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Model Public Libraries Bill.

(Library organisation. 8).

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Details the clauses necessary in a Public Library Bill for any State in India. The Model Bill is followed by a Financial Memorandum and a Memorandum regarding Delegated Legislation.

The...Public Libraries Bill 196-

A Bill to provide for the establishment and maintenance of public libraries and the organisation of a comprehensive rural and urban library service in the State of

Whereas it is expedient to provide for the establishment and maintenance of public libraries and the development and organisation of a comprehensive rural and urban library service in the State of and for matters connected therewith;

Be it enacted by the in the Year of the Republic of India as follows:

CHAPTER I

Preliminary

11 SHORT TITLE, EXTENT AND COMMENCEMENT

111 This Act may be called Public Libraries Act, 196-.

112 It extends to the whole of the State of

113 It shall come into force on such date as the State Government may, by notification, appoint.

12 DEFINITIONS

In this Act, unless the context otherwise requires

121 'Academic library' means a library maintained by a university, college, school or research institution.

122 'Aided library' means a library declared by the State Librarian to be eligible for aid from the Government in accordance with the rules made under this Act.

123 'Book' includes

1 Every volume, part or division of a volume, and pamphlet, in any language;

2 Every sheet of music, map, chart or plan separately printed or lithographed; and

3 Newspapers, periodicals and other such materials.

124 'City' means a population cluster of about 100,000 people or more declared by the government to be a city.

125 'City Library Authority' means a Library Authority constituted for a city under section 411.

126 'State-owned Library' means a library maintained by a Department of the State Government, the State Legislature, the High Court or any other court or any authority of the State.

127 'District' means a revenue district excluding the cities in its area.

128 'District Library Authority' means a Library Authority constituted for a District under section 411.

1291 'Library cess' means a cess levied under section 51.

1292 'Local Library Authority' means a City Library Authority or a District Library Authority.

1293 'Notification' means a notification published in the official Gazette.

1294 'Outlier library' means any library other than a public library.

1295 'Prescribed' means prescribed by rules made under this Act.

1296 'Public library' means

1 A library established or maintained by a Local Library Authority, including the branches and service stations of such library;

2 A library declared to be eligible for aid and receiving aid from the State Government; and

3 Any other library notified by the State Government as a public library for the purposes of this Act:

1297 'State Central Library' means the library declared to be the State Central Library under Chapter 6.

1298 'State Librarian' means the State Librarian appointed under this Act.

12991 'State Library Authority' means the Authority constituted under section 21.

12992 'Year' means the financial year.

CHAPTER 2

The State Library Authority

21 CONSTITUTION AND COMPOSITION OF THE STATE LIBRARY AUTHORITY

211 CONSTITUTION

As soon as may be after the commencement of this Act, the State Government shall, by notification, constitute for the purposes of this Act, an authority to be called the State Library Authority. Such authority shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may by the same name sue and be sued.

212 COMPOSITION

The . . . State Library Authority shall consist of

1 The Minister in charge of Education who shall *ex-officio* be the President of the Authority;

2 The State Librarian who shall *ex-officio* be the Secretary of the Authority;

3 Three persons elected by the . . . Legislative Assembly from among its members;

4 Two persons elected by the . . . Legislative Council from among its members;

5 One person elected by the Syndicate of each of the Universities in the State from among the members of the Syndicate;

6 One person elected by the Executive Committee of the State Library Association from among the members of the Association;

7 One person elected by the City Library Authority of the Capital of the State from among its members;

8 One person elected by the City Library Authority of one of the cities in the State, other than the capital City, for which a City Library Authority is established, from among the members of such Authority, subject to the condition that such election shall be made by each City Library Authority for one term in such order of rotation as the State Government may by order determine;

9 One person elected by the Rural Library Authority of one of the Districts in each Revenue Division of the State from among the members of such Authority, subject to the condition that such election shall be made by each Rural Library Authority in every Revenue Division for one term in such order of rotation as the State Government may by order determine;

Note.—If a State has not formed Revenue Divisions, for the purpose of this Act the Government will group the Districts as if there were Revenue Divisions. And this category of members will be defined accordingly.

- 10 The Director of Education and the Education Secretary;
- 11 Two persons nominated by the State Government from among the other Secretaries to Government and Heads of other Departments; and
- 12 Two persons nominated by the State Government who in the opinion of the State Government are experts in library science.

Provided that at the first constitution of the Authority for purposes of categories 7, 8, and 9 six persons ordinarily resident in the cities and districts of the Revenue Divisions for which the Library Authorities may be established, shall be nominated by the State Government.

22 FUNCTIONS OF THE STATE LIBRARY AUTHORITY

The State Library Authority shall

- 1 Advise the State Government on all matters connected with the administration of this Act;
- 2 Be the managing authority for the State Central Library; and
- 3 Exercise and perform such powers and duties conferred and entrusted to the said Authority by or under the provisions of this Act.

