

## NATIONAL LIBRARY DEVELOPMENT AND LEGISLATION IN SRI LANKA : A REVIEW

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### Abstract

The paper traces briefly the historical development of libraries and library services in Sri Lanka in the modern period the origins of which go back to the early 19th century. For this purpose the growth and development of the more important libraries, their objects and functions and the services undertaken by them have been outlined. The growth of the system as separate entities, public special, government departmental, academic and national, responding to socio-economic stimuli and community needs have been commented on. The unplanned growth of the system as individual libraries each functioning as a part of the parent organisation to which it is attached, catering principally and responding to the needs of the parent organisation, which have made it difficult to bring them together under a single umbrella organisation have also been outlined. Some of these individual units have been established by statute and have statutory powers enabling them to undertake the collection and services which have given them the status to perform National Library Services. The provisions of the National Library Services Board legislation and its limitations in the above context and the amendments necessary to the Act in order to effectively discharge the role and function devolving on a National Library Services have been discussed.

Libraries, research and learning have been a part of Sri Lanka's heritage with records that date as far back as the 3rd century BC. It was the introduction of Buddhism in this century with its far reaching civilizing influence that laid the foundation of Sri Lanka's culture and literary traditions. By the first century BC Buddhist religious texts and commentaries were being written down by monks, as in the West in a later era, the monasteries were the repositories of learning and the depositories for religious texts. Thus for centuries continuous literary activity greatly influenced by Buddhism were a part of the life and times of the people of Sri Lanka. There is evidence of ancient kings who had encouraged the development of literature by providing royal patronage, and of temple libraries 'pothguls' which contained religious and secular works, many of which

have been destroyed during the many invasions and conquests and internal turmoil and strife that took place in the course of history. Not much research has been done as to the organisation or forms in which these libraries had developed and operated.

The beginnings of the system of libraries now prevailing in the country could be traced back to the British occupation of the Island at the turn of the 18th century. Records indicate that the British administration had catered to the literary needs of the English speaking people by establishing libraries very early in their period of administration. The first library so established was the United Services Library in 1813 in Colombo. The development of these libraries was an outcome of the need to document and maintain records pertaining to the judicial and civil administration of the country.

### **Historical Overview of Library Development**

An overview of the history of the major libraries that perform National Library functions and which therefore complement national library development is necessary for understanding the trends in library development and the effect that library related legislation has had on the establishment and development of a National Library in the country.

#### **Colombo Public Library**

The forerunner of the present Colombo Public Library was the United Services Library which was established in 1813 in Colombo. The library services provided to the city of Colombo was strengthened when it merged in 1874 with the Colombo Library which had been established in 1824. The next step was, the amalgamation in 1925 of the Colombo Library with the Pettah Library (which had been established as the first subscription library in 1829) to form the present Colombo Public Library. Thus the Colombo Public Library becoming heir to one of the oldest collections had a headstart in performing some of the functions of a national library, such as acquiring a comprehensive collection of world literature and preserving a national collection, there by undertaking the function of providing a base for an encyclopaedic collection, which could be used by the nation as a whole. Corea (1975)

#### **National Museum Library**

Another library which is closely associated with national library service development is that of the National Museum Library of Sri Lanka, which was established in 1877. The idea of setting up a library at the Colombo Museum was that of the Governor Sir William Gregory, he refers to the National Museum library in his speech to the Legislative Council on January 15, 1873 to quote 'I trust to form a library which shall be open to every man who is respectable for the purpose of study. It will not be I am sorry to say like the British Museum

containing books on every conceivable subject, but it will be composed of many useful books as our means will allow. I believe it will become a place of study and that it will be found in it a large and valuable supply of works of references relating to the Island..." The National Museum library began its life with the transference of the books of the Government Oriental Library which had been established in 1870 and the books belonging to the Royal Asiatic Society (Ceylon Branch). But the Royal Asiatic collection was moved out of the Museum in 1942 and has had a separate existence since then splitting up a valuable heritage. The Library developed its status and leadership in performing national library information service functions when it became the first legal deposit library in Sri Lanka under the Printers and Publishers Ordinance No. 1 of 1885. This gave it the advantage of having legislative rights to one copy of all printed material published in Sri Lanka. That a valuable collection accumulated in this library is therefore a foregone conclusion.

The collection has grown through the years and special attention has been paid to obtaining material on Sri Lanka, 'Orientalia' and the natural sciences, specially zoology. It has also acquired a non-book collection of ola leaf manuscripts written in Sinhala, Pali, Sanskrit and Burmese, which collection boasts of ola manuscripts dating back to the 13th Century. It has also obtained a collection of Sinhala periodicals and newspapers dating back to the second Sinhala journal, the 'Lanka Nidhana' published in Sri Lanka in 1840. The holdings of the library has grown with donations and purchases from private collections. The exchange programmes instituted since 1944 whereby the Journal of the Museum 'Spolia Zeylonica' is being exchanged for scientific journal literature has greatly helped in increasing its foreign acquisitions.

To the National Museum library belongs the credit of inculcating the tradition of issuing publications, and printed catalogues and indexes, providing basic tools for research. This brief summary of the National Museum library lays bare her position of supremacy as a premier research library for material on Sri Lanka. She has as a matter of policy collected the indigenous output of the country and also concentrated in acquiring world literature on Arts, Humanities and the Natural Sciences and now boasts of an accessioned collection of over 600,000 publications. Final Report ... (1959) Karunanayake (1980)

### **The National Archives**

The state papers of the country are preserved by the Department of National Archives. The ancient kings of Sri Lanka had their archives and keepers of records, but though there is reference to such documentation in historical sources no comprehensive collection has so far been traced. There is evidence that palace archives did exist during the Kandyan Period which records were largely engraved on copper plates or on ola leaves. Knox (1818). Unfortunately these

archives of the Sinhala kings had been dispersed at the time the British invaded Kandy in 1815 to prevent their falling into enemy hands. Thus a valuable and comprehensive archival collection pertaining to the period of the Sinhalese Kings were lost.

