

Library Legislation Building in the Context of Nepal: An Exploratory Study

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Abstract

The libraries established so far are suffering from various issues in their operational functions due to the absence of national library legislation. This article explores the present status of library law and the consequences of the absence of a library act in Nepal and thereby stresses the importance of the library legislation for the smooth and proper functioning of the libraries in Nepal. The libraries are rapidly increasing in number but are failing to provide the basic standards of library services to their users. There is no national legislation that defines responsibilities, structure of authorities, proper guidelines for the establishment, functioning, sustainable funding, and maintenance of libraries. The primary data were collected through face-to-face narrative interviews with purposively selected library professionals while the concerned government documents and journal articles were used as secondary data. The findings show that thorough revision, modification and implementation of the existing library policy and directives are a must to form a national level umbrella act. The promulgation of a national act through adequate lobbying, continued advocacy, and a joint effort of the library institutions and professionals is essential to address these problems.

Keywords: libraries, library legislation, library act, library policy, directives

Introduction

Traditional libraries were focused on the preservation and conservation of information sources rather than the dissemination of information. But modern libraries serve as reservation centers of retrospective and nascent information, and serve a large circle of users. The libraries collect, organize, process, disseminate and preserve information and its sources for the future purpose. It provides a basic condition for lifelong learning, independent decision-making, and cultural maturation of the people of the society. Based on the functions and services they provide, libraries in society are classified into different categories such as national library, public library and so on. Among them, public libraries are the most suitable agencies that offer all the necessities to address the needs of the general people of a society at large. It is considered the pool and reservoir of information and knowledge derived from different parts of society. Public library is the local centre of information that makes all kinds of knowledge and information freely available to its patrons (IFLA/UNESCO, 1994). Its services are provided based on equality of access for all, regardless of age, race, sex, religion, nationality, language, or social status. Irrespective of the types, functions, and services, they require an organized and sound administrative management system. Thus, to run the libraries in an organized and systematic manner, the formulation of a national umbrella act is necessary.

Library legislation plays an important agent for fostering peace, education, culture, and information. It provides the guidelines to smooth the function of libraries with standards of mechanism. The library legislation provides the legal basis for all the libraries at the central, provincial, and local levels. It defines a structure of authority, responsibilities, and means of funding for the smooth functioning and sustainability of those libraries.

Legislation lays down the instructions to governmental personnel to properly discharge each of the functions of the government. It does not only provide powers and functions but also sets limits and obligations (Mittal, 1971). Hence, it is the act of preparing and enacting laws by the local, states or national legislatures and is useful in providing a framework for governmental action. It forms the foundation for the national standards and guidelines to responsible authorities in carrying out their functions efficiently. Legislation obliges the library authority to deliver effective library services is preferred for the proper development of this arena. It is necessary to incorporate into a national or local public library system that helps to provide an equal opportunity to all the citizens to make optimum use of the services (Gardner, 1971). It also helps to set national standards for the establishment, development, and sustainability of libraries along with the adoption of modern Information Communication Technology (ICT) in libraries.

Gardner (1971) stressed that developing countries need public library legislation and a system of public libraries based on it. The fundamental purpose should be to create, by legislative action, a secure foundation for a nationwide public library system, available to all and which provides equal access and opportunity for all. Craig (1917) has contended that public libraries secure one of the effective means of enlightening the people and it should be recognized by the law-making body of every state as well as urge the necessity for the early extension to every unit of society. Dangol (1984) also wrote that library legislation is quite important for the establishment, development and maintenance of public libraries in a state. Thus, national level legislation is required that sets out opportunities and resources for the growth of library service.