23 NOMINATION OF MEMBERS IN DEFAULT OF ELECTION

If any of the bodies referred to in 212 does not, by such period as may be prescribed, elect a person to be a member of the State Library Authority, the State Government shall, by notification, nominate to the vacancy a person qualified for election thereto; and the person so nominated shall be deemed to be a member of the Authority as if he had been duly elected by the said body.

24 TERM OF OFFICE

241 Save as otherwise provided in this Act, the term of office of members of the State Library Authority, other than

ex-officio members, shall be for a period of two years commencing from the date on which the first meeting of the Authority is held after the election or nomination of the members under Sec 212.

242 An outgoing member shall continue in office until the election or nomination of his successor.

243 An outgoing member shall be eligible for re-election or re-nomination.

25 VACANCIES

In the event of a vacancy arising out of death, resignation, disability or otherwise, previous to the expiry of the term of office of any member of the State Library Authority, the vacancy shall be filled by election or nomination, as the case may be, of another person in the manner provided in Sec 212 and any person elected or nominated to fill the vacancy shall hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

26 DISABILITIES FOR CONTINUING AS MEMBER

If any member other than an *ex-officio* member of the State Library Authority, during the period for which he has been nominated or related

1 Absents himself without excuse sufficient in the opinion of the Authority, from three consecutive meetings of the Authority; or

2 In the case of a member elected by any body referred to in Sec 212 ceases to be a member of the body concerned, his office in the Authority shall become vacant.

27 MEETINGS OF THE STATE LIBRARY AUTHORITY

271 The State Library Authority shall meet at least twice a year on dates to be fixed by the President. One of such meetings shall be the annual meeting.

272 The President may also, whenever he thinks fit, convene a special meeting of the Authority for the transaction of urgent business.

273 Subject to prescribed conditions, special meetings may be convened by the President to discuss matters of urgent importance upon a requisition in writing signed by not less than one-third of the members of the Authority.

274 Two-fifths of the total number of members of the Authority shall be the quorum for a meeting of the State Library Authority.

275 The President, if present, shall preside at every meeting of the Authority. In the absence of the President, the members present at the meeting shall choose one from among themselves to preside thereat.

28 PROCEDURE OF STATE LIBRARY AUTHORITY

The State Library Authority shall transact business in such manner and in accordance with such procedure as may be prescribed.

291 SAVING OF VALIDITY OF ACTS AND PROCEEDINGS

No act done, or proceedings taken under this Act shall be questioned merely on the ground

1 Of any vacancy or defect in the constitution of any Authority or any committee thereof; or

2 Of any defect or irregularity in such act or proceedings not affecting the merits of the case.

CHAPTER 3

Administrative Agency

31 DEPARTMENT OF PUBLIC LIBRARIES

For the purposes of this Act, a Department of Public Libraries shall be constituted with a State Librarian as its head and such other officers and servants as the Government may by order specify.

32 FUNCTIONS OF THE DEPARTMENT

321 Subject to the control of the State Government, the Department of Public Libraries shall be responsible for the administration of this Act.

322 In particular and without prejudice to the generality of the foregoing power, the Department shall

1 Superintend and direct all matters relating to all public libraries;

2 Promote the establishment of public library service so as to achieve the purposes of the Act;

3 Supervise and direct all matters relating to libraries receiving aid from the State Government;

4 Superintend, direct, and deal with the exercise of powers and the performance of duties by Local Library Authorities under this Act;

5 Ensure the proper utilisation of the Library Fund and library man-power of the State; and

6 Perform such other functions as may be entrusted to the Department by or under the provisions of this Act.

33 STATE LIBRARIAN

331 A whole time officer having the prescribed qualifications to practise in the library profession shall be appointed by the State Government as the State Librarian.

332 The State Librarian shall

1 Function as the Librarian of the State Central Library;

2 Superintend, direct, and deal with all matters relating to the Press and Registration of Books Act, 1867 (Central Act 25 of 1867) and to the maintenance and service of the books sent under the said Act;

3 Control the appointments, postings, and transfers of officers and servants in the State Library Service;

4 Generally assist the State Library Authority in performing its functions; and

5 Exercise such other powers and perform such other duties as may be conferred or imposed by or under this Act.

34 STATE LIBRARY SERVICE

341 Notwithstanding anything contained in any other law, all posts in the Department of Public Libraries, the State Central Library, and every Local Library Authority shall be filled by appointment of persons belonging to the State Library Service.

342 The State Library Service shall consist of such classes and categories of posts as the State Government may from time to time determine. All members of the said service shall be Government servants, and their recruitment and conditions of service shall, subject to the provisions of Article 309 of the Constitution, be regulated by such rules as may be prescribed.