State papers on the Portuguese period 1505-1656 had been collected by the Portuguese, but unfortunately they had been destroyed by the then administrator to embarrass the Dutch by depriving them of information required for efficient administration. Thus an official collection of information on this period is not found in Sri Lanka and has to be obtained from the Archives at Lisbon. The National Archives has a collection of state documents dating back to the 17th Century containing records of the country under Dutch occupation. The Dutch who ruled the maritime areas had taken pains to collect and preserve official documents methodically and by the end of the 18th Century they had collected various groups of archives - Land Registers, secretariat papers of each administrative centre, scholaral papers, the parish registers or School Thombus which contained information on births, deaths and marriages and attendance at the village schools.

The British who conquered the maritime province from the Dutch in 1796 had in Clause 4 of the Articles of Capitulation stated that "all public papers should be faithfully delivered over." But a few of the Dutch officials had destroyed the archives they were in charge of, such as the Archives of Tangalle, Batticaloa, Chilaw, Trincomalee and Jaffna before the articles were signed. Yet the British did inherit a fairly large and very carefully preserved collection of records of official documents in 1796. The British continued the practice of maintaining and preserving official documents, the first Governor Frederick North having instruction in 1798 to collect material on justice, revenue, commerce and religion. The State papers of the British period contain within it the history of British Colonial Ceylon from 1796 to 1948, the correspondence of the Governor of Ceylon with the Secretary of State for Colonial Affairs in Britain, the correspondence of the Chief Secretary with heads of departments and individuals, and the archives of the various departments and Kachcheries in the Island.

At the very inception of the archives in 1798 by the British the Chief Secretary Hugh Cleghorn of the British Government in Sri Lanka was appointed as custodian of the records, which functions in time were delegated to junior officers though the archives continued to be a part of the Chief Secretary's office under the Central Government. In 1889 the post was designated 'Examiner of the Dutch Records'. During this early period the archives moved from place to place, some were taken to Europe and many records were lost. It was only in 1902 that a government archivist and librarian was appointed and the various archives found in the cities of Jaffna, Galle and Colombo, and in the Museum

and the Registrar-Generals Office were transferred to a single central depository housed in the Secretariat under his care. But once again during the war years 1942-1943 the archives were taken out of Colombo to the interior of the country for safety.

It was only after the War and the gaining of independence in 1948 that the archives, which had so far been a part of the Chief Secretary's Office, was raised to the status of a department in the Ministry of Education, and its work extended to include the task of receipt and registration of all books and newspapers printed in Ceylon and the collection as a Record Office of files more than 50 years old. All newspapers and books published in Sri Lanka which had been sent by law for registration to the Registrar General during 1941-51 were transferred back to the Department of Archives. The records of the Government Records Office, and the Office of the Colonial Secretary were also now brought under the Department of Archives.

The functions of the Department of Archives were carried out according to the administrative regulations embodied in the Manual of Procedure Section 9 regulations 86-89 'preservation and Destruction of Documents'. Accordingly material was acquired under the clause which required records of continuing value to the administration, and of historical importance to be sent to the archives for permanent deposit. These regulations were effective only as far as the records of the Central government were concerned. In time it was necessary to have much more comprehensive rules and regulations to ensure the collection of a large variety of historical records. With the passing of the National Archives Law in 1973 the scope of the archives has extended and today the National Archives houses both public and private records of archival value. Thus pride of place as the core repository of material of historical importance belongs to the National Archives.

The Department of National Archives today has in addition to a collection of state papers a collection of private documents which have been obtained from individuals and institutions. It thus contains old manuscripts of a historical nature, and correspondence of prominent personalities. As the custodian of printed publications and newspapers published in the Island, a collection of signed copies of newspapers and journals which publishers were required by law to deposit are available in the Archives. Final Report ... (1959) De Silva (1975) Wimalaratne (1978)

### **University Libraries**

The year 1921 saw the establishment of the first academic library with the opening of the University College. The University of Ceylon was established in 1942 absorbing the University College. The University of Ceylon shifted to Peradeniya in 1952 leaving behind the medical, science and engineering

faculties in Colombo, which too were later transferred to Peradeniya. The University of Ceylon Peradeniya Library of today therefore has had the good fortune to acquire a collection dating back to the early 20th Century. Though the collection has witnessed changes due to changes in university legislation and shifting of faculties, it has one of the biggest collections in the country, having over 300,000 volumes which has grown through purchases, gifts, donations and exchanges and its acquisitions have been buttressed since 1946 by its legal deposit status. The other university libraries have shorter histories, but they too have fair collections, even though they do not have the advantage of having a claim on legal deposit.

### **Legal Libraries.**

Several libraries to serve the administration of justice and legal education are existent in the country some of which date back to the early British period. The first law library known as the Judges Library was established in 1833 at the time the Charter of Justice was promulgated, which Charter abolished the then existent courts and created the Supreme Court of the Island of Ceylon. This library started out with the aims of collecting both English law and Roman Dutch law. In 1850 the Colombo Law Library was established for the use of the Judges and the Bar. The library of the Attorney-General's Department which may have come into being with the establishment of the department in 1884 served the needs of state law officers. The Law Society Library started in 1947 met the needs of the Bar and the Law College Library established in 1874 catered to students seeking legal education. The library of the House of Parliament too contains valuable legal documentation of historical significance. All these libraries of law contain collections which may not be found in any of the other libraries referred to earlier. They are the repositories of a valuable national collection on the constitutional and legal rights, development of legal institutions, administration of justice and case law.

