

## Awareness of Legal Issues Related to Libraries among Library Professionals of Gujarat

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### ABSTRACT

The awareness of legal issues related to libraries among library professionals in Gujarat is discussed in the current study. The research is based on an online survey of library professionals of Gujarat. The major findings of the survey reveal that there is an acute need to improve the awareness and knowledge about legal issues and legal provisions among LIS professionals in Gujarat. The results also show that educational background, experience, or designation have no correlation with level of awareness or knowledge about legal aspects among library professionals. This study provides indications to major legal issues that affect the work of library professionals and what resources may be needed to enhance the level of awareness and knowledge about legal aspects related to libraries. The current study is limited to the study of library professionals in Gujarat, India and has potential to be conducted on national scale to check the level of awareness and knowledge about legal issues and legal provisions and may also provide important indications to address the issue of training and education of library professionals.

**Keywords:** Legal issues-libraries; Legal aspects-libraries; Library professionals-Gujarat

### 1. INTRODUCTION

Library plays a vital role in enhancing the cause of education and academic research. Fulfilling the academic and research needs of users, a library acquires learning materials (in various formats), provides them in a proper manner, arranges them for easy access, disseminates them in a convenient manner and preserves them for future generation. In the process of acquiring, providing access, organising, disseminating, and preserving such materials (especially in non-print format), there may exist many situations wherein library professionals may not adhere to legal provisions, knowingly or unknowingly. It is important for every library professional to have necessary knowledge and be aware of legal issues and provisions related to libraries. Legal provisions imply various acts or laws of the land like Indian Copyright Act, Indian Contract Act, etc and legal issues mean those issues that have legal implications under the various acts or laws of the land.

The judgment in the Delhi University photocopy case clearly permits the distribution of course packs (compilation of photocopies of relevant parts from different books) for educational and research purposes<sup>1</sup>. This case, in the context of legal issues, was an eye opener for the library professionals in India. The other major development on the legal front is related to the tax reforms pursued by the government of the day wherein libraries need to pay various taxes like value added tax, service tax, goods and services tax, tax deduction

at source, etc. Availability of library content in various formats like print, digital, print plus digital, digital only, etc. has added to the confusion and there is a need for better understanding of tax systems and their implications to libraries to avoid violation of law of the land by the library professionals.

There are other legal issues that affect day-to-day work of library professionals and a case in point is the recent legal case that was related to restriction of undergraduate girl students' for access of the Maulana Azad Library at Aligarh Muslim University. The restriction, as per the management of the university was on the grounds of 'paucity of space' in the university library<sup>2</sup>. The judgment of this case suggested that any regulatory measure that had to be taken was supposed to be gender neutral<sup>3</sup>.

In this context, it is pertinent to explore the awareness among library professionals on various legal issues and provisions relevant to their work. The present study is in the light of this larger question.

### 2. LITERATURE REVIEW

A number of studies have been conducted that deal with legal issues and provisions that affect the day-to-day library activities and library operations, awareness and knowledge of legal issues and provisions, solutions to legal issues, legal education, and so on. In the current study, researchers reviewed literature that focus on awareness or knowledge about legal issues and provisions among library professionals and found that these papers could be categorised into two broad areas of copyright and privacy and confidentiality. Earlier studies like

the one by Arundale<sup>4</sup> explored the views, on legal knowledge and expertise of senior LIS managers and found that they encountered problems in mainly the two areas of law, i.e., copyright and data protection while other legal concerns and anxieties of libraries and information services varied considerably.

## 2.1 Copyright Issues

Copyright is a very important area of concern for librarians and in fact Secker<sup>5</sup>, *et al.* state that “copyright is a source of anxiety for many librarians”. Charbonneau<sup>6</sup>, *et al.* investigated the awareness of copyright issues among academic librarians and library staff and found that half of the respondents’ organisations’ did not have designated copyright centers or copyright experts and most of the respondents wanted copyright related training, especially on ‘fair use’. Dryden<sup>7</sup> found that the Canadian archivists’ knowledge of copyright and the quality of their knowledge was good, while some of them did not have a clear idea about use and access of archival materials. In another study, Eye<sup>8</sup> found that majority of library deans and directors were confident that their copyright knowledge, and of their colleagues, was sufficient for their work but also reported that almost 90 per cent of the respondents felt that sufficient training on copyright provisions was not being imparted by library schools.

