relevant in the context of Haryana Public Libraries Act. An additional concern is that the Haryana legislation does not specify the rate of cess to be collected nor the rate or the

minimum amount of grant that the State Government must contribute to the State Library Fund, which diminishes the financial responsibilities that the State should have towards its public library system and makes it a discretionary decision. The Act does say that the State contribution that that District Fund receives from the State Fund should match up to the cess amount collected in the district. But this means that the district fund remains dependent on the state fund to receive the money.

(2) There shall be credited into the State Library Fund—

(a) the amount provided by the State Government for development, improvement and maintenance of library service in the State;

(3) There shall be credited into a District Library Fund—

(a) 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; (Haryana Public Libraries Act, 1989)

There is no provision for assured transfer of funds to the Local Fund from either the District Fund or the State Fund. The only assured source of funds for the Local Fund is the cess collected in their jurisdiction. It is to be noted that all the funds collected through cess go to the Local Funds, and all the fixed State Government grants go to the State and District Funds. There is a lack of clarity on how funds are shared or extended as support to a local fund by the district fund, except through special grants.

(4) There shall be credited into a City, Town, Block or village Library fund –

(a) the amount raised as library cess within the limits of the city, town, block or village;

(b) any special grant that the District Library Committee may make for any purpose;

(c) the amount collected under the Town or Block Library rules;

(d) any amount received as gift, contribution or endowment for the development of libraries in the city, town, block or village;

(e) any loan that a city Library Committee may raise. (Haryana Public Libraries Act, 1989).

While all the three legislations studied have in the provision for additional funds through donations and special grants, they aren't assured and hence do not extend any financial security to the local authorities responsible for the libraries in their jurisdiction.

### ***Recommendations***

1. The Public Library Acts should have provisions for a dual public funding model for the public library system in the state, that is both a library cess and a fixed grant from the State Government.
  - a. The rate at which the library cess is to be collected should be clearly prescribed in the legislation.
  - b. The local authority responsible for maintaining and providing funds to the libraries should be the responsible authority for collecting the cess. Alternatively, clear and definite mechanisms should be prescribed in the legislations for a timely and assured transfer of cess money from the collecting authority to the Local Library Authority.
  - c. The minimum amount or rate of contribution should be clearly prescribed in the legislation, and the funds should be allocated in the annual budget of the state. For example, Goa Public Libraries Act, 1993 Government must allocate 1% of their annual budget for Education for promotion of the Public Libraries services in the state.
  - d. The Acts should have provisions for increasing the rate or amount of cess and grant, to account for inflation or the expanding the public library services and system.
2. Similar to Haryana's Libraries Act, there should be provision for Library Funds at three levels – State, District and City/Village/Block/Panchayat levels, with the following additional provisions.



- a. All three funds should be independently maintained by the respective Library Authorities or Committees to ensure autonomy.
- b. There should be provision for the State and the District funds to extend financial support to the poorer Local Funds.
- c. There should be provision for the State grant to be equitably distributed to the Funds at all three levels.
- d. Clear mechanisms should be laid down for transfer and share of funds at all three levels.

### **Subscription Fee**

Of the three legislations studied here, only Haryana's library Act has the provision for free libraries. It defines a public library as one "which permits members of the public to use it for reference or borrowing without charging fee or subscription." In the Statement of Objects and Reasons to the Act, it is also stated that one of the objectives of the Act is "to provide free library services and make them easily accessible to potential users irrespective of their qualification and age." Based on a visit to a Municipal library in Gurugram, it can be confirmed that at least at the local level, the clause of free library is being practiced in the public libraries. Unfortunately, this doesn't extend to the district libraries nor the State Central Library, which charge a membership fee based on the information on their websites<sup>15</sup>. Going by their own definition, it can be said that Haryana's State Central Library and the district libraries do not qualify as Public Libraries. Neither the Tamil Nadu Act nor the Maharashtra Act write about free libraries or have any provisions for it. Libraries in both the states are subscription libraries.

