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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE M.D.SUMATHI

CONT P(MD) NO. 3763 of 2026

Ramasubbu ... Petitioner / Third Party

Vs.

1.K.Gopal, IAS,
The Secretary to Government,
Department of Higher Education,
Secretariat, Fort St.George, Chennai.

2.R.V.Shajeevana, IAS,
Director of Public Libraries,
Public Libraries Directorate,
737/1, Anna Salai,
Chennai-600 002. ... Contemnors / Respondents

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to initiate contempt proceedings against the respondents 1 & 2 under Sections 11 of the Contempt of Courts Act, 1971, for their willful, deliberate and contumacious disobedience of the directions issued in the Judgment dated 19.06.2024 in W.P.(MD)No.10150 of 2019 and punish the contemnors / respondents in their personal and official capacities with maximum imprisonment and fine, under Section 11 of the Contempt of Courts Act, 1971..

For Petitioner : Mr.K.P.S.Palanivel Rajan, Senior Counsel
for Mr.P.M.Vishnu Varthanan

For Respondents : Mr.B.Saravanan
Additional Advocate General
assisted by Mr.M.Kannan
Special Government Pleader

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Mr.John Sathyan, State Public Prosecutor

ORDER

(By G.R.Swaminathan, J.)

The Hon'ble First Bench of the Madras High Court comprising His Lordship Mr.Justice R.Mahadevan (As His Lordship then was) and one of us (GRSJ) on 19.06.2024 disposed of a writ petition pertaining to procurement of books for public libraries. The writ petition was filed when AIADMK was in power. It was disposed of when DMK was at the helm. TVK leads the governing coalition when the present scandal has erupted. Actors change, actions do not.

2. We extract verbatim the order passed in WP(MD)No.10150 of 2019 (S.Krishnan v. The Secretary to Government, The Department of Higher Education) :

> **"*Nanjil Nadan*** is a well known Tamil literary figure. He won the Sahitya Akademi award in the year 2010. One of his short stories **"உழவாரப் படையாளி"** written in 1985 finds place in the book **"பேய்க்கொட்டு"** published by Vijaya Pathippagam. The story is in the form of an imaginary interview. The author's question and the publisher's answer is as follows :

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கேள்வி : நீங்க போடும் புத்தகங்களில் விற்காமல் தங்கிப் போவதுண்டா?

பதில் : சிலது அப்படியும் ஆகும். ஆனால் ஒரு வசதி. லைப்ரரிக்கு கவர்மெண்ட் ஆர்டர் மொத்தமா அறுநூறு காப்பி போயிரும். அதிலேயே முதலும் லாபமும் வந்துவிடும். சில சமயம் தெரியாமல் ரெண்டாயிரம் போட்டு அறுநூறு காப்பிதான் போச்சுன்னு வைங்க, நாலஞ்சு வருசம் கழிச்சு அட்டையைப் பிரிச்சு வேற தலைப்பு பிரின்ட் போட்டு ஒட்டி புதுசா இன்னும் ஒரு அறுநூறு காப்பி போயிரும் ... இதையெல்லாம் தயவு செய்து போட்ராதீங்க ... நாம்பாட்டுக்கு என்னவாம் உளறிக் கிட்டிருக்கேன் ... பொறவு பொல்லாப்பு ...

2.The quote 'Truth is stranger than fiction' attributed to Mark Twain comes to our mind while going through the affidavit filed by the petitioner. The petitioner, a resident of Nagercoil, is conducting a literary forum so as to inculcate the habit of reading in the general public. He is a regular library goer. He brings to our notice the scandalous state of affairs prevalent in the procurement of books for public libraries in Tamil Nadu. Nanjil Nadan's story is no fiction. It is a portrayal of the rot in the system.