Olaka<sup>9</sup> also found moderate levels of knowledge among academic librarians in Kenya on copyright aspects and practices adopted in addressing copyright queries. Secker<sup>5</sup>, *et al.* found that librarians stated the need for copyright expertise within their organisation to address such issues appropriately. In another study, Olaka<sup>10</sup>, *et al.* found that there was no correlation between self-reported copyright knowledge and librarian cadres based on their education level or years of service, while there existed significant differences among them when compared on “tested knowledge”.

The most common copyright infringement in libraries is photocopying and Okiy<sup>11</sup> found that it was common for many respondents to photocopy complete books and journal issues highlighting the need for regulation of photocopying practices to avoid copyright infringement. Fair use is an area of ambiguity in academic libraries and this is an area that lacks institutional support like provision of legal expertise to libraries in dealing with such issues<sup>12</sup>. Similarly, on the issue of providing educational materials through an e-reserves system the lack of institutional policies or lack of regular updating of such policies is another of concern in libraries<sup>13</sup>.

Wu<sup>14</sup>, *et al.* in an interesting study, based on librarians’ interviews, found that students’ problematic behaviours in relation to infringement of copyright, while using digital resources, “including systematically downloading, distribution to unauthorised users, and going beyond the purpose and character of academic use”.

## 2.2 Privacy and Confidentiality

The important role of a library in protecting patron privacy and confidentiality is underlined by the ALA Code of Ethics<sup>15</sup>. This important role seems to be ignored by libraries, as found by Sturges<sup>16</sup>, *et al.* that the issue of privacy (of user data) had

not been a priority for libraries as very few libraries had their own privacy policy while majority of the libraries had a data protection policy and that a gap existed between the privacy protection practice in libraries and what the users believed they can expect from the library. Corrado<sup>17</sup> also found that though library users were overwhelmingly concerned about privacy in the online environment, many libraries did not have privacy policy posted on their library website.

Sutcliffe<sup>18</sup>, *et al.* while researching the existing privacy practices, found that students were comfortable with the library data protection practices but also reported that discrepancies did exist between what users perceived and practices followed by their libraries. Similar findings on library practices is clearly reflected in the paper by Burkell<sup>19</sup>, *et al.* who found that many of the Ontario public libraries had not shared with their patrons, their personal information that was collected and used, though mandated by the relevant regulatory framework. The libraries generally seem to take privacy issues lightly, as reported by Magi<sup>20</sup> that while some libraries use unsealed postcards, majority of them revealed information, through phone, on their patrons to third parties. Interestingly, the study also found that the library directors were more confident in themselves than their staff in adopting confidentiality policies and indicated the need to access help in developing privacy policies.

Johns<sup>21</sup>, *et al.* found that students, enrolled in a compulsory library orientation course at a university, felt that privacy did not exist in online environment and should not be expected, and library could access private information, only with respective students’ permission or with a search warrant.

The papers in the literature review section clearly indicate the need for a consistent effort on part of libraries to develop institutional policies that protect copyright, privacy and confidentiality. The need also extends to communicating such policies to the users. The lack of standard policies and practices with regard to legal provisions, need to educate and update library professionals themselves on legal provisions or law of the land and improve the awareness and knowledge of legal issues are critical to functioning of libraries today. It may be important to note that the researchers did not find any literature that investigated the awareness and knowledge of LIS professionals in India.

## 3. RESEARCH QUESTIONS

To investigate the level of awareness on legal issues among the LIS professionals in Gujarat the following research questions have been formulated for the study:

- What is the level of awareness of legal issues and provisions and level of knowledge about legal aspects among LIS professionals of Gujarat?
- Which are the most preferred sources of information used by LIS professionals in Gujarat to enhance their knowledge / awareness of legal issues?

## 4. HYPOTHESES

In light of the first research question, the researchers developed the following hypotheses:

- LIS professionals with higher educational qualifications are more aware and knowledgeable about legal aspects

- LIS Professionals with more experience are better aware and knowledgeable about legal aspects
- LIS professionals with higher designation are more aware and knowledgeable about legal aspects.