### **The National Library**

That public interest in establishing a national library was growing was apparent in the late 1950s and is evident from the Final Report of the Special Committee on Antiquities (1959) to quote "... the majority of witnesses who appeared before the Committee were unanimous that the Museum library is an excellent nucleus for a Central National Library."

"For the purpose of making a start with National Library Service therefore, the Museum library should be constituted into a National Library. In this library should also be incorporated the collection of books of the Royal Asiatic Society library if the Society is willing to come into the scheme ... In addition much of the collection of books in the library of the Archeological Department as well as in the library section of the Department of Government Archivist

should be included in the collection of books of the National Library, what perhaps began as a reserved working library for the Museum has now developed into a possible National Library and its facilities must be made available to the nation." (para 132)

"The registry of 'Books and Newspapers' should be separated from the Archives Department and run along with the National Library as a National Bibliography. The National Bibliography will contain copies of all books and newspapers published in Ceylon. Suitable amendments will have to be introduced to the Printers and Publishers Ordinance and the Printing Presses Ordinance to bring this scheme into effect." (Para 133) "A new building specially planned for a library ... must be put within the next two years at the most. Further delay would mean loss of several books and manuscripts which are irreplaceable." (para 136)

Thus in 1959 the Antiquities Committee comprised of non librarians were of opinion that the establishment of a national library was a pressing national need to act as a repository to preserve the national culture and to perform the traditional functions of a National Library they also listed the functions of the National Library which functions are relevant even today.

- (a) to serve as a central depository of all books published in Ceylon and a good selection of those published elsewhere;
- (b) providing centralised services in matters such as cataloguing bibliographies, standardization of methods, etc;
- (c) registration of books and periodicals and the preparation of a National Bibliography;
- (d) to serve as a Central Book Exchange;
- (e) to organise an inter-library loan system; and
- (f) generally, to assist the development of a National Library Service and to provide training for staff from all over the Island."

The Salaries and Cadres Commission Report of 1961 had also considered the question of the need to establish a National Library, thinking of it as the chief government library and co-ordinating agency, which would provide the government with its documentation needs, to quote "The Special Committee on Antiquities in their report for 1959 has recommended the establishment of a National Library beginning with the Museum library as a nucleus and extending to all branches of study in time. If and when such a library is established some relationship will obviously have to be worked out between the departmental libraries and the National Library to avoid duplication. It may be possible to

constitute departmental libraries when they are strictly necessary as branches of the National Library manned by personnel of the latter and it may also be possible through the same process to eliminate or absorb into the National Library many of the small library units that are now disposed in various departments." This Commission had evaluated the needs for the establishment of a National Library from the perspectives of servicing the state and the nation as an information agency for national development.

These recommendations led to the government seeking expert advice and UNESCO support to fulfill this felt need. "The establishment of a National Library is an urgent necessity." Bonny (1960) In 1967 a Meeting of Experts on the National Planning of Library Services in Asia was held in Colombo. The meeting discussed a plan for the development of library and documentation services in Ceylon. "This meeting suggested that steps should be taken to ensure the enactment of necessary legislation to establish a central authority responsible for the general development of all library services in a country." It also examined the concept of a National Library. "The term national library, today does not imply a monumental storehouse of the national treasure, but an active organisation with dynamic leadership to a triple purpose:

- (a) preserving of the national culture;
- (b) developing by all appropriate means, systems and procedures which will make available the total library resources of the nation for the benefit of the whole national community; and
- (c) establishing relations with libraries of other countries."

The purpose of the national library was further amplified by the meeting as,

- "(i) to maintain and develop a national collection of library material, including a comprehensive collection of library material relating to Ceylon and Ceylonese people;
- (ii) to serve as a national reference and research library upon such conditions as may be determined by the Library Board with a view to promoting the most advantageous use of the library in the national interest ;
- (iii) to compile the Ceylon National Bibliography and provide other bibliographical services as required ;
- (iv) to compile the Union Catalogue of Ceyloniana and a Union List of serials;
- (v) to be responsible for inter-library loans, both within the country and internationally;

- (vi) to serve as a centre for the dissemination of information on a national and international basis and to assist, in general, in the field of library co-operation;
- (vii) to serve as the National Documentation Centre; and
- (viii) to provide co-ordination of assistance to all government departmental libraries". UNESCO (1968) Somadasa (1975)

The result of all these deliberations was the enactment of the National Library Services Board, Act No. 17 of 1970. The National Library Services Board thus came into existence in 1974 and worked out a tentative plan "with emphasis on School and Public Libraries ... in collaboration with the departments and authorities managing them... Library education was given high priority... Concurrently short term in-service training projects for School and Public Libraries were undertaken to orient librarians already in service. The book assistance programme begun with school and public libraries was extended to other areas where interest in libraries were catching up. Mobile book delivery services were organised experimentally in selected districts. 'Library News' a quarterly publication of the Board was begun. These were steps taken for the accumulation of "experience and the formulation of strategies in the planning of library services for national roles." A decision was also taken to establish the "National Library and Documentation Centre which was to be the nucleus of the National Library Service infrastructure and the compilation of the Ceylon National Bibliography was taken over from the Department of National Archives from 1973." Warnasuriya (1975)

The history of the National Library Services Board indicates that in the 1970s it was mainly involved in providing national library services on an experimental basis and that no attempts were made to integrate libraries which had grown through time as part of institutions "from which they could not be severed for administrative purposes." Warnasuriya (1975) Its task was therefore limited to attempting to co-ordinate existing services and the National Library and Documentation Centre which was established was to play the role of a nucleus or apex organisation providing the services which devolved on the Board as functional assignments through statutory provisions and more specifically the maintenance of professional standards, introduction of inter-library loan systems, union catalogues and union lists, etc.,

The objectives of the National Library Services Board at the time is described in the 1982 Administration Report of the Board (1985) as the development of a National Library System in which school libraries, university libraries and libraries of other higher education institutions, local government institutions, government departments, corporations and other institutions would function as components, with the National Library functioning as the central co-ordinating agency for all aspects of national and international library and information services.