343 A Library Authority may, if it deems necessary, by a resolution passed by two-thirds of the total number of members of the Authority recommend to the State Government the taking of such disciplinary action as may be necessary against any officer belonging to the said service in respect of any misconduct by him while in the service of the said Authority.

344 The salary, allowances, gratuity, pension and other benefits of the members of the State Library Service shall be met from the Consolidated Fund of the State.

CHAPTER 4

Local Library Authority

41 CONSTITUTION OF LOCAL LIBRARY AUTHORITY

411 For the purpose of organising and administering Public Libraries in the State, there shall be constituted Local Library Authorities

- 1 For each City called the City Library Authority; and
- 2 For each District, called the District Library Authority.

412 Every Local Library Authority shall, by the name of the area for which it is constituted, be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may by the same name sue and be sued.

42 COMPOSITION OF CITY LIBRARY AUTHORITY

Every City Library Authority shall consist of

- 1 The Mayor or the Chairman of the City Corporation or City Municipality, who shall *ex-officio* be the Chairman of the Authority;

- 2 The Chief Librarian of the city who shall *ex-officio* be the Secretary of the Authority;

- 3 Two persons elected by the municipal corporation, municipal council or other municipal body of the city from among its members;

- 4 One person nominated by the Executive Committee of the city branch, if any, of the State Library Association from among the members of the branch;

- 5 One person nominated by the State Government from among the members of governing bodies of aided libraries in the city;

- 6 Three persons nominated by the State Government from among the staff of colleges, high schools and officers of the Department of Public Instruction residing in the city; and

- 7 One person nominated by the State Government from among persons ordinarily resident in the city who are in the opinion of the State Government experts in library science.

43 COMPOSITION OF DISTRICT LIBRARY AUTHORITY

Every District Library Authority shall consist of

- 1 The President of the District Board who shall *ex-officio* be the Chairman of the Authority;

2 The District Educational Officer - or the Educational Inspector of the district who shall *ex-officio* be the Vice-Chairman;

3 The District Librarian of the district who shall *ex-officio* be the Secretary of the Authority;

4 One person elected from among its members by each municipal council or other municipal body in the district with jurisdiction over a municipal area other than a city and having a population of not less than fifty thousand;

5 Two persons nominated by the State Government from among the members of the other municipal councils or other municipal bodies in the district with jurisdiction over a municipal area having a population of not less than five thousand;

6 Two persons nominated by the State Government from among the members of village panchayats and town panchayats in the district;

7 One person nominated by the executive committee of the district branch of the State Library Association from among the members of the branch, if any;

8 One person nominated by the State Government from among the members of the governing bodies of aided libraries in the district;

9 Three persons nominated by the State Government from among the staff of colleges, high schools and officers of the Department of Public Instruction residing in the district; and

10 One person nominated by the State Government from among persons ordinarily resident in the district who are in the opinion of the State Government experts in library science.

44 NOMINATION OF MEMBERS IN DEFAULT OF ELECTION

If any of the bodies referred to in section 42 or 43 does not by such period as may be prescribed elect or nominate a person to be a member of the City Library Authority or the District Library Authority, as the case may be, the State Government shall, by notification, nominate to the vacancy a person qualified

for election thereto; and the person so nominated shall be deemed to be a member of the Authority as if he had been duly elected by the said body.

45 TERM OF OFFICE

451 Save as otherwise provided in this Act, the term of office of members of a Local Library Authority, other than *ex-officio* members, shall be for a period of two years commencing from the date on which the first meeting of the Authority is held after the election or nomination of the members under sections 41, 42 and 43.

452 An outgoing member shall continue in office until the election or nomination of his successor.

453 An outgoing member shall be eligible for re-election or re-nomination.

46 VACANCIES

In the event of a vacancy arising out of death, resignation, disability or otherwise, before the expiry of the term of office of any member of a Local Library Authority, the vacancy shall be filled by election or nomination, as the case may be, of another person in the manner provided in section 42 or section 43, as the case may be, and any person elected or nominated to fill the vacancy shall hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

47 DISABILITIES FOR CONTINUING AS MEMBER

If any member other than an *ex-officio* member of a Local Library Authority, during the period for which he has been nominated or elected

1 Absents himself without excuse sufficient in the opinion of the Authority, from three consecutive meetings of the Authority; or

2 In the case of a member elected by any body referred to in section 42 or section 43 ceases to be a member of the body concerned, his office in the Authority shall become vacant.

48 POWERS AND FUNCTIONS OF LOCAL LIBRARY AUTHORITY

481 It shall be the duty of every City Library Authority and every District Library Authority to provide library service to the persons residing in the area within its jurisdiction.