3.The petitioner describes the modus operandi in detail in the affidavit filed in support of the writ petition. His statements are not made in the air. He provides solid proof and justification. The second respondent is the authority to procure books for the public libraries in the State of Tamil Nadu. He would issue notifications calling for response from publishers interested in supplying books. Though one of the conditions would be that the year of the publication of the book should not be changed, instances are galore indicating to the contrary. For instance, "Veeram Vilaintha Varalatru Puthinangal Part-I' (வீரம் விளைந்த

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வரலாற்றுப் புதினங்கள் பகுதி-1) which was published in the year 2013, is nothing but a copy of Kalki's Sivakamiyin Sabatham (சிவகாமியின் சபதம்). The petitioner points out that the books of writers of yore such as Thiru Vi Ka, A.Sa.Gnana Sambanthan, Na.Parthasarathy, etc, have been re-published as if they are of recent vintage. Books that have been nationalised and those books whose copyrights have expired were chosen for such re-publication. Since the legal heirs of the writers cannot complain of copyright violation, the fraudsters could resort to such re-publication and re-packaging with false titles and book covers with impunity.

4.The petitioner's contention that the respondents must adopt best practices and that procurements of books should not be in breach of their own conditions is beyond cavil. There is a condition that once a book is purchased for a public library, it cannot be purchased again for the next five years. It is seen that this condition has been flagrantly breached. Nationalised books are re-printed and published under different titles and authors' names and procured every year. This is nothing short of a scam.

5.When a copyright is nationalised, the Government becomes its custodian. It is obliged to protect the moral right of the author to be identified as the creator of the literary work concerned. By procuring books in the names of persons who did not author the work, the Government has acted in breach of this moral obligation. The petitioner has enclosed the news item published in 'The Hindu' on 11.01.2019 in the wake of the 42nd Book Fair. One publisher has alleged that 99% of the books printed exclusively for the Government Library orders would not be available in the open market. Another publisher lamented that a

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publisher runs a dozen publications in different names only for the sake of getting Government orders and that quality has suffered setback. It was also alleged that 95% of the books were actually by publishers who are ready to pay commission to officials dealing with library orders. The petitioner has made serious allegations in his representation enclosed in the typed set of papers.

6.This writ petition was filed way back in 2019. Full five years have gone by. The respondents have not filed counter affidavit. The rule of nontraverse will apply and we have to take it that the allegations made by the petitioner stand unrebutted. Of course, the learned Government Pleader made available G.O.Ms.No.69 School Education Department dated 07.03.2024. It lays down Transparent Book Procurement Policy-2024. Paragraph 23 of the G.O talks about unfair practices such as sale of books by changing the title or the author's name. The case of the petitioner is that the procurement done so far has facilitated such unfair practices. Bathing in Ganga is believed to wash away one's past sins. But the issuance of G.O cannot absolve the department of the misdeeds committed in the past by the officials.

7.A learned Judge of this Court vide order dated 11.04.2012 in W.P.No. 3272 of 2012 (M.Muthuswami vs. The Secretary to Government and others) observed as follows:

> "*21.An attack against a library is an attack against the civilization and culture of a society. The attack on libraries may take manifold forms. It can be a direct attack to destroy it or there may be indirect attacks of either cutting the budgetary funds, delay in sanctioning funds, keeping library understaffed,*

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denial of particular publications or appointing persons to man the library who are unqualified. Looked at from any angle, it is necessary to save our libraries from being destroyed by ingenious methods. Successive Governments have not cared to look into the administration of the libraries. The result being poor patronage.

22.On the public library service, the responsibility of the State Government is relatable to Entry 12 of List 2 of Schedule VII. The State cannot simply wash away its responsibility in the matter of posting a proper person to man the office of the Director of Public Libraries. Nothing prevented the State from amending the service rules under Article 309 to provide for direct recruitment of candidates who will have minimum qualification prescribed. The office of the Director of Public Library should not be construed only as a promotional post for subordinates to get themselves latched on to a top post. When a minimum qualification is already fixed for the said post, it cannot be diluted . As the State itself has stated that there are no available candidates in the present feeder category, the State should also think of amending the rules so as to provide for direct recruitment by selecting qualified candidates to hold the post of the Director so that the Libraries in the State which are established at the public cost will be well maintained and public will be benefited by such action of the State. It must not be forgotten that the attack on the library is also an attack on the culture, civilization and the history of the people. Therefore, the State is well advised to tone up the administration of the library in the State which are maintained at the public funds with huge expenditure."