The first Public Libraries Act was passed in England in 1850, despite considerable opposition, which underwent subsequent amendments. Finally, it was passed by the British Government entitled as "British Library Act" in 1972 which came into operation in 1973. In 1876, America became the first country to enact the law for the establishment of libraries. Japan, in 1899, became the first Asian country whereas India made attempts at the national level in 1930. The history of library development in Nepal can be traced only after the unification of the country by the King Prithvi Narayan Shah. Adhikari (2016) explained that the credit for the initiation of the collection of

manuscripts goes to King Prithvi Narayan Shah as he, after the unification of Nepal, gathered all manuscripts and documents from the conquered states and developed a collection at Hanumandhoka Durbar. Girban Yuddha Bikram Shah promulgated the royal ordinance and named the collection 'Pustak Chitai Tahabil on Bhadra 15, 1869. With the passage of time, the collection has been transported to different places and is currently housed as National Archive at Ram Shahpath, under the Archeology Department.

Despite having a history of more than two hundred years, the country has not been able to deliver a national legal document in the form of legislation. The very sector lacks a proper system that governs various aspects as authority, structure, finance, recruitment of resources, etc. and has numerous challenges to encounter (Regional Education Directorate, 2014). A study report also manifests the problems such as lack of skilled and trained human resources as well as physical infrastructure, poor library management system, negligence of the government in prioritizing the library service, etc.

Till the date, the Government of Nepal has made a provision in the constitution of Nepal 2072 BS. Part 3, Article 27, and Article 31 have assured the right to information and the right relating to education respectively whereas Part 4, Article 51 (h: 4) states the policies relating to the basic needs of the citizens to establish and promote community information centers and libraries for the personality development of the citizens. While this research had been carried out, the government had included the provision of strategies and working policies in the 15th plan, endorsed Library and Information Service Policy 2064 BS, and Library and Information Management Directive, 2069 BS and has taken initiatives as establishment of Library Coordination and Documentation Section, under the Ministry of Education, Science and Technology, the celebration of Library Day since 2008 AD, the establishment of community learning centers, the allocation of library budget in local bodies, the organization of various conferences, etc. Different committees were formed to prepare the draft report for national book policy, library master plan, and library automation.

The National planning of the country has significantly indicated the importance of well managed library and learning corners in each academic institution to develop the teaching-learning process and establishment and operation of a central data centre to support studies and research with opportunities brought by ICT and an e-library had been assured in the plan. To implement such plan, the library legislation could lead to the right pathway.

A master plan was prepared and submitted to the ministry to establish the library as a separate entity in itself for the first time in Nepal but it is not implemented. Senior librarian Indira Dali, the coordinator of the library master plan committee for the Nepal National Library and the library digitization and automation committee, formed in 2016 by the Ministry of Education, Science and Technology to develop the library system and library services in Nepal reported that the libraries are fundamental for the development of Nepal but the Government of Nepal neglected the public outcry and did not value an institution like the library (Bajracharya, 2020).

Besides, the library professionals frequently proposed the draft namely 'Nepal Library Act' and are consistently carrying out library-related activities as lobbying, advocating, and creating awareness and promoting libraries in Nepal. A nine-member committee was formed under the coordination of Dasharath Thapa, the chief of Nepal National Library that submitted the draft policy to the Ministry of Education and Sports which had been revised with suggestions from the Ministry of Information and Communications and endorsed by a ministerial-level meeting. Kshetry (2007) reported how policy support for the registration, and standard library framework in Nepal.

Method

This study adopted a qualitative method and interviewed key informants from the library sector of Nepal. The data were collected through face-to-face conversations using an unstructured interview schedule. The former and present presidents of NLA, Nepali library professionals serving as the

under-secretary and officers in the libraries of the Government of Nepal were the key informants for this study. The available literature, such as governmental documents, journals and articles of Nepali librarians and authorities were also analyzed to gather the data. The key informants were chosen as per accessibility, as per the interviewee's time and space.

Discussion and Findings

Need for a provision of library legislation

Library legislation plays a vital role in the development of libraries in any country. It acts as a legal document that regulates the systematic functioning and development of libraries and librarians as a whole. Despite having the 200 years of history of the establishment and promulgation of the royal ordinance, Nepal lacks the national library legislation that lays down the standard for the establishment, management, development and sustainability of the libraries. It is the principal document that guides and governs all kinds of libraries.