The book collection policy of the National Library was to obtain for the National Book Collection at least one copy of every publication deemed useful to potential readers. Thus the collection of all publications on Sri Lanka published here or abroad has been a part of its acquisition policy. The purchase of rare books and the adoption of other strategies such as international exchange of books, gifts, deposit of books disposed by libraries, photocopying when printed copies of original manuscripts are not available, collecting unpublished literature preservation of folk literature were also part of its collection policy. The 1976 amendment to the Printers and Publishers Ordinance strengthened the collection of the National Library via the legal deposit rights it now enjoys. The recording of unpublished folk literature and long term conservation programmes to preserve the national library book collection were a part of the work undertaken. It has also started a catalogue card service for the local book stock of the Peradeniya University collection dating from 1975. In order to maintain standards and improve professionalism and upgrade the staff, education and training programmes have been undertaken by the Board, specially for the local government service.

### **Legislation**

This brief historical outline of the growth and status of the more significant libraries, some of which have been supported by legislative provision, and which contain collection, and perform services of national significance, portray the current position and influences they have had on the development of a National Library Service in the country. These institutions have had the benefit of statutory instrument; specially or generally enacted to support certain activities and functions which have devolved on them from time to time. Therefore it is appropriate at this stage after this introduction to examine and review the prevalent library related laws in order to understand the bearing and influences these enactments have had on the development of a National Library Service in Sri Lanka. For ease of reference and to keep the paper within a historical perspective the legislation will be examined and commented on chronologically, inclusive of amendments if any

### **Printers and Publishers Ordinance**

The first legal instrument which has had a significant effect on library development is Ordinance No 1 of 1885 'An Ordinance to provide for preservation of copies of Books printed in Ceylon, and for the registration of such Books, which provided the necessary legal authority and basis for the National Archival Collection' This Ordinance which has been short titled the Printers and Publishers Ordinance clearly defines the term 'book' and also how the 'book' was to be registered and deposited. Accordingly it was incumbent on the publisher to provide 3 copies to be delivered to 'an officer' notified in the Government Gazette. Thus for the first time in the modern period steps

were taken legally to collect indigenous material and also to catalogue them, which catalogue was to be published in the Government Gazette. The non supply of books by the publishers, or printer was deemed to be a punishable offence. One of the 3 copies would be deposited in a public library or be otherwise disposed of as the government from time to time determined. The first official instruction to provide a catalogue was also incorporated in this Ordinance which was titled "A Catalogue of Books Printed in Ceylon."

The amendments introduced to the Printers and Publishers Ordinance by Act No. 28 of 1951 ensure that publishers delivered 4 copies of each book published in Sri Lanka to the Office of the Registrar. The disposal of the copies in the amendments is very clearly in favour of library resource development. One copy was to be delivered to the Trustee of the British Museum, one to the University of Ceylon and one to the Director of Museums. The Act also defines the 'Registrar' to mean the Registrar of Books and Newspapers of the Department of Government Archives and includes any Assistant Registrar of Books and Newspapers. It also states that a register called a "Catalogue of Books Printed in Ceylon" will be kept in the Office of the Registrar, and would be published in the Gazette at the end of each quarter, and a copy of the memoranda would be sent to the Government Trustee of the British Museum in UK. These amendments resulted in the restoration of the physical custody of the entire collection of books and newspapers to the Government Archives.

The next amendment to this Ordinance was introduced in 1974 by the Printers and Publishers (Amendment) Law, No. 6 of 1976. Its significance lay in the inclusion of the National Library Services Board as a recipient of one of the copies to be deposited with the 'Registrar' which meant that the authority of the National Library Services Board to collect material published in Sri Lanka was enhanced and the growth and preservation of indigenous material published in Sri Lanka in the National Library of Sri Lanka was ensured.

In addition to these provisions the Ordinance was buttressed by the amendments made to the Printing Presses Ordinance by Act No. 20 of 1951 and No. 22 of 1955, whereby all the printing establishments were brought under the authority of the Government Archives, and every book or paper printed in Sri Lanka would have the true name of the Printer or Publisher and place of publication printed legibly on it.

The provision described here in the two original Ordinances and subsequent amendments, the last being in 1974 are all precursors of national library development. However maximum utilization of these legislative provisions could not be made for a number of reasons, firstly the concept of a National Library had not been in the minds of the authors of these legislative enactments and the policy makers who introduced them. The reasons which motivated the enactment of the legislation in England and India would have necessarily influenced

the thinking of the Colonial policy makers who introduced these two original Ordinances and some of the amendments in the pre-independence period. In addition the need to keep track of anything published when the independence movement was emerging may have been another consideration.