8.Another learned Judge of this Court vide order dated 15.02.2021 in W.P. (MD) No.4111 of 2006 etc batch, (T.Arivarasu Pandian vs Government of Tamil Nadu) observed as follows:

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"100. A library is many things to many people. It is a place of potential, of discovery. It is a land of dreams: of adventure and magic, of friendly dragons and other planets. It is a land of hope: of finding a new job or a new home, of learning a new skill or making a new friend. With the above in mind, libraries have been constituted under the Tamil Nadu Public Libraries Act, 1948, (for short 'the Act') wherein the structure under which the libraries constituted thereunder are to function have been codified.

101. Libraries store the energy that fuels the imagination. They open up windows to the world and inspire us to explore and achieve, and contribute to improving our quality of life. As David Lankes (Professor and Director of the School of Library & Information Science at the University of South Carolina) aptly put it, "Bad libraries build collections, good libraries build services, great libraries build communities.

102. Psychologically, people identify themselves with the idea of being part of an organized group for unity and strength. The purpose of forming people into societies is therefore to provide protection, continuity, security and identity. The intellectual skills of the citizens is the guiding factor in the matter of assessing the protection, security and identity of the said society. In this regard, library plays a vital part, as it helps in developing and moulding the character and conduct of the members of the society. The proactive participation of the members in the utilisation of the library within their locality tends to improve the standard of living of the entire community and the harmony of the masses in the said community."

9.In Maheswari Vani Prakashan Pvt. Ltd., and others vs. State of Rajasthan and others reported in 2016 (4) CDR 1934 (Raj), Hon'ble Justice Ms.Bela M.Trivedi (as Her Ladyship then was), it was observed as follows:

" ... It is the duty of the concerned Government to ensure before placing the purchase orders as to whether the public interest is being served and

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whether public money is being used for the right purpose and in the right manner. ..."

10.Richard Ovenden, the Bodley's librarian in the University of Oxford while writing about the burning of the Library of Alexandria remarked as follows :

"Alexandria is, in that telling, a cautionary tale of the danger of creeping decline, through the underfunding, low prioritization and general disregard for the institutions that preserve and share knowledge: libraries and archives. Today, we must remember that war is not the only way an Alexandria can be destroyed."

11.The public libraries of Tamil Nadu may meet the fate of the Library of Alexandria, if the procurement of books is not done in public interest. Time has come to put in place proper mechanism for such procurement. Tamil Nadu today boasts of a number of very good publishers who are bringing out excellent books. They must be encouraged. Their books must be bought. Procurement cannot be linked to payment of commission. The general public must be encouraged to spend time in libraries and the habit of reading must be inculcated.

12.This Writ Petition is allowed with the following directions :

(a) Procurement of books for public libraries in Tamil Nadu must be in consonance with G.O.Ms.No.69, School Education Department, dated 07.03.2024.

(b) The second respondent must maintain a dedicated, userfriendly and functional Website. That such a portal exists, should be made known to the general public and awareness should be created through social media. When it is proposed to make procurement of books, notification must be

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published in the Website. Simultaneously, E-mail communications should be sent to those publishers operating in Tamil Nadu who have published not less than 200 books. The second respondent will have to maintain a list of such publishers. This alone will ensure sufficient notice. Once the books proposed to be purchased are shortlisted, the details will have to be published in a separate web page. It should contain all the relevant details. The book cover should also be displayed. A month's time should be given for eliciting remarks, comments and objections. When procurement for the year is to be finalised, the remarks, comments and objections should be taken into account. They shall remain in the web page and not be deleted.

(c) The first respondent will constitute a committee to enquire into the allegations made by the petitioner. Views will be elicited from the various publishers in this regard. A comprehensive report shall be published within five months from the date of receipt of a copy of this order. It should catalogue all the unfair practices that have come to light so far. Action should be taken against the officials concerned. An action taken report should also be published in the Website within six months thereafter. If necessary, the persons concerned should be prosecuted.

(d) The Government shall issue circular calling upon the heads of educational institutions to make library visits part of the school curriculum."

3. If only the comprehensive directions issued by us in the year 2024 had been followed, we are certain that procurement would not have been made from dubious entities such as "Agal Vilakku", "Sigma" and "Phoenix" publishers.