Since Nepal is a developing country, people in the remote areas cannot have easy access to formal education. Thus, public libraries support and work as the backbone of education to fulfill the requirement of distance learning and play the role of the open/public universities to support informal education. They provide self-learning environment and strengthen social development. They provide a platform for the proper utilization of leisure time and promote the knowledge base, critical thinking and decision-making ability of the people. They are considered as the part of cultural maturation. Thus, to endow the libraries with more power and services and to promote the libraries and librarianship in Nepal, the enactment of library legislation is necessary.

Because of the absence of the National Library Act in the country, all the libraries are established and function as per their own individual rules. The libraries are operated by the majority of the untrained and semi-professionals. The endorsement of national library act provides a common standard for the establishment and proper management of the libraries along with the recruitment of resources and financial support from the local, provincial and central government on the basis of the services they deliver.

All the key informants of the interview admitted that the Act paves the foundation for the establishment of new libraries, organization and management of existing libraries along with their systematic and sustainable development. It also declares certain criteria regarding the resources i.e. collection, building, human resources, and infrastructure as well as a provision for regular budget for the sustainability of the libraries. The public library legislation not only addresses the issues of the public libraries only but also incorporates all the libraries and their issues into one. The national act outlines the responsible authorities, their duties and responsibilities, and power and accountability in the development of librarianship in all three levels of the government.

Exploration of the present status of library law

While inquiring about the present status of the library law, it was explored that no laws or by-laws were formed and passed at the national, provincial or central level. The proposed drafts submitted by the library professionals were not documented and recorded. The draft prepared was known to very few library professionals. A copy of the library guidelines was formed in 2055/56. Respondent 4 (Personal Communication, 2022) recalled that with the joint effort and massive push, the library component received its parts in the Constitution of Nepal and thus, pushing, petitioning and lobbying are a must in this respect. As per the constitutional arrangement, the Ministry of Education, Science and Technology is accountable for the enactment of the very legislation at the national level and provincial and local government in the provincial and local level respectively. To date, the government of Nepal has included library issues in government plans and policies. However, it was manifested that the library legislation was never in preference. Just after the 17th Library Day, the

Ministry has initiated to draft the theoretical background to prepare the national library bill.

Though the government lacks a systematic way of library development, it has taken few initiatives in this sector. The Government of Nepal has established Library Coordination and Documentation Section which has been endowed with the responsibility to handle the library related issues.

It was discovered that the coordination section of the Ministry of Education, Science and Technology has postponed for library bill, was engaged in finalizing the national book policy, education act and depository act as these included the provisions for the libraries and would form a legal basis. By now, the draft of the National Book Policy, 2081 has been prepared. The extension of the library policy is expected to facilitate the promotion of literacy and continuing education and help in the management of established libraries, establishment of new ones, effective service delivery and recruitment of skilled human resources as well. The very Policy enumerates few library-related strategies as: to establish well-organized National Depository and Book Bank to store and preserve the documents, to create an environment for the optimum use of the library through development and diversification and to conduct program for enhancing the capacity of library related individuals and organizations. All the key informants admitted that all the institutions and associations as well as professionals and stakeholders working in library sector need to come together and raise their voice to face the challenges in the enactment of the law.

Analysis of the consequences of the lack of library legislation

Since no effort has been made for the endorsement of library legislation at present, various adverse impacts are present in this arena. The libraries are undergoing numerous issues since their establishment i.e. pre-womb. They are establishing randomly, managed haphazardly according to their own rule and get lapsed in the absence of secure and regular budget. The consequences of the lack of library legislation are analyzed with due focus on structure, authority and funding. They suffered in terms of adequate library budget, trained and skilled professional human resources and motivation factors, infrastructures, resources, management, etc. The mere source of income is the fund collected through membership and fines while some receive minimal grants depending on the political access. The recruitment of non/semi-professionals has resulted to ineffective service delivery that ultimately decreases the library's reputation.