Ranganathan's First Law of Library Science – books are for use – depended on library services and book lending being free (Ranganathan, 1931). Sinha Committee in its 1959 report

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<sup>15</sup> Haryana's State Central Library, Ambala Cantt.: <http://www.statecetrallibraryambcantt.ac.in/>  
Haryana's District Library, Gurugram: <http://www.districtlibrarygurugram.ac.in/>

asserted that most of the libraries recognised as public libraries in India could not claim to be one, on account of being subscription libraries and not free (Ministry of Education Government of India, 1959). This is true even 60 years later. In 1986, the Chattopadhyaya Committee set up a mission for the Government to create a free Public Library system in India with its draft National Policy on Library and Information System (Committee on National Policy on Library and Information System Department of Culture, 1986). We are far behind on this mission. IFLA in its Public Library Manifesto 2022 clearly state that access to public libraries should be free of charge (Krass et al., 2022). In the review of literature, it was identified that there are many reasons related to social justice and inclusion for libraries and all their services to be available to all for free, and charging a subscription fee or caution deposit, by excluding large sections of the society, including children who usually have limited means to procure such funds, defeats this very important purpose of public libraries. By this explanation, two of the three legislations have failed to make provisions for libraries that enable cessation of social injustice, and all three states have failed to do so through the public libraries in their states.

### ***Recommendations***

1. All library legislations in their preliminary chapters, should clearly define a public library as one which is free for all, and provides library services to everyone without charging a subscription or membership fee, late fine, caution or security deposit, or any other kind of cost.
2. The legislation should have a section on free public libraries, stating that no library shall charge any kind of fee or fine to anyone wishing to use the library or its services, or to become a member of the library.
3. A National Policy on Libraries should explicate the reasons behind the requirement for public libraries to be free, emphasising the role of public libraries in serving the purpose of justice and inclusion.

**Inclusivity**

A Public Library is meant to be the information centre for all the people in the locality it is located in, where people frequent to access knowledge and information that is readily available to everyone (Krass et al., 2022), and which has its doors open for all the people, regardless of their caste, gender or any other identity (Ministry of Education Government of India, 1959). As Ranganathan (n.d.) wrote in his book, books are for all and every book has its readers. Thus, libraries are places of social inclusion, and to practice inclusion, it must first recognise who has been excluded and what it means to make libraries accessible to everyone, including those who have been socially excluded from intellectual public spaces like libraries. Unfortunately, none of the three legislations studied the Act recognise the diverse population that could potentially use the public libraries, and there seems to be no provision to serve their diverse needs, neither in terms of the collection of books, nor in terms of the facilities and programs provided to aid socially excluded groups to use public libraries.

First, the scope of what libraries can and must do is limited by multiple factors, as is evident from the legislations. They are typically governed by a directorate which is housed within either the school education department or the higher education department, limiting the imagination for its purpose to formal education. Secondly, beyond book and reference services, the legislations do not describe any other kind of services that the library must provide, apart from the occasional function of organising lectures and seminars. Thirdly, the book procurement authority is rested with either a state level or a district level committee, far removed from the library located in a remote village and the people visiting the library. This makes them ill-equipped to serve the needs of the people by building a collection of books that they require, which also represents them and their life and historical experiences. Fourthly, the Acts have no provision for making libraries accessible to those who aren't educated or already recognised as readers, or those who have historically been denied the right to read and go to school because of their caste or gender, and may need a lot of support to enter the library and then to use it, or those who because of a physical, mental or emotional

disability are unable to access the library. It is important here to note that accessibility for people who have been socially excluded for any reason cannot just be created by modifying the physical infrastructure or by providing in the library books and resources that they are able to access; it also requires an active effort on the part of the librarian to reach out to them and connect them with the library, and for the librarians to be sensitive to their needs and realities. Lastly, two of the laws do not provide for free libraries for all. When libraries are not free, it essentially means that the public library system, created using public funds, is only for those who can afford to pay their way inside the library. Thus, not being free, the public libraries in all three states are exclusionary.