The institutional mechanism responsible for implementing this legislation had also been brought under different Ministries and in some instances this had not been closely related to the principal activity assigned to them. These deficiencies have necessarily resulted in reducing the exhaustiveness of the collections, although statutory provision for compulsory acquisition had been provided in the enabling legislation. The desirability of consolidating the collection to form a National Library and the need for the establishment of a National Library itself was highlighted in 1959 and has already been described. The splintered collection makes it difficult to assess the exhaustiveness of the material published in Sri Lanka, even at this stage its not too late for a serious effort to be made to compile a Retrospective Bibliography and Index of books and serials available in the different collections referred to earlier using the "Catalogue of Books Printed in Ceylon" published in the Government Gazette as a check guide. The British Museum enjoys a privileged position in terms of the Ordinance and continues to receive a copy of all publications printed in Sri Lanka, but there is no reciprocal arrangement made for any library in Sri Lanka to receive a similar benefit from Britain. This position was understandable at the time the original Ordinance was enacted, but attempts should have been made in the post independence period to change it into an exchange facility to at least provide material of interest to Sri Lanka from Britain. It might yet be possible to satisfactorily work out a scheme where by it would be possible for the National Library to obtain material of interest at least in selected fields from Britain through the legal deposit scheme.

#### **Local Government Legislation.**

The provision of library facilities and services have been considered a permissible service and the only legislative support has been in the form of subsidiary legislation enacted under the Local Authorities (Standard By-Laws) Act No. 6 of 1952. None of the Local Government Ordinance such as the Municipal Councils Ordinance No. 29 of 1947 and its amendments, the Urban Councils Ordinance No. 61 of 1939 and its amendment, the Town Councils Ordinance No. 3 of 1946 and its amendment and the Village Communities Ordinance No. 9 of 1924 and its amendments have laid down that the provision of library services is mandatory.

The above subsidiary legislation enacted specify the type of library to be maintained by the Council, and the supervisory powers vested in the Library Committee. It also sets out the rules pertaining to the lending and reference libraries, reading room, membership and fines. The objectives and aims of the

public library, its acquisition policies, the types of services and facilities that it seeks to provide are not specified. Thus in this instance it is observed that there are no local government legislative provisions which affect the development of a National Library. The Colombo Public Library however has developed into a major library through steady growth and the establishment of a network of public libraries and thus through time has acquired an importance as a provider of national library services in the country. It has acquired a position of prominence as possessing research documents and a comprehensive collection on Sri Lanka. The links it has developed with the network of libraries operated by the Local Government Authorities has made it possible for it to co-ordinate with these libraries in the regions and thus provide regional library services. Therefore one option would be to make use of existing system through effective co-ordination as a support for national library services development in the country. For this purpose it would be necessary to amend the relevant statutes both those dealing with Local Authorities, and the National Library Services Board to make the channels of information dissemination and co-ordination effective, spelling out the areas of work and services which could be channelled through the public library network.

### **University Legislation**

The university libraries grew out of the socio-economic pressures for higher education and have responded with a resource collection covering many urgent and vital areas of knowledge, which are part and parcel of the research and study courses approved for higher degrees. The University Acts have not provided for university libraries to function as or to take on functions of National Library Services. The Ceylon University Ordinance, No. 20 of 1942 which established the first University in Sri Lanka and its amendments by Act No. 26 of 1943, Vidyodaya and Vidyalandara Act, No. 45 of 1958, the Higher Education Act No. 20 of 1966, University of Sri Lanka Act No. 1 of 1972, Universities Act No. 16 of 1978 and the Universities (Amendment) Act No. 2 of 1985 have as their main objectives the provision of higher and university education. Libraries formed part of all the universities set up since 1942 and were simultaneously founded along with the faculties. The Ceylon University Ordinance of 1942 made provision in its statutes for the appointment of a Library Committee to guide and develop the Library, but in this Ordinance and in the many acts that followed establishing universities since then, no specific reference is made to the objectives of a university library. It is therefore inferred that the establishment of a library was primarily to strengthen and develop learning in certain specified branches of knowledge in which the university provides instruction and education. The Acts also specified the post of Librarian, the Library Committee and the place of the Librarian in the Faculty Committee, all of which indicates that the library was an integrated part of the universities learning process. Thus it has been taken for granted that the library was a facility established to further university education. In order to cater to these needs, in addition to

collecting indigenous material, they were geared to collecting world wide literature and once again resource collection in an encyclopaedic sense was taken on by yet another system of libraries in the country.

The state of development, status and organizational needs would prevent the administration of these collections except by the universities themselves and thus it would be necessary to evolve a workable means for providing access to them with the National Library playing the leading role. It would be necessary to enact legislation to co-ordinate the resources of the university libraries through the National Library to provide a comprehensive service.

### **National Resources, Energy and Science Authority of Sri Lanka**

The Natural Resources, Energy and Science Authority of Sri Lanka (because of the statutory and financial authority vested in it to, undertake the promotion of scientific and technical research with financial support and to establish and maintain a scientific and technical documentation centre, and to undertake manpower development programmes) has been engaged in functions and activities which are of direct concern to national library service development in the country. This body was first established as the National Science Council of Ceylon under the National Science Council Act, No. 9 of 1968. The functions of the Council included the co-ordination of research in the various fields of scientific work into channels vital for national development, the collection and dissemination of information relating to scientific and technical matters, maintenance of a register of scientific and technical personnel, the publishing of scientific and technical reports and periodicals, the establishing and maintaining liaison with scientific institutions and scientific workers in other countries on matters relating to scientific research, and working towards the advancement of science and scientific research in the country. The Council had legally the necessary power to encourage scientific research as it could grant financial support through awards and prizes for conducting and publishing research. This Act was repealed in 1975 by the enactment of the National Science Council of Sri Lanka Law, No. 36 of 1975. The duties of the Council were enlarged and it now had the power to establish and maintain a scientific and technical documentation centre.