482 For purposes of section 411 a Local Library Authority may

1 Provide suitable lands and buildings for public libraries, and the furniture, fittings, equipment and other conveniences necessary for the purpose;

2 Provide such libraries with books, periodicals, newspapers, maps, gramophone records, manuscripts, works and specimens of art and science, lantern slides, films, cinema projectors, recorders and the like;

3 With the previous sanction of the State Government shift or close any public library;

4 Accept any endowment or gift for any purpose connected with its activities,

Provided that no gift or endowment of an immovable property shall be accepted without the previous sanction of the State Government;

5 Provide for lectures and conduct other activities as may be conducive to the carrying out of the purposes of this Act;

6 With the consent of the management and the previous sanction of the State Government acquire any library on such conditions as may be approved by the State Government;

7 With the sanction of the State Government do any other thing that may be conducive to the furtherance of the purposes of this Act; and

8 Exercise such other powers and perform such other duties as may be conferred or imposed by or under this Act.

491 DEVELOPMENT PLAN

4911 Subject to such general or special orders of the State Government, as soon as possible after a Local Library Authority

is constituted and thereafter as often as may be required by the State Librarian, every Local Library Authority shall, and whenever it considers it necessary so to do, a Local Library Authority may, prepare a plan (hereinafter referred to as the 'Local Development Plan') for establishing libraries and spreading library service within the jurisdiction of such Authority in such form and manner and containing such particulars as may be prescribed.

4912 The salient features of every Local Development Plan prepared under section 4911 shall be published in such manner as may be prescribed along with a notice inviting objections and suggestions from all persons interested in the Plan within such period as may be specified in the notice. Any objection or suggestion which may be received from any person with respect to the Local Development Plan shall be considered by the Local Library Authority and such modifications in the Plan shall be made as the Authority deems fit.

4913 The Local Development Plan shall thereafter be sent to the State Librarian along with a copy of the objections and suggestions received under section 4912. The State Librarian shall with his comments on the Local Development Plan submit it to the State Government for sanction.

4914 The State Government may if it deems fit after ascertaining the views of the State Library Authority sanction the Local Development Plan with such alterations as it considers necessary. The State Government may on application by the Local Library Authority concerned, modify any Local Development Plan sanctioned under this section.

4915 As soon as may be after the State Government sanctions a Local Development Plan under section 4914.

1 The State Librarian shall in conformity with the provisions of the said Plan make an order called the Local Library Order for the area, specifying the Central Library and the Branch Libraries including branches to be located in educational institutions, prisons and hospitals, and the service stations, which shall be established and maintained by the Local Library Authority, the measures to be taken by the Local Library Authority for

providing adequate library service to the people in the area and the stages in which such measures shall be taken.

2 A Local Library Order made under clause 1 may be amended in consultation with the Local Library Authority, whenever the State Librarian considers it expedient to do so.

4916 Every Local Library Authority shall give effect to the Local Development Plan as sanctioned by the State Government and the Local Library Order made under section 4915.

492 LOCAL LIBRARY AUTHORITY TO APPOINT COMMITTEES

4921 Every Local Library Authority shall constitute the following committees by election from among its members, namely

- 1 The Executive Committee;
- 2 The Book Fund Committee; and
- 3 The Finance Committee.

4922 A Local Library Authority may constitute committees for such other purposes as it deems fit.

4923 The President of the Local Library Authority shall *ex-officio* be a member and Chairman of the Executive Committee, the Book Fund Committee, and the Finance Committee. The City Librarian or the District Librarian as the case may be shall *ex-officio* be the Secretary of the Executive Committee, the Book Fund Committee, and the Finance Committee.

4924 The Executive Committee shall be responsible for the executive functions of the Local Library Authority.

4925 The Book Fund Committee shall be responsible for framing the policy of Book Selection for the Central Library and the Branch Libraries, for amending the policy from time to time, and for ensuring that the policy is duly carried out.

4926 The Finance Committee shall scrutinise proposals for increase of revenue, examine the receipts and expenditure statements, consider all new propositions affecting finance and

shall generally supervise the revenue and expenditure of the Local Library Authority.

493 ADVISORY LIBRARY COMMITTEES

4931 For the purpose of advising on local requirements relating to library service of each branch library and each service station in a village served by travelling library service, Advisory Committees shall be constituted in accordance with the provisions of this section.

4932 Every Branch Library Committee shall consist of

1 The Branch Librarian who shall *ex-officio* be the Chairman and Convener of the Committee;

2 One person representing the area which the Branch Library serves, or the municipal council or other municipal body or the panchayat having jurisdiction over that area, elected by the body concerned;

3 One person nominated by the executive council of the town branch, if any, of the State Library Association;

4 Three teachers of educational institutions in the area in which the Branch Library is located, nominated by the City Librarian or the District Librarian, as the case may be; and

5 Three persons from among the registered borrowers of the Branch Library nominated by the City Librarian or the District Librarian, as the case may be.