All three states have tribal communities and/or a large Dalit-Bahujan population, making up more than 20% of the population in each state, which implies a diversity of cultures, histories and languages. In Maharashtra, for example, the official Marathi is not the only language spoken in the state. Apart from many variations of the Marathi language, there are also tribal and other regional languages spoken in the state of Maharashtra. Schools are often ill-equipped, and also unwilling, to accommodate linguistic and cultural diversity that is an integral reality of the state (Shrinivasan, 2009). It is important to consider if the Act is designed for all these students who have been excluded within the classroom, for example? In any situation, public libraries should and can serve as places that cater to people of diverse linguistic, cultural and social backgrounds. Describing Public Libraries in the law as libraries open to all public, does not compensate for the need to recognise and reject social exclusion and injustice by law.

### ***Recommendations***

1. All library legislations should clearly state that it welcomes people of all caste, class, religion, gender, sexual orientation, linguistic identity, nationality and any other identity within its premises and to use the services offered by the libraries.
2. It should make provisions for a strict anti-discriminatory policy to ensure that the libraries remain safe spaces for everyone and no one experiences discriminatory remarks or conduct from the librarians or another patron.

3. The librarians should actively reach out to the people in the neighbourhood of the library to bring them to the library and help them take membership and connect with the place and its services.
4. Each library, apart from a collection of standard books, should have books that cater to the membership of the library. Thus, the Act should decentralise the book selection and procurement process.
5. The library sciences course and librarian trainings should address the question of diversity, access and inclusion, and there should be provisions for the same in the Act.
6. The Act should make way for a Library Curriculum Framework, that gives guidelines on the various kinds of programs, facilities and pedagogies that can be adopted in the libraries to cater to the diverse membership. The librarians should be equipped to be able to adapt the curricular framework based on their library's requirements and then to implement them.

### **Independence**

The three state library legislations studied here represent very centralised and bureaucratic systems of governance for their respective public library systems. Of the three, Tamil Nadu gives the impression of being more decentralised by authorising the Local Library Authority to identify the need for and establish new public libraries within their jurisdiction. In both Haryana and Maharashtra, this authority is vested in the Director at the State level. Similarly, in these two states all the movable and immovable property is vested in the state authority, unlike in Tamil Nadu where it is vested in the Local Library Authority. This would make implementing any infrastructural changes big or small, a cumbersome process of acquiring multiple permissions. But in most other matters, the decision-making authority is centralised at the state level. For instance, both Haryana and Maharashtra have state level book committees that approve any books that are procured for any public library in the state, while Tamil Nadu, in the Act, prescribes what kind of books can and

cannot make their way into the library. Similarly, all three state laws clearly state that the state level Directors have the authority to conduct inspections at any time. Moreover, the Acts do not define any minimum standards that the libraries must adhere to, leaving the scope of inspection arbitrary and to the discretion of the Director, further undermining the authority and autonomy of the local level authorities and the librarians.

It is worth noting, that the advisory and decision-making bodies in all the three States, at the State, the District and the local level are very bureaucratic with limited representation from the librarians and no representation from the public or the membership, who as the primary users of the libraries will have the most insights as to plans and actions in the libraries. Maharashtra has the additional concern of a very centralised funding system, where the local authorities are completely reliant on the State Government for funds. In case of Tamil Nadu and Haryana this is addressed by authorising the Local Library Authorities to levy cess, and thus creating for them a direct source of funding.

Overall, whatever decision-making powers the local authorities have are severely diluted by making clear provisions in the law that make it easy for the State authorities to overrule any decision made at the city, village, block or even district level. This, of course undermines what has been already been identified in this paper as a indispensable feature of a public library – that they are independent of any government or private interference in their operations, to ensure they have no political, social or religious bias impacting them.