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4. The people of Tamil Nadu were in for a shock on the eve of Diwali. Writer Perumal Murugan vented his anguish in social media on the colossal fraud in the matter of procurement of the so-called books for Periyar Arivulagam in Coimbatore. Huge public outcry followed. The Government has acknowledged that the system had been taken for a huge ride. Ms.Jayanthi, I.A.S, was relieved of her responsibility as Director of Public Libraries. The Directorate of Vigilance and Anti-Corruption commenced its enquiry. The existing book procurement orders stood cancelled. Prominent literary figures such as Cho.Dharman have demanded fixing of accountability. Sri B.Jeyamohan wants the suspect books to be burnt. All the political leaders in unison have condemned what has happened.

5. Should the court also jump into the fray ?. We answer in the affirmative. For only one reason. Long ago, Arun Shourie wrote a book titled “Courts and their Judgements”. He remarked that courts lose their respect if their orders remain only on paper and not enforced. We do not want our order in ***Krishnan*** case to remain merely on paper. When it has been brought to our notice by the petitioner that our directions have been brazenly and egregiously breached, it would ill-become of us if we keep quiet. That is why, when mention was made in the morning, we chose to take it up immediately. We directed the Director of Public Libraries Ms.R.V.Shajeevana, I.A.S, to appear before us through V.C mode and assist us in unravelling the truth.

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6.We are happy to record that Ms.R.V.Shajeevana, I.A.S. did not adopt an adversarial stand. The learned Additional Advocate General also fairly submitted that the State Government as well as the DVAC are actively seized of the matter and effective action is being taken.

7. While the stand of the respondents does assuage us, we cannot leave the matter at that. We are concerned with a more fundamental issue. Namely, ***the majesty of this Court***. When this Court had passed certain categorical directions on 19.06.2024 as to how the public procurement of books should take place, it ought to have been complied with in letter and spirit. In fact, our order merely echoed the values underlying the Tamil Nadu Public Libraries Act (TN Act 24 of 1948) and the rules framed thereunder. Rule 18(4) of the Tamil Nadu Public Libraries Rules, 1950 reads as follows :

> "(4) The indents for books, magazines and journals to be purchased for libraries, shall receive the prior approval of the Local Library Authority. The books, magazines and journals to be purchased shall conform to the requirements mentioned below:-
>
> (a) They shall be of general interest and of cultural value.
>
> (b) The books, if they are stories or novels, shall be by standard authors and shall not be of doubtful taste.
>
> (c) Books, magazines and journals abusing communities or religions shall not be purchased.

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(d) Books, magazines and journals which are of doubtful taste or which contain undersirable pictures shall not be purchased."

The books can be broadly classified into fiction and non-fiction. Though the requirement that the books should be by standard authors and that they should not be of doubtful taste is applicable only for fiction, we are of the view that the very same yardstick can be extended to non-fictions also. If this threshold is rigorously applied, a first-time author's book may not be in the reckoning. If such a book is placed for consideration, the selection committee is obliged to go through the same and be satisfied that it is akin to a book by a standard author. Unless such satisfaction is arrived at, such books shall not be procured. The expression "doubtful taste" is applicable to both categories. This term has to be expansively construed. A book with dubious content and false narratives is certainly one with doubtful taste. AI-generated and plagiarised works also would fall within this ambit.

8. A public library is an information platform. The Government of Tamil has built such libraries in metropolitan cities and major towns with huge infrastructure so as to provide easy access to information and knowledge to all. We take judicial notice of the fact that persons from ordinary background who otherwise will be deprived of access to standard books on literature are the intended beneficiaries. When they enter the portals of such libraries, they are entitled to presume that the information found therein in the form of books, would be authentic. While the opinions in a given book may not be

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acceptable to the reader, the book itself cannot be a bogus product. Jean Dreze is a renowned economist. He has co-authored books with the Nobel Laureate Amartya Sen. Though born in a distant country, he has made India his home. He resides in Jharkhand. In Kalaignar Centenary Library in Madurai, one came across a book “Democracy and People’s Right in the Contemporary World” attributing authorship to Jean Dreze. The economist has been foxed and baffled. He has denounced the book as fake.