**5. METHODOLOGY**

An online questionnaire was designed and administered to elicit the responses from library and information science (LIS) professionals through an online survey tool. A list of 300 LIS professionals, working in Gujarat, was prepared based on Ahmedabad Library Network (ADINET)<sup>22</sup> directory and Information and Library Network (INFLIBNET)<sup>23</sup> directory and the same was uploaded in the online survey tool. The survey tool also facilitated the distribution of the survey among the respondents. The researchers sent multiple reminder mails and also made telephone calls to elicit responses from the targeted respondents. The final number responses that were received and complete were 73.

The final questionnaire consisted of 27 question that were categorised into 3 sections: awareness, knowledge and demographics. In the section on awareness about legal issues and provisions, the respondents rated their level of awareness (considered as self-reported) by selecting one of the five level - “A lot” or “A reasonable amount” or “A little” “Almost nothing” or “Nothing”. In the same section, questions on the

most preferred resources to enhance the knowledge about legal aspects related to libraries were included in addition to questions on legal inputs as a part of library education.

In the second section, 14 question had been designed to examine the respondent’s ability to understand, apply, evaluate and analyse legal provisions and issues. The answers to these questions on legal issues and provisions were considered to be the “tested knowledge” of each respondent, similar to earlier study of Olaka and Adkins<sup>9</sup> and the responses were categorised into five levels of “A lot” (12 or more correct answers), “A reasonable amount” (9 to 11 correct answers), “A little” (5 to 8 correct answers), “Almost nothing” (4 or less correct answers) and “Nothing” (no correct answer).

In order to test the validity of the hypothesis - H1, Mann-Whitney test was adopted to find out if difference existed among the library professionals with different qualifications. In case of H2 and H3, ANOVA test was administered to find out if significant difference existed among library professionals with different work experience (in terms of years) and designations.

The third section of the questionnaire was aimed at collecting demographic information of the respondents and the questions were designed for the purpose of understanding the relation, if at all, between the demographic characteristics like work experience, education and designation; and awareness or knowledge.

**Table 1. Demographic characteristics of respondents**

Characteristics	Level	No. of respondents	(Per cent)
Gender	Male	52	71.2
	Female	21	28.8
Highest Qualification	MLISc	56	76.7
	PhD	17	23.3
Age Group (in years)	21 – 30	16	21.9
	31 – 40	36	49.3
	41 – 50	14	19.2
	Above 50	7	9.6
Experience (in years)	Less than 5 years	11	15.1
	5 – 9 years	18	24.7
	10 – 14 years	24	32.9
	15 – 19 years	11	15.1
	20 – 25 years	2	2.7
Designation	More than 25 years	7	9.6
	Librarian	32	43.8
	Deputy Librarian	3	4.1
	Assistant Librarian	16	21.9
Professional Assistant	Professional Assistant	10	13.7
	Library Assistant	12	16.0

**6. FINDINGS**

**6.1 Demographic Profile**

Table 1 highlights the demographic profile of the survey participants including gender, educational qualifications, age, professional experience and designation. Among the 73 LIS professionals who participated in the survey, majority of them were male. The data on respondents also clearly showed that all of them had a MLISc degree with 23 per cent possessing a doctoral degree. The age profile of the respondents revealed that almost one third of the respondents were more than forty years in age. Nearly 60 per cent of the respondents had acquired more than 9 year of work experience. In the context of designation, ‘Assistant Librarians’ along with ‘Deputy Librarians’ and ‘Librarians’ constituted almost 70 per cent of the survey population. One could say that the sample consisted of well educated, experienced and well designated LIS professionals working in the academic and research libraries of Gujarat.

**6.2 Awareness Questions**

Table 2 indicates that more than 71 per cent of the LIS professionals felt that they had “a reasonable amount” or “a lot” of knowledge related to legal issues, while about 20 per cent of the LIS professionals who knew “a little” and the rest 10 per cent claimed that they knew “almost nothing” or “nothing” of legal issues related to libraries. Similar findings were applicable to the responses with regard to legal provisions.