### ***Recommendations***

1. The Act should prescribe for a centralised decision-making system with the maximum powers in the hands of the local authority and the libraries themselves, so they can make unhindered decision about which books they need, what facilities to provide, what are the needs of the members that the library must cater to etc.

2. There should be more autonomy for the libraries to make their own annual budget and submit to the Local Library Authorities, and more authority and autonomy in spending the monies as is needed for the purpose of the day-to-day operations of the library.
3. The role of State Government and the State Level Committees should be limited in the public library system to ensuring funds for the libraries, helping local authorities access funds and helping connect with other organisations like the publishers.
4. The Act should also scrap the clause on inspections and instead introduce minimum standards and guidelines to attain them, to ensure quality of library services in the state.
5. The decision-making bodies at the local and library level should have strong and independent representations from the public or library membership, and the same should prescribed in the legislation.
6. The Book selection process should be decentralised at the library level, wherein each library decides for themselves which books are needed for their libraries, taking into consideration the needs and demands of the membership, with a central system or portal to place easy orders for books for all the libraries.
  - a. None of the committees or bodies at the local, district or state level should have the authority to approve or reject the books to be procured for the public libraries.
  - b. The central system or portal should be free of any censorship for the books to be purchased.
  - c. The Acts shouldn't prescribe any limitations or restrictions in terms of what kinds of books can be purchased.

### **Digital Library Access and Services**

None of the three library legislations have provision for digital library access and services, given that all three legislations pre-date the advent of wide-scale use of internet and digital

technology in India. Unfortunately, despite inclusion of new sections through amendments to the legislations, clauses on digital access weren't added in any of these. So, evidently, there is no provision for free wi-fi or internet and device services for public use, a common practice in libraries across the globe. Providing free access to digital technology and resources, and through it access to information, is a means to create more equitable opportunities to participate in the democratic society (Krass et al., 2022).

True access happens not just when there is availability of digital resources but also the means to use them. This makes it the library's responsibility to provide learning opportunities, workshops and guidance on digital access for all its patrons, and there has to be provision for the same in the legislation, to ensure that the scope of public libraries is not limited to availability of books and devices. The task to reduce the already very wide digital gap, and the resultant access to information, will be near impossible to achieve without such learning spaces and opportunities.

While the Acts do not yet have the provision for digital libraries, all the three states have their versions of it<sup>16</sup>. On the positive side, all three of these digital libraries are open source, that is anyone can access and use them. They don't even have any log-in requirements. They are, though, all housed in the websites of the directorate of libraries of the respective states, and in appearance do not look welcoming, attractive and like libraries. The organisation of content is not categorised and thus, not very easy to navigate or browse books. The digital library of Tamil Nadu has the option to browse content by author, title, date and subject, and also a search bar. Though that makes it easier to use, it still isn't a very pleasant browsing experience. Haryana and Maharashtra's digital libraries mostly provide links to external digital resources, which are not very easy to navigate. Maharashtra's digital library only has Marathi content. There is no information on what resources are available on any of these links, and no description of the external links on the websites.

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<sup>16</sup> Tamil Nadu: <http://117.239.65.2:8080/dpl/>  
Haryana: <https://library.highereduhry.ac.in/ImportantLinks>  
Maharashtra: <https://dol.maharashtra.gov.in/en/digilib>



Moreover, there is no information on whether the government is actively working on digitising more resources, and which resources do they digitise. There doesn't seem to be any provision for the public to express their digital resource and access requirements.

### ***Recommendations***

1. As an immediate measure, all the Acts must be reviewed and amended to add sections on digital library services, resources and access.
  - a. Provisions for digital resources and access should be made taking into consideration diverse needs of people, especially people with print and other disabilities, and those who cannot read.
  - b. The Act should also make it mandatory for all public libraries to provide free access to wi-fi/internet services and digital devices.
  - c. The description of library services should expand to include digital services, and guidance and learning programs for anyone who needs support to access digital resources and services.
2. Increased financial allocations should be made to allow libraries to provide updated digital technology resources for all their patrons.
3. The Library Curriculum Framework proposed in the previous sub-section should include a chapter on digital access and services, with support training support for the librarians to adapt and implement a digital library curriculum in their respective libraries.
4. Instead of creating separate digital libraries for each state, there should be one single digital library with provisions to include content relevant for everyone. This will allow for a much bigger and resourceful digital library and a more efficient system for digitization of content. The digital library should also provide access to digital resources, magazines and academic journals.