9. The plaintive cry of the economist can be heard by us. Bharathiyar is not as lucky. He can only turn in his grave. Works falsely attributed to him also adorn the racks of the public libraries in Tamil Nadu. **“நெஞ்சு பொறுக்குதில்லையே”**, the immortal condemnatory phrase of the poet comes to our mind.

10. Public libraries have been established to remedy information asymmetry. This is to achieve social justice, empower and educate. By stacking bogus books with false content and books by phantom authors, not only the statutory duty cast under the Tamil Nadu Public Libraries Act, 1948 is being breached, the right to receive accurate and quality information is also infringed. Article 19(1)(a) of the Constitution of India acquires a different colour in the context of the Public Libraries Act. Entry 12, List – II of the VII Schedule speaks of libraries controlled or financed by the State. Therefore, library service occupies a high ground in the constitutional scheme of things.

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11. Even though the facts tumbled out of the closet last week, no FIR has been registered. The DVAC is said to be conducting a detailed enquiry (DE in short). When we directed registration of a criminal case forthwith, the learned Public Prosecutor intervened to suggest that we could await the conclusion of the enquiry. With respect, we posed a direct question to the learned Public Prosecutor - Would you deny that a crime has been committed ?. The learned PP with his usual fairness answered in the negative. If that be so, we wondered as to what prevented the DVAC from registering an FIR against unknown public servants. Crores of rupees has gone out of the public exchequer. It is too obvious that a crime of this humongous proportion could not have taken place but for the active involvement of government servants. Not only the BNS provisions but also the provisions of the Prevention of Corruption Act stand attracted.

12. We call upon the second respondent to make available the names and details of those officials who were responsible for having made fraudulent procurements of so-called books during the last 2 years and more, so that they can be impleaded as contemnors in this petition and dealt with appropriately. We also direct the DVAC to forthwith register an FIR. The bank account of Agal Vilakku Publication as well as Thiru Mohan, Proprietor and others involved shall be frozen immediately. The Government shall immediately take disciplinary action including suspension of the officials

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involved. The Librarians concerned shall forthwith take inventory of such suspect books and make them unavailable to the reading public. During the course of this contempt proceeding, the authorities will apprise us of the exact amount spent towards procurement of such books. All the relevant records shall be made available (photocopies). In particular, report shall be filed before us in the form of affidavit by the Director of Public Libraries setting out the entire sequence and trajectory of events. The persons involved from top to bottom shall be identified and named.

13. This is the direction in which we propose to travel. We remind one and all that this is a contempt proceeding. The primary order was passed by His Lordship Mr.Justice R.Mahadevan (As His Lordship then was) and one of us (GRSJ). The Hon'ble Chief Justice of the Madras High Court has given the following direction :

> "7) Applications/Petitions for **Civil Contempt**, Review/Clarification/Modification/ Recall and / or any other applications / petitions relating to the orders passed by the Single Bench/Division Bench shall be listed before the concerned Single Bench / Division Bench.
>
> …..
>
> 7B) If the Senior Judge / Junior Judge of the Division Bench concerned is not available on account of transfer, elevation, retirement, (or) sitting in the Principal Seat at Madras (or) for any other reasons and the Senior Judge/Junior Judge is sitting in a

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Division Bench, such applications/petitions shall be listed before the said Division Bench."

GRSJ was the Junior Judge in the Bench which passed the primary order. The Senior Judge is now adorning the Hon'ble Supreme Court. Therefore, the contempt petition has been taken on file by this Bench comprising GRSJ and MDSJ in terms of the roster arrangement put in place by the Hon'ble Chief Justice of the Madras High Court.

14. Call this case on 11.11.2026 at 2.15 pm.

(G.R.S. J.,) & (M.D.S. J.,)
10.11.2026

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
SKM

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To

1.K.Gopal, IAS, The Secretary to Government,
Department of Higher Education, Secretariat, Fort St.George, Chennai.

2.R.V.Shajeevana, IAS, Director of Public Libraries,
Public Libraries Directorate, 737/1, Anna Salai, Chennai-600 002.

Copy To:

The Directorate of Vigilance and Anti-Corruption,
Chennai.

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G.R.SWAMINATHAN, J.
and
M.D.SUMATHI, J.

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