By the provision of these Acts the National Science Council had taken on the role of providing a base for carrying out some of the functions of a National Library in relation to the sciences. It must be borne in mind that none of the other Acts quoted so far had any clause which stipulated the encouragement and undertaking of scientific research. The provisions in the Act which affected the national library research collection was the clause which enabled it to collect and disseminate information relating to scientific and technical subjects and the establishment of a scientific and technical documentation centre. Thus the

Council could function as a national scientific repository in the country as it would both generate and disseminate information on the sciences, specially of unpublished research and material which the other repositories would not be able to collect.

So for the first time legislation which comes out strongly in favour of creating a body responsible comprehensively for the scientific output of the country was promulgated. This would naturally affect national library development unless the national library was provided with the necessary administrative power to make use of this Council as an agency of the National Library.

The Natural Resources, Energy and Science Authority of Sri Lanka, Act No. 75 of 1981 repealed the National Science Council of Sri Lanka Law, No. 31 of 1975. The scope of the Authority (NARESA) was larger than that of the National Science Council of Sri Lanka. It encouraged the promotion and development of national self reliance in the application of science and technology, and policy measures for the management and development of the natural resources of Sri Lanka, development of energy resources, formulation of science policy, etc., but in effect the provision of new legislation was broadly similar to what was contained in the earlier Acts as far as library development and information processing was concerned.

In the ultimate analysis what is important from a National Library development point of view is the allocation to NARESA of the functions and activities relating to the collection and dissemination of information, the publication of reports relating to natural resources, energy resources, conservation of energy and any aspect relating to scientific and technical matters, and provision of information and education to the public regarding such matters. Further, NARESA also had the power to establish and maintain liaison with individuals, associations and institutions in Sri Lanka and in other countries regarding these matters and including those relating to library and information science. NARESA had the financial strength to carry out and encourage research, it could also take part in manpower development including that of librarianship all of which powers are spelt out in the Act and which are functions generally of a national library. These functions of training and financial support for research, etc. had so far not been provided as expressed objectives of any organisation which had a bearing on national library development. In view of this position where some of the activities which normally devolve on a National Library have been already assigned to this institution, it becomes important to ensure effective co-ordination of programmes between NARESA and the National Library to avoid duplication.

#### **National Archives Law**

Legal authority was provided to the activities undertaken by the Department of National Archives, through the National Archives Law, No. 48 of 1973 which provided for the establishment and the transfer of public records

and for the custody and preservation of public archives and records. With this Act the National Archives department acquired a legal right to collect and preserve public archives and records.

The Act established a National Archives Advisory Council which was to advise the Minister on all matters relating to the location, preservation and the use of public archives, inspection and preservation of documents and manuscripts of historical or cultural values in private possession, editing and publishing of public archives and private manuscripts. It is also noteworthy that this provision has been made with the object of ensuring that the collection and preservation of documents, manuscripts and any hand written documents would be comprehensive.

The Act also specifies that a certain number of copies or specimens of certain publications should be transmitted to the Director, National Archives. These items specified include annual reports, postage stamps, first day covers, postal order forms, money order forms, aerogram forms, post cards, cancelled specimens of every new denomination of currency notes and coins issued by the Central Bank, maps, plans, charts, etc. issued by the Survey General election literature issued by and on behalf of any candidate for any election or by-election all of which should reach the Director within 30 days of issue.

The powers vested in the Director could ensure the efficient administration of this law by publishing lists, indices, guides, inventories, calendars texts, translations, etc. as aids to dissemination of information on the public archives, by editing, printing or making any other public use of any public archives, or duplicate copies of any public archives, acquiring by purchases donation, request, contract or otherwise, or taking on loan any record, manuscript or document which should be deposited in the National Archives for permanent preservation, by examining and obtaining any manuscript or document, containing references to Sri Lanka or which had its origin in Sri Lanka with a view to securing it either on loan or through purchase of the original or copy.

These provisions infringe on the primary functions of a national library and by law the licence to collect many first editions - written, published or printed in any form whatever, except in granite was given to the Archives. Here is a state department established by law to collect material relating to the national heritage of the country. All in all these clauses help to foster a 'National Library Collection' within the Department of National Archives.

This brief examination of the statutory authority vested in this department and the chequered history of the Archives which had been transferred from Ministry to Ministry shows that by historical accident the very important function of a comprehensive resource collection had been an objective of a department, since 1865 which functions should be a primary concern of a national

library. The collection of archival records is not generally considered a national library function. But in a developing country, where resource sharing is a must if healthy library information services are to be established it is not necessary or possible to strictly demarcate archivists from the National Library. In these circumstances it is necessary for the National Library to make use of these already existing sources of information to carry out its functions, for which legality could be given through legislation, and status through the right ministerial dependence.

### **The Sri Lanka Library Association**

The Sri Lanka Library Association was incorporated by Law No. 20 of 1974. Amongst the objectives of the Association was the promotion of the establishment, extension and improvement of library services in Sri Lanka, the setting up of professional standards, and training of librarians and conducting of professional examinations in librarianship and issue of certificates of proficiency.

There are certain provisions in the legislation which have provided the Association with the authority, to, promote the establishment, extension and improvement of library services in Sri Lanka, to promote greater co-ordination and co-operation between libraries in Sri Lanka and to promote and encourage bibliographic study and research, which are also functions and activities devolving on the National Library Services Board. However, these activities are not undertaken with vigour as the Association has been concentrating its efforts on training of librarians and establishing professional standards.