4933 Every Village Library Committee shall consist of

1 The Travelling Librarian visiting the Service Station in the village who shall *ex-officio* be the Chairman and Convener of the Committee;

2 Two teachers of educational institutions in the area served by the Service Station, nominated by the District Librarian of the District; and

3 Two persons from amongst the registered borrowers in the area served by the Service Station, nominated by the District Librarian of the District.

4934 The nominated members of a Branch Library Committee and a Village Library Committee shall hold office for a period of two years or until their successors are nominated.

CHAPTER 5

Finance and Accounts

51 LIBRARY CESS

511 Every City Library Authority shall levy a library cess in the form of a surcharge on

- 1 Tax on lands and buildings;
- 2 Tax on entry of goods into the local area for consumption, use, or sale therein;
- 3 Tax on vehicles;
- 4 Tax on professions, trades, callings and employments;

(Note.—Wherever such taxes exist)

levied in the area within the jurisdiction of such Library Authority under the relevant laws relating to local authorities providing for the levy of such taxes, at the rate of three paise for every rupee of the taxes so levied.

512 Every District Library Authority shall levy a library cess in the form of a surcharge on tax on lands other than land revenue, and buildings levied in the area within the jurisdiction of such Library Authority, under the relevant laws relating to local authorities providing for the levy of such tax at the rate of three paise for every rupee of the tax so levied.

513 The cess levied under Sec 511 or 512 shall be collected by the municipal corporation, municipal council or other municipal body, or the village panchayat or other local authority having jurisdiction over the area as if the cess were a tax referred to in the said clause payable under the relevant laws for the time being in force in the area, and all the provisions of the said laws relating to the levy and collection of the said tax shall apply subject to such modifications as may be prescribed.

514 The cess collected under section 513 by every local authority shall be paid to the City Library Authority or the District Library Authority, as the case may be.

52 GOVERNMENT GRANT TO DISTRICT LIBRARY AUTHORITY OF A PORTION OF LAND REVENUE

521 The State Government shall make annually a grant to every District Library Authority of an amount equal to three per cent of the land revenue collected in the district.

522 The amount granted to a District Library Authority under section 521 shall be credited to the Local Library Fund of the district at such times and in such manner as may be prescribed.

53 LOCAL LIBRARY FUND

531 Every City Library Authority and District Library Authority shall maintain a Local Library Fund called the City Library Fund and the District Library Fund, as the case may be, from which all its payments under this Act shall be met.

532 There shall be credited to the City Library Fund and the District Library Fund, as the case may be, the following sums, namely

- 1 The cess collected under Section 513;
- 2 The grant under Section 52;
- 3 Contributions, gifts and income from endowments made to the Library Authority for the benefit of public libraries;
- 4 Special grants which the Government may make for any specified purpose connected with libraries; and
- 5 Funds and other amounts collected by the Local Library Authority under rules or bye-laws made under this Act.

54 ACCOUNTS

541 An account shall be kept of the receipts and expenses of each City Library Authority and District Library Authority

542 The accounts shall be open to inspection, and shall be subject to audit, disallowance and surcharge, and shall be dealt with in all other respects in such manner as may be prescribed.

CHAPTER 6

State Central Library

(In the case of a State in which there already exists a library fit to be converted into a State Central Library the first section of this Chapter should consist of an enabling clause for the conversion.)

62 STATE CENTRAL LIBRARY

621 As from the appointed day, Library, shall be the State Central Library.

622 The State Central Library shall be maintained as a reservoir of books for the proper functioning of the State library system.

623 In addition to a general library, the State Central Library shall consist of the following sections, namely:—

- 1 A State Bureau of Copyright Collection;
- 2 A State Library for the Blind;
- 3 A State Bureau of Inter-library Loan;
- 4 A State Bibliographical Bureau; and
- 5 A State Bureau of Technical Service.

63 SECTIONS OF STATE CENTRAL LIBRARY

631 STATE BUREAU OF COPYRIGHT

6311 One copy of each book received under the Press and Registration of Books Act, 1867 (Central Act XXV of 1867) shall be kept in the State Central Library as a Bureau of Copyright,

6312 Copies of books in the State Bureau of Copyright shall not be issued by way of loan of any kind but may be made available for reference in the library premises.

632 STATE LIBRARY FOR THE BLIND

6321 The production and storage of books, sound records of books and kindred materials for the blind, and the issue of such books and materials for the use of the blind shall be dealt with in the section relating to the State Library for the Blind.

6322 The State Central Library may collaborate with other Libraries for the Blind in India and undertake such work as may be necessary for purposes of such collaboration.