Table 3 demonstrates that majority of respondents, about 85 per cent had studied legal issues and more than 82 per cent had studied about legal provisions during their professional education.

The researchers also sought to know from the respondents

**Table 2. Awareness (self-reporting) of legal issues and provisions among LIS professionals**

Awareness of Legal Aspects	Number of respondents	Nothing per cent (n)	Almost nothing per cent (n)	A little per cent (n)	A reasonable amount per cent (n)	A lot per cent (n)
Legal Issues	73	4.1 (3)	5.5 (4)	19.2 (14)	63.0 (46)	8.2 (6)
Legal Provisions	73	0.0 (0)	6.8 (5)	24.7 (18)	56.2 (41)	12.3 (9)

**Table 3. Respondents who had studied legal aspects during LIS professional education**

Topics of LIS professional education	Number of respondents	Yes per cent (n)	No per cent (n)
Legal Issues	73	84.9 (62)	15.1 (11)
Legal Provisions	73	82.2 (60)	17.8 (13)

**Table 4. Preferred sources by LIS professionals**

Sources	Average Rank
Blogs / Wikis	3.71
Colleagues	4.27
Journals	4.01
Newspapers	4.34
Books	5.37
Lawyers / Legal Experts	5.56
Web-based Resources	3.71
Lectures/seminars/conferences	5.01

**Table 5. Level of knowledge with regard to legal issues and provisions related to libraries**

Tested Knowledge	No. of respondents	Nothing per cent (n)	Almost nothing per cent (n)	A little per cent (n)	A reasonable amount per cent (n)	A lot per cent (n)
Total fourteen questions	73	0 (0)	6.9 (5)	17.8 (13)	49.3 (36)	26.0 (19)

which of information sources were preferred to update themselves on legal issues and provisions and the responses are as shown in Table 4.

Table 4 indicates that “Web-based resources”, “Blogs/Wikis”, “Journals” and “Colleagues” are the most preferred resources preferred, based on the average rank, by the LIS professionals for purpose of updating on legal issues and provisions. Average rank is calculated by:

$$\frac{X_1W_1+X_2W_2+\dots+X_nW_n}{n}$$

where  $X$  = Response count for answer choice and  $W$  = Weight of ranked position

In the section with open ended questions, the responses to the first question seeking names of specific legal issues and legal provisions that seemed important to be aware of, mainly indicate the legal issue of “copyright” and legal provision of “Indian Copyright Act”. A very few responses included legal issues like privacy and confidentiality, licensing, etc. and legal provisions like IT Act, Contract Act, etc.

The responses to the second question indicate that the legal issue and provision of copyright had been studied in their LIS education but there was hardly any mention of privacy, licensing, etc. or their related provisions. In response to the third question that sought names of sources (like a book or a website, etc.) to keep themselves updated, included websites, legal databases, books, blogs, journals, associations and books. There was hardly any resource that was repeated by the respondents, except for WIPO, ALA and gov.in (repeated by a very few respondents).

### 6.3 Tested Knowledge

Table 5 reveals that a majority of the 73 respondent had scored “A lot” or “A reasonable amount” level of knowledge with regard to legal issues and provisions. When we compare Table 2 and Table 5, we can say that the tested knowledge of respondents was higher than their self-rated awareness and knowledge, as about 70 per cent of respondents had self-reported “A lot” or “A reasonable amount” while the tested scores revealed 75 per cent of respondents scoring “A lot” or “A reasonable amount” of knowledge.

### 7. Testing of Hypothesis

To test the first hypothesis – H1 and explore whether significant difference existed between library professionals with

**Table 6. Mann-Whitney test to verify significance of difference in the awareness and knowledge among LIS professionals with different qualifications**

	LIS Education	N	Mean rank	Sum of ranks
Self-reported awareness of legal issues	M.L.I.Sc.	56	37.79	2116.00
	Ph.D.	17	34.41	585.00
	Total	73		
Self-reported awareness of legal provisions	M.L.I.Sc.	56	37.71	2112.00
	Ph.D.	17	34.65	589.00
	Total	73		
Tested Knowledge	M.L.I.Sc.	56	37.71	2112.00
	Ph.D.	17	34.65	589.00
	Total	73		