The Association does not compete with the National Library in the collection of national literature. Its interest in promoting professional certification should not be a cause of conflict. They could both engage in offering short programmes of training and further education for the upgrading of professional standards which should be co-ordinated to avoid duplication. In a small country like Sri Lanka there is not much scope for more than one professional body to conduct professional courses, but at the same time there is considerable room for undertaking programmes of short duration by taking the courses to the regions utilising the facilities available outside Colombo.

### **Code of Intellectual Property**

The Code of Intellectual Property Act No. 52 of 1979 consolidated, the law relating to Copyright, Industrial Designs, Patents and Trade Marks, etc. and provided for the better registration, control and administration of intellectual property rights through the office of the Registrar of Properties and Trade Marks who is the head Department of Companies. This Act repealed the earlier Ordinances titled Copyright Ordinance, (Chapter 154), the Designs Ordinance

(Chapter 153), Patents Ordinance (Chapter 152), the Trade Marks Ordinance (Chapter 150), the Merchandise Ordinance (Chapter 151), the Patents, Designs and Trade Marks (Merchant Agreement) Act (Chapter 156), Patents, Designs, Copyright and Trade Marks (Emergency) Ordinance (Chapter 157) and the Trade Marks Act, No. 30 of 1964.

This instrument lists the works protected under the Act which are protected irrespective of their quality or purpose for which they were created, and those not protected. The economic and moral rights of the protected works are also spelt out in Sections 10 and 11 of the Act. The rights of Sri Lanka folklore are exercised by the Minister of Cultural Affairs.

The 'fair use' of a work has also been allowed by way of quotation, reproduction, translation, etc. for personal use. Four categories of institutions, public library, non-commercial documentation centres, scientific institutions, and educational establishments are eligible to make copies of copyright works without the author's consent. Subject to the condition described in Section 13 of the Act, viz. "... that such reproduction and number of copies, made are limited to the needs of their activities and do not conflict with the normal exploitation of the work, and do not unnecessarily prejudice the legitimate interest of the author."

These conditions need to be carefully looked into because making extra copies by readers, and making of copies, of texts not available in a library by a librarian could contribute to infringement of the law. Senadeera, A. (1981).

The 'fair use' right provided to libraries is in section 13 (e) of the Act which states that:

"(e) the reproduction, by sound recording, photographic or similar process, by public libraries, non-commercial documentation centres, scientific institutions and educational establishments, of literary, artistic or scientific works which have already been lawfully made available to the public.

Provided that such reproduction and the number of copies made are limited to the needs of their activities, do not conflict with the normal exploitation of the work and do not unreasonably prejudice the legitimate interests of the author :

(f) the reproduction in the press of -

- (i) any political speech delivered in public or any speech delivered during legal processings, or
- (ii) any lecture, address, sermon or other work of the same nature delivered in public, provided that the use is exclusively for the purposes of current information,

the author retaining the right to publish a collection of such works.”

The National Library is not specifically incorporated in this Act, but it is covered under the term non-commercial documentation centre.

The effect of the Act on National Library Service function is yet not apparent to its fullest extent as the national library is not fully operational and the National Library Services Board is not exercising all the service functions expected of the National Library. But this Act gives it the licence to make, microfilm copies of publications available within the research libraries in Sri Lanka and so provide a comprehensive and perhaps exhaustive storehouse of the national output within its precincts.

### **Sri Lanka National Library Services Board**

The Sri Lanka National Library Services Board and the National Library were established under the provisions of Act No. 17 of 1970. The objective of this legislation has been briefly described “as an Act to provide for the establishment of the Ceylon National Library Services Board and for matters connected therewith or incidental thereto,” but in effect the aims have to be inferred from the powers vested in the Board under Part III, Section 14 of the Act and they consist of the following :

- (a) to plan and assist in the organisation and development of library services in general;
- (b) to establish and maintain the Ceylon National Library;
- (c) to advise and assist in the promotion and development of public library services;
- (d) to advise and assist in the promotion and development of school libraries;
- (e) to advise and assist in the publication of reading materials and production of audio visual aids;
- (f) to advise and assist in the co-ordination and development of university libraries, junior university libraries, technical college libraries, libraries of local authorities, government departmental libraries and other special libraries;
- (g) to advise and assist the government in fixing the minimum academic and professional qualifications for persons engaged in library services;
- (h) to promote the development of library education and training; and
- (i) to carryout such functions as may be necessary for the general promotion of library services.

The Board also had the power to appoint committees such as a public libraries committee, a school libraries committee, and any other committee necessary to carry out its objects or functions. The composition of the Board is described in Section 2(1) of the Act and consists of 9 members, 2 of whom should be nominated by the Minister of Local Government, 1 by the Minister of State, and 1 by the Minister of Scientific Research and Housing.

The powers of the Board indicates that it could advice and assist in the co-ordination and development of libraries. This function should be made more definitive by indicating how co-ordination is to take place. Presently the Board is supported by the Department of Public Administration which has been seeking its advice when deciding to upgrade the departmental libraries. But this role is not regularized through law. It is entirely an administrative arrangement which is strengthened by Section 14(g) of the Act, whereby it could advise and assist the government in fixing the minimum academic and professional qualifications for persons employed in library services. This is the only provision which gives the Board some influence to determine the standards and services provided, but it is restricted to government libraries.

The law does not provide the Board with statutory authority to establish resource sharing networks or to liaise with individual associations or institutions in Sri Lanka and abroad, nor to co-ordinate research activities. The promotion of inter-library lending services for books, periodicals and non book materials and perhaps even to act as the focal point and also as a service point for this activity cannot be effectively organised and formalised in the absence of legislation which empowers the Board to render these services. At present resource sharing is carried on through 'interlibrarian goodwill'. The National Library will be able to formalise these resource sharing procedures once operational responsibilities are delegated to it.