633 STATE BUREAU OF INTER-LIBRARY LOAN

6331 The State Bureau of inter-library loan shall implement such schemes of inter-library loans among the public libraries, academic libraries, departmental libraries, aided libraries and the outlier libraries in the State as may be prescribed.

6332 The State Central Library may, with the approval of the State Government, collaborate in any scheme of inter-State library loan.

634 STATE BIBLIOGRAPHICAL BUREAU

6341 The State Bibliographical Bureau shall undertake such bibliographical work as may be prescribed, and may for this purpose collaborate with Departments of Government and educational and other bodies in the State.

6342 The State Central Library may, with the approval of the State Government, collaborate with Bibliographical Bureaux or agencies in India and undertake such bibliographical work as may be necessary for purposes of such collaboration.

635 STATE BUREAU OF TECHNICAL SERVICE

6351 The State Bureau of Technical Service shall be maintained for centralised technical services, such as, acquisition, classification, and cataloguing of books for public libraries, aided libraries, and outlier libraries, in accordance with such schemes as may be prescribed.

6352 The State Central Library may, with the approval of the State Government, collaborate with the other similar

Bureaux of Technical Service in India and undertake such technical work as may be necessary for purposes of such collaboration.

CHAPTER 7

Reports, Returns and Inspection

71 REPORTS AND RETURNS

Every Local Library Authority and every person in charge of a public library shall submit such reports and returns and furnish such information to the State Librarian or any person authorised by him in this behalf as the said librarian or authorised person may, from time to time, require.

72 INSPECTION OF LIBRARIES

The State Librarian or any person authorised by him in this behalf may inspect any public library or any institution attached thereto for the purpose of satisfying himself that the provisions of this Act and the rules and bye-laws made thereunder are duly carried out.

73 ANNUAL REPORT

The State Librarian shall, in respect of each financial year, prepare an annual report of the progress made by the Local Library Authorities during the year along with such information and particulars as may be prescribed and submit such report to the State Government before such date as the State Government may by order specify.

CHAPTER 8

Misellaneous

81 POWER TO MAKE RULES

811 The State Government may after previous publication, by notification, make rules to carry out the purposes of this Act.

812 In particular and without prejudice to the generality of the foregoing power, such rules may provide for

1 The method of election or nomination of members to the State Library Authority, the Local Library Authorities, the Branch Library Committees and the Village Library Committees;

2 The establishment and maintenance of a State Library Fund by the State Library Authority;

3 The administration and management of the State Central Library;

4 The maintenance of accounts by the State Library Authority and the Local Library Authorities and the publication of audited statement of accounts and the reports of auditors;

5 The grants-in-aid to aided libraries and the standards to be maintained by such libraries;

6 The maintenance of State Registers of Libraries and of Librarians;

7 The matters referred to in section 82 relating to the power of the Local Library Authorities to make bye-laws and in respect of which rules have to be made; and

8 The restrictions and conditions subject to which the State Library Authority or a Local Library Authority may enter into contract, or acquire, hold or dispose of property.

813 Every rule made under this Act shall, as soon as may be after it is made, be laid before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two or more sessions and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

82 POWER OF LOCAL LIBRARY AUTHORITIES TO MAKE BYE-LAWS

821 A Local Library Authority may, subject to the provisions of this Act and the rules made thereunder and with the

previous sanction of the State Government by notification, make bye-laws generally to carry out the purposes of this Act.

822 In particular and without prejudice to the generality of the foregoing power, such bye-laws may provide for all or any of the following matters, namely

8221 The admission of the public to the public libraries in the area within the jurisdiction of the Local Library Authority, subject to such conditions as may be specified in such bye-laws:

Provided that no fees shall be charged for such admission;

8222 The guarantee or security, if any, to be furnished by persons desiring to use such libraries, against injury to, or misuse, destruction, or loss of the property of such libraries;

8223 The manner in which the property of such libraries may be used and the protection of such property from injury, misuse, destruction, or loss;

8224 The authority to be exercised by the officers and servants of the Local Library Authority for the purpose of exclusion or removal from any such library of any person who contravenes or does not comply with any provision of this Act or any rule or bye-law made thereunder,

Provided that a Local Library Authority shall not have power to make any bye-laws affecting the State Central Library.

823 Every bye-law made under this section shall be subject to the condition of previous publication and such publication shall be in the Official Gazette and in such other manner as may be prescribed.

824 The State Government may by notification modify or cancel any bye-law made by a Local Library Authority under this section,

Provided that before modifying or cancelling any bye-law, the State Government shall give the Local Library Authority concerned a reasonable opportunity to make its representations in the matter.

83 OFFENCES AND PENALTIES

Whoever

831 In a public library or other institution maintained under this Act acts in any manner likely to cause annoyance or disturbance to any person using such library or institution, or behaves in a disorderly manner or uses violent or abusive language in any such library or institution; or

832 After due warning persists in remaining therein beyond the hours fixed for closing,

shall be liable to be removed from such library or institution and shall also be punishable with fine which may extend to rupees ten and for a second or subsequent offence with fine which may extend to rupees fifty.

84 CONTROL OF LOCAL LIBRARY AUTHORITIES BY GOVERNMENT

841 If, at any time, it appears to the State Government that a Local Library Authority has failed to perform its functions or has exceeded or abused any of the powers conferred upon it by or under this Act, the State Government may communicate the particulars thereof to the Local Library Authority, and if the Local Library Authority omits to remedy such failure, excess or abuse or to give an explanation which in the opinion of the State Government is satisfactory within such time as the State Government may fix in this behalf, the State Government may supersede the Local Library Authority for such period as the State Government may direct.

842 If a Local Library Authority is superseded

8421 All the powers and duties of the Authority shall, during the period of supersession, be exercised and performed by such person or persons as the State Government may from time to time appoint in this behalf;

8422 All property vested in the Local Library Authority shall, during the period of supersession, vest in the State Government; and

8423 On the expiry of the period of supersession, the Local Library Authority shall be reconstituted in the manner provided in this Act.

85 LIABILITY OF MEMBERS FOR LOSS, WASTE, OR MISAPPLICATION

851 Every member of a Local Library Authority shall be personally liable for the loss, waste or misapplication of any money or other property of the Authority to which he has been a party, or which has been caused or facilitated by his misconduct or neglect of his duty as a member.

852 If after giving the member or members concerned a reasonable opportunity for showing cause to the contrary the State Librarian is satisfied that the loss, waste or misapplication of any money or other property of the Local Library Authority is a direct consequence of misconduct or neglect on his or their part, the State Librarian shall by order in writing direct such member or members to pay to the Local Library Authority before a specified date, the amount required to reimburse it for such loss, waste or misapplication.

853 If the amount is not so paid, it shall be recoverable as an arrear of land revenue.

854 An appeal shall lie from the decision of the State Librarian to the State Revenue Appellate Tribunal within such period as may be prescribed, and the decision of the State Revenue Appellate Tribunal on such appeal shall be final.

86 MEMBERS AND EMPLOYEES OF LIBRARY AUTHORITIES TO BE PUBLIC SERVANTS

Every member of the State Library Authority or a Local Library Authority and every officer and servant employed under such authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

87 PROVISIONS RELATING TO SUITS, ETC

871 No suit or other legal proceeding shall be instituted against the State Library Authority or a Local Library Authority

or any of its officers or any person acting under its direction until the expiration of two months next after notice in writing shall have been delivered or left at the office of the Authority or at the place of abode of such officer or person; such notice shall state the cause of action, the relief sought, the amount of compensation, if any, claimed, and the name and place of abode of the intending plaintiff.

872 No suit or other legal proceedings shall lie against the State Government, the State Librarian, the State Library Authority or a Local Library Authority, or any member, officer, servant or agent of such Authority acting under its direction, in respect of anything done or intended to have been done lawfully and in good faith under this Act or any rule, bye-law or order made thereunder.

88 POWER TO REMOVE DIFFICULTIES

If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

891 TRANSFER OF CERTAIN LIBRARIES

(In case any existing libraries are to be transferred to any of the Local Library Authorities, the enabling clause should be inserted here.)

892 AMENDMENT OF THE PRESS AND REGISTRATION OF BOOKS ACT 1867 IN ITS APPLICATION TO THE STATE OF

The Press and Registration of Books Act, 1867 (Central Act XXV of 1867) shall, in its application to the State of be amended as follows:

1 In the first paragraph of section 9, for clause (a), the following clause shall be substituted, namely

“(a) in any case, within one calendar month after the day on which any such books shall first be delivered out of the press, three such copies, and”;

2. In the last paragraph of section 9, for clause (i); the following clause shall be substituted, namely

“(i) any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, block prints or other engravings belonging to the book have been made, and three copies of the first or some preceding edition of which book have been delivered under this Act, or”;

3 In section 11, for the first sentence, the following sentence shall be substituted, namely

“Out of the three copies delivered pursuant to clause (a) of the first paragraph of section 9 of this Act, one copy shall be sent to the State Central Library, —, referred to in the — Public Libraries Act, 19—, and the remaining two copies shall be disposed of in such manner as the State Government may, from time to time determine.”

893 REPEAL AND SAVINGS

(If any existing Act or Sections of any other Acts such as Municipal Acts, Village Panchayats and Local Boards Acts relating to the establishment, maintenance and development of Public Libraries, this section should contain the enabling clause.)

CHAPTER 91

Financial Memorandum

911 The Library System of the State will be maintained

9111 Out of the Consolidated Fund of the State

9112 From the 3 per cent cess collected

91121 In the cities (section 511)

- 1 On tax on lands and buildings;
- 2 From octroi (tax on entry of goods);
- 3 On tax on vehicles;
- 4 On tax on professions, trades, callings, and employments.

91122 In the districts

- 1 A cess of 3 per cent on tax on lands and buildings (section 512) and
- 2 3 per cent grant of land revenue in the districts (section 52).

912 The following expenses shall be met from the Consolidated Fund of the State, namely

9121 Expenditure involved in maintaining the Department of Public Libraries with the State Librarian as its head.

9122 The State Library Service (section 34).

9123 The State Central Library.

9124 Library Training Schools.

9125 Other ancillary expenditure necessary for carrying out the objectives of the Act.

9126 Grant-in-aid to the aided libraries, until such time as they get merged in the libraries maintained by the Local Library Authorities.

913 The funds raised by way of 3 per cent cess on the specified taxes in the cities and 3 per cent cess on tax on lands and buildings coupled with the 3 per cent land revenue in the respective districts will be utilised for maintaining the libraries, excluding the staff salary which is a direct charge on the State revenues. The funds will be utilised for acquiring books, periodicals, other kindred reading materials, binding and maintenance, furniture and equipments, rent on buildings and other contingent expenditure.

[914 Other paragraphs peculiar to the financial structure and policy of the State may be added here.]

CHAPTER 92

Memorandum Regarding Delegated Legislation

Sec 23 empowers the State Government to prescribe the period within which a person may be elected from any of the bodies referred to in Sec 212 to be a member of the State Library Authority.

Sec 273 empowers the State Government to prescribe conditions subject to which special meetings of the State Library Authority may be convened by the President.

Sec 28 empowers the State Government to prescribe the manner in which and the procedure in accordance with which the State Library Authority should transact business.

Sec 331 empowers the State Government to prescribe the qualifications to practise the library profession which a whole time officer should have for being appointed as the State Librarian.

Sec 342 empowers the State Government to make rules regulating the recruitment and conditions of service of members of the — State Library Service.

Sec 44 empowers the State Government to prescribe the period within which any of the bodies referred to in section 42 or 43 should elect or nominate a person to be a member of the City Library Authority or the Rural Library Authority.

Sec 4911 empowers the State Government to prescribe the form and manner in which a Library Authority should prepare a Local Development Plan and the particulars which such plan should contain.

Sec 4912 empowers the State Government to prescribe the manner in which the salient features of every Local Development Plan shall be published.

Sec 513 empowers the State Government to make rules indicating the modifications subject to which the laws relating to the collection of the taxes referred to in Sec 511 by the municipal body, or the village panchayat or other local authority shall apply to the collection of the cess levied under Sec 511 or 512.

Sec 522 empowers the State Government to prescribe the times at which and the manner in which the amount granted to District Library Authority shall be credited to the Local Library Fund of the district.

Sec 542 empowers the State Government to prescribe the manner in which the accounts shall be dealt with in all other respects other than those specified in the said section.

Appropriate clauses of sec 61 will empower the State Government to prescribe the purposes other than those specified in the Act for which all property movable and immovable vesting in the State Library Authority under the said sec should be applied.

Sec 6331 empowers the State Government to prescribe schemes of inter-library loan which should be implemented by the State Bureau of Inter-Library Loan.

Sec 6341 empowers the State Government to prescribe the bibliographical work which the State Bibliographical Bureau should undertake.

Sec 6351 empowers the State Government to prescribe schemes in accordance with which the State Bureau of Technical Service shall be maintained for centralised technical services.

Sec 73 empowers the State Government to prescribe the information and particulars which should be furnished along with the annual report of the progress made by the Local Library Authority prepared by the State Librarian in respect of each financial year.

Sec 811 empowers the State Government to make rules to carry out the purposes of the Act and the particular matters in respect of which rules may be made or specified in sec 812.

Sec 813 provides for rules made under the Act being laid before each House of the State Legislature and the rules so laid are subject to modifications to be made by the Houses of Legislature.

Under sec 821 the Local Library Authority is empowered to make bye-laws with the previous sanction of the State Government generally to carry out the purposes of the Act.

Sec 822 specifies the particular matters in respect of which bye-laws can be made.

Under Sec 823, the State Government is empowered to prescribe the other manner in which a bye-law may be published in addition to being published in the Official Gazette.

Sec 854 empowers the State Government to prescribe the period within which an appeal may be preferred from the decision of the State Librarian to the . . . State Revenue Appellate Tribunal.

Under sec 88, the State Government is empowered to make orders containing such provisions as appears to it to be necessary or expedient for removing any difficulty that may arise