**Table 7. ANOVA test results to verify significance of difference in the awareness and knowledge among LIS professionals with different years of working experience**

		Sum of Squares	df	Mean Square	F	Sig.
Self-reported awareness of legal issues	Between groups	1.901	5	.380	.485	.786
	Within groups	52.538	67	.784		
	Total	54.438	72			
Self-reported awareness of legal provisions	Between groups	3.295	5	.659	1.139	.348
	Within groups	38.760	67	.579		
	Total	42.055	72			
Tested Knowledge	Between groups	36.361	5	7.272	.961	.448
	Within groups	507.009	67	7.567		
	Total	543.370	72			

**Table 8. ANOVA Test to verify significance of difference in the awareness and knowledge among LIS professionals with different designations**

		Sum of Squares	df	Mean Square	F	Sig.
Self-reported awareness of legal issues	Between groups	1.672	4	.418	.539	.708
	Within groups	52.767	68	.776		
	Total	54.438	72			
Self-reported awareness of legal provisions	Between groups	.853	4	.213	.352	.842
	Within groups	41.202	68	.606		
	Total	42.055	72			
Tested Knowledge	Between groups	5.334	4	1.334	.169	.954
	Within groups	538.035	68	7.912		
	Total	543.370	72			

different qualifications Mann-Whitney test was administered and the results are as shown in Table 6.

The Mann-Whitney test results (Table 6) indicate that in case of self-reported awareness of legal issues, there was no statistically significant difference between library professionals with MLISc qualifications (n = 56, mean rank 37.79), and those with PhD (n = 17, mean rank 34.41), U = 432, p = .505, Z = -.667). In the case of self-reported awareness of legal provisions, the test indicated no difference, that was statistically significant, between the library professionals with MLISc qualifications (n = 56, mean rank 37.71), and those with PhD (n = 17, mean rank 34.65), U = 436, p = .561, Z = -.582). In the case of tested knowledge, there was no statistically significant difference between library professionals with MLISc qualifications (n = 56, mean rank 37.71), and those with PhD (n = 17, mean rank 34.65), U = 436, p = .598, Z = -.527).

For the purpose of testing the hypothesis H2, the researchers administered the ANOVA test and the results are as shown in Table 7.

The one-way ANOVA test was conducted to compare the effect of years of experience on level of awareness of legal issues and legal provisions and the analysis of variance showed that the effect of years of experience on level of awareness of legal issues and legal provisions was not significant, F(5,67) = 0.485, p = 0.786 and F(5,67) = 1.139, p = 0.348 respectively. Similarly, difference among respondents with different years of experience, in the context of their level of tested knowledge on legal issues and provisions, was not significant, F(5,67) = 0.961, p = 0.448. The results hence disproved the second hypothesis, H2.

Table 8 shows the results of the one-way ANOVA test that was conducted to test hypothesis H3 and investigate if designations of the respondents had any impact on the level

of awareness of legal issues and provisions. The analysis of variance showed that the effect of designation on the level of awareness of legal issues and legal provisions was not significant, F(4,68) = 0.539, p=0.708 and F(4,68) = 0.352, p=0.842 respectively. Also the effect of years of experience on tested knowledge of legal issues and provisions was not found to be significant, F(4,68) = 0.169, p=0.954. These results disproved the third hypothesis, H3.

**8. DISCUSSION**

The study investigated the level of self-reported awareness about legal issues and legal provisions among LIS professionals in Gujarat. The respondents were professionally well qualified, in senior positions and with sufficient work experience and formed an appropriate group for the study.

While exploring the awareness among the LIS professionals, the results indicated that the level of awareness about legal provisions seems to be slightly better than legal issues, while slightly higher number of respondents reported having studied legal issues than the legal provisions in their LIS schooling. It is interesting to note that while about 15 per cent of the respondents had not studied legal issues and legal provisions in LIS education, only 4 per cent reported having no awareness of legal issues while none of the respondents reported not having any awareness on legal provisions. This finding may indicate that the LIS professionals might have become aware of the legal issues and provisions in their workplace.