Resource development through the National Library could conform itself to subject areas undeveloped in the country, while including provision for the exploitation of existing resources by the National Library through a system of networking, resource sharing and inter-library lending. It should also be the focal point for international resource sharing and should have the authority to determine which of the participating libraries should develop links with international library systems like HELLIS, AGRIS, INIS, etc. The National Library should take leadership in forging links with the other international systems and groups after identifying and evaluating those facilities which are useful from a national point of view.

The National Library Services Board is vested with many of the functions usually undertaken by a National Library and in this instance the National Library is relegated to be an agency functioning under the Board with undefined

objectives, powers and functions. It is a great drawback that this Act contained no definition of the National Library, and the relationship it has with the Board. The Board is empowered to delegate its powers in terms of Section 15(2), but such delegation can only be exercised by a committee comprising of members and officers. It is therefore apparent that the policy makers who framed this legislation had not thought of the National Library as an institution exercising the authority vested in the Board, which functions could in fact have been assigned to it directly. A stronger legislative base to achieve given objectives as been embodied in the Acts which established the National Archives, NARESA, and in the Printers Ordinance. In these circumstances there is little hope that the National Library would be able to mobilise the library resources already in existence in libraries and institutions which have been created through the enactments of laws to establish special institutions or which through historical circumstances have comprehensive collection of indigenous material.

It is therefore necessary to amend the National Library Services Board Act in order to specifically describe the objective of the National Library the authority vested in it its functions and duties. The National Librarian should be provided with statutory authority to undertake the general administration of the National Library. He should be responsible to the Board for the efficient administration and supervision of the subject and function assigned to him by the Act. Without Board authority and delegation it will not be possible for him to undertake the advisory and co-ordinatory roles described under the different sub-sections of Section 14 of the Act. The amendments to the Act should also clearly define the responsibility assigned to the National Library in respect of the national collection it would house and also its relationship with other collections that have grown over time in the public library, the universities, the National Archives, the National Museums, the Centre for Development Information and in the various departmental libraries. How the integration of the various collections could be effected so that the resources could be exploited as a national information system is a factor that should be considered in depth before legislative provision to provide for the new role of the National Library is drafted. As already mentioned the existing loose library co-operation and co-ordination must be formalised to enable resource collection and dissemination of information by the National Library as a focal point and this should receive legal sanction.

The National Archives Act and NARESA have well defined areas of specialisation of collection all embodied in legislation. It is therefore necessary that the National Library Services Board Act should not duplicate these collections, but have the responsibility for inter-library co-ordination and the collection of specific or residual material. It is worth considering whether it will be possible as suggested by Ranganathan (1972) to think of three different kinds of national libraries for Sri Lanka :

- (1) A National Copyright Library;
- (2) National Dormitory Library; and
- (3) National Service Library

as a means of exploiting the local library situation.

The first type will consist of all books deposited under the Code of Intellectual Property Act, No. 52 of 1979. These books will not be lent "and will serve as a collection of the intellectual remains of the nation and to show the cultural and authorial progress of the nation." Ranganathan (1972) The National Archives could be entrusted with this function. The second will consist of one copy of each of the books weeded out from any of the other libraries in the country. These would be mostly out of date publications necessary for research, which could be housed at the National Library. The National Library could also function as the 3rd the National Service Library which will contain books of current value which are in fairly frequent demand. This however would mean that it would be necessary to establish branches of the National Library as a multiple system of the National Service Library. Some of the existing libraries may opt to come within this scheme while many specialized libraries which serve educational, research and governmental organisations would prefer to stay apart. It would yet be necessary to institutionalise the co-ordination of activities of both these groups of libraries by the National Library for which purpose legislation should be formulated.

Provision should be made to encourage the free flow of information by incorporating into the Act the services that would be provided based on the collection, and on all collections within the country. This could ensure the co-ordination of bibliographical activities. The production of the national bibliography should be a function assigned by law to the National Library. The National Library should be provided with the institutional and financial support necessary to exploit by modern methods the information resources within the country and throughout the world. Suitable investments in computerized information systems for national and international resource sharing and transfer should at least be a medium term objective of the Board.

## Conclusion

An attempt has been made in this paper to briefly review the historical development of the major libraries in Sri Lanka and the related legislation which play a primary or secondary role and which have a bearing on the development of National Library Services. This examination has made it possible to assess the current state of service delivery and strengths and weaknesses of existing institutions.

The deficiencies in the law and the limited responsibility and authority cast on the National Library Board as well as the need to clearly demarcate the functions and responsibilities between the Board and the National Library have been commented upon.

In order to ensure that national library policy is established by a body which has the active participation of eminent members of the library profession, the Board should be constituted to include a number of senior librarians with long and varied experience. The Act as presently constituted provides for the appointment of nominees of three ministries, but does not include the Ministries of Education, or Cultural Affairs and is silent on the participation of the profession in this policy making body.

The power of the Board should be made more forceful and meaningful by making it incumbent on the part of any authority embarking on library and information development to consult the Board. This advisory and consultative role of the Board can be made effective by requiring the government budget authorities and external donor agencies to consult the Board on library development proposals and projects. Legislation should provide for this advisory role and coordinatory function.

Budgetary provisions to maintain a reasonable standard of services and to improve the quality of service in the medium term and also to attract and retain professional staff is as important as the institutional changes discussed earlier. These institutional changes, statutory provisions, and adequate financial support are prerequisites for the National Library Services Board to play an effective role in providing National Library Information Services.

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