The respondents revealed numerous issues being encountered from the establishment to the sustainability of the libraries. This sector not only lacks skilled human resources but also lacks vigorous research in parallel. The personnel involved in this arena not only report it to be pathetic but also find the process discouraging. The libraries lack standard and consistent service as promotional activities, collection development, reference service, etc. The structure and line of authority are also vague. It was manifested that the lack of legislation freed the government from its responsibilities of governing and funding the public libraries as well as other types of libraries. Respondent 4 claimed that 'there are no norms at all in the library field which spell out clearly that education or any other library should have at least fulfilled certain requirements'. There is lack of high-level body responsible to the library field.

Respondent 5 also explored that the 'Library Management Committee and the Executive Committee of a library are overlapping in their activities and the local government funding is on ad-hoc basis along with the lack of monitoring and evaluation. The library activity is considered the part of education not an entity'. The Nepal Library Association (NLA) was not renewed for years. However, the newly elected Committee of NLA in the leadership of Chair Pushparaj Subedi has been carrying out different activities such as renewing IFLA membership, conducting library training and webinars series, continuing publication of 'Access: an international journal of Nepal Library Association', formation of Provincial Committee, developing NLA Digital Library and newly designed website, etc. The apex library

'Nepal National Library' (NNL) is deprived of different functions that are to be performed by it. It has failed to act as a national agency for issuing International Standard Book Number (ISBN) and copyright, publishing Nepal National Bibliography (NNB), etc. as per the international practice.

Importance of library legislation in the development of libraries and library professionals in Nepal

Despite the fact that library legislation is essential to address the library issues discussed above, there are certain issues such as lack of library fraternity, cohesion among library professionals, influence of political instability, inadequate and inconsistent forceful advocacy and lobbying, low attention of stakeholders, changing priority of the government and library professionals, associations and coordination section, lack of reading habit and public awareness, lack of motivation in library professionals, absence of library professionals in the policy-making level, inadequate authority for proper functioning and evasion of library staffs in delivering the quality and effective service are some of the contributing factors for the absence of library legislation in Nepal till the date. Respondent 3 mentioned 'lack of leadership and teamwork' as an obstacle for the enactment process. Most of the professionals believed that the enactment is the sole responsibility of the coordination section, under the government. Respondent 6 defended the view as the enactment of law demanded a series of consultation and modification, continuity and approval from the experts and other stakeholders as well. The draft has to encounter number of rejection from the cabinet. It is possible only through a collective joint effort of all the library professionals. Respondent 4 insisted that 'continued advocacy with concerned places, pressing force on the parliamentarians and pushing the file through upper channels should be an untiring work' for the associations and professionals.

The enactment of the library legislation brings drastic changes such as stability in the establishment and functioning of libraries, formation of hierarchical structure with line of authority and provision for regular budget. Respondent 4 mentioned 'the enactment would open the door to work in a system'. Respondent 5 claimed that the new legislation would provide a common guideline and standard for the establishment, management, operation of public and community libraries, services to be rendered, a clear demarcation of roles, responsibilities and accountability of library Management Committee/Executive Committee of the library at the local level whereas it would ensure regular funding based on the performance and monitoring of the libraries and prepare a national database of the libraries.

Gardner (1971) too claimed that he has not found any example of a country which has successful, effective and nationwide public library service without a foundation and encouragement in general law. He believed that it is only through legislation that can empower the appropriate authorities, provide the service and ensure enough financial support and efficient administration according to a national standard, and only legislation can define the functions of providing authority, create conditions for the fulfillment of those functions and ensure development. Thus, the mandatory enactment of library legislation is necessary to execute the library policy, directives and plans in action.

Conclusion

This study is intended to analyze current status about the library legislation in Nepal. The libraries are set up without legal guidelines and are shut down within a short span of operation. The library law is necessary to express and implement the government plans, policies and strategies in action. The national law provides a structure of authority, guidelines for library functions, defines responsibilities and delegates power. All the stakeholders, for instance library professionals, library associations are therefore, summoned to put their joint effort for advocacies and lobbying to endorse the national library legislation.

A novel draft of library legislation should be prepared with discussion with the team of experts in a national-level conference and passed by the parliament. The political representatives, governmental authorities, library professionals, must join the project of drafting the library legislation and support the coordination section in enacting the legislation. It must be accompanied by supporting laws and by-laws related to library system of Nepal.

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