When we look at self-reported awareness scores (in Table 2) we find that about 70 per cent of the respondents self-reported their awareness levels to be “A reasonable amount” or “A lot” in both the areas of legal issues and legal provisions. It is interesting to note that almost similar findings or slightly

better, were visible with 75 per cent of the respondents scoring “A reasonable amount” or “A lot” when their knowledge was tested. However, about 26 per cent of the respondents had scored “A lot” in the knowledge test, while only 8 per cent (legal issues) and 12 per cent (legal provisions) respondents in the self-reported section had done so. Therefore, one can say that the respondents had less confidence in their awareness or knowledge, as compared to their tested scores. However, the respondents make up for the difference when we look at the integrated scores for “A lot” and “A reasonable amount” for both tested knowledge and self-reported awareness.

In the section that looks at the most preferred sources of information for legal issues and provisions, it was clear the web based resources were the most popular choice, probably indicating the ease and convenience of the internet to access information by LIS professionals. It was also found that there were no common popular sources of information available to the LIS professionals to keep themselves updated on legal issues.

In the context of testing the hypotheses, the research study revealed that there was no correlation between awareness or knowledge levels of LIS professionals and their work experience or qualification or designation. When this finding is supplemented by the fact that only about a quarter of the respondents were able to score 86 per cent or above correct answers and a quarter of the respondents scoring 25 per cent or less, it seems pertinent that there is a dire need to improve the awareness and knowledge levels of legal issues and provisions among the LIS professionals.

Previous studies like Olaka and Adkins<sup>9</sup>, Charbonneau and Priehs<sup>5</sup>, Oppenheim<sup>24</sup>, *et al.*, Eye<sup>7</sup>, and Fernandez-Molina<sup>25</sup>, *et al.* also reported similar findings and argue for improvement in the training and education of LIS professionals with regard to legal issues.

The researchers also found in the present study that most of the library professionals mentioned issues and provisions related to copyright as important to be aware of and also to be included in LIS education. Very few LIS professionals mentioned legal issues or provisions related to privacy, licensing, and so on, as being important to be aware of or to be a part of the LIS education. The study by Arundale<sup>4</sup>, also reported that that only two legal areas – copyright and data protection were widely encountered and anticipated by librarians.

## 9. CONCLUSIONS AND SUGGESTIONS

The findings and discussion in this study clearly indicate that the awareness and knowledge level of LIS professionals in Gujarat needs considerable improvement and is corroborated by findings of previous studies like Todorova<sup>26</sup>, *et al.* The legal aspects related to libraries seem to be varied and complex and there is a need to firstly identify the various legal issues that affect libraries, other than copyright. For instance, the issues that may need attention are licensing and contracts, privacy and confidentiality, liabilities, accessibility, and so on. The other area of focus that needs attention of the LIS professionals is the requirement to develop legal resources that are geographic specific, as the law of the land varies, and make such resources easily accessible to the LIS professionals. Probably, this may

need the initiative and effort by professional associations and LIS educational institutional organisations of respective nations.

The findings of the present study clearly indicate that there seems to be no correlation between educational qualification or work experience or designation of library professionals and their awareness or knowledge levels. This finding gives rise to an area of major concern and that is the lack of training programs and formal education in the area of legal aspects for librarians. It may be relevant for LIS educators and trainers to develop appropriate content and deliver short term programs in this area to facilitate better understanding of legal aspects by working librarians. In the long run would be desirable to have specialised courses on legal issues and provisions related to libraries, developing model institutional policies, developing model licenses, privacy and confidentiality right of patrons, and so on.

The need for LIS professionals to improve their legal knowledge in relevant areas is well established not only from the point of view of avoiding violation of law by themselves but also for the sake of their library users to be on the right side of the law. It may be the apt time for LIS professionals to take upon this opportunity to help in dissemination of information related to legal provisions in addition to compiling and disseminating best practices in using library resources without infringing any law. This role seems to be important in the era of digital scholarship and digital libraries.

The present study does indicate the need for further study to explore the awareness and knowledge levels among LIS professionals from other parts of India, identify various legal issues that are relevant to libraries and need to develop educational materials in these areas, investigate instances of violations of law in use of library resources, and so on.

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