### Conclusion

This paper studied in detail three State Public Libraries Legislations in India – Tamil Nadu, Haryana and Maharashtra – analysing and comparing them across 6 parameters. The parameters include 1) how the legislations define public libraries and library services, 2) what are the sources of funding and if the libraries are sufficiently funded through public funds, 3) do the legislations ensure that the public libraries and their services are available to all the public free of cost or if they provide for subscription libraries as part of the public library system in the respective states, 4) do the legislations recognise public libraries as places for social justice and make provisions for the public libraries to be inclusive spaces, 5) do the legislations provide for the public library system to be autonomous and independent of government and private interference in their daily services, to allow them to function free of political, religious and social bias, and 6) do the legislations recognise the need to expand library services and facilities to include digital services and facilities, to provide for the members' need and necessity for access to digital information and resources.

Each of the three legislations have some characteristics about them that make them different from the other two, and certainly some positive points to take away. The Tamil Nadu Act, for instance, provides for a relatively decentralised system by authorising the Local Library Authorities to levy tax and to have legal rights over all movable and immovable property used for public library purposes, in contrast to the other two states where all property is vested in the State Government. The Haryana Act defines the public library as free of charge for everyone, and has a dual model of funding through library cess and government grants, giving relatively more financial stability to the public libraries in the public libraries in the state, unlike the other two state legislations.

There are, however, some glaring gaps in all three state legislations. 1) All three legislations have provisions for largely traditional library services only, i.e., for book referencing, reading and borrowing. This limits the scope of public libraries, which is also evident from the definition of public libraries and the description of the services they provide, in the legislations. 2) Despite multiple

amendments to all three legislations since their enactment, there have been made no provisions for digital library services, resources and facilities, severely hampering the purpose of digital access that public libraries are supposed to serve. 3) There are limited provisions for public library funding in all the three legislations, with little security for consistency and overall being insufficient for even the existing libraries to have a good collection of resources and provide basic library services. 4) Two out three legislations do not make provisions for the public libraries to be available to public free of cost. The third legislation that does make this provision, has public libraries in the state that are subscription libraries as was learnt from their websites. 5) The legislations do not present public libraries as inclusive spaces where people with diverse backgrounds and identities visit, and where social justice is exercised and promoted. 6) Decision-making and book procurement is highly centralised and bureaucratised in all three legislations, taking away the autonomy of public libraries and undermining the need for them to function independent of government and private forces.

From these findings it can be concluded that the legislations conceptualise public libraries are government institutions that serve limited people only – those who are students or already know how to read, and have the privilege to visit libraries for studying or reading, and thus the legislations recognise the need for libraries to serve them with mostly book services only. The legislations fail to see public libraries as what S.R. Ranganathan called 'growing organisms'. Of course, there are limitations to this study. Only 3 legislations were analysed across 6 parameters, and no libraries were visited to evaluate how the legislations are being implemented in the field. So, there is scope for studying the other state legislations and also to study legislations from other countries, and to visit public libraries in different states and at different levels to gain insights that either corroborate the findings from this research or reject them.

Meanwhile, there is an urgent need to advocate for new and/or revised public library legislations in all states, a national policy on public libraries and a library curriculum framework, and for the government to make serious efforts to produce them. When it does happen (Tamil Nadu is already revising their library legislation), it's imperative that the people responsible for drafting the

legislations and policies on public libraries overhaul their traditional conceptualisation of public libraries and understand them from the community and social justice lens, and the same should be reflected in the legislations and the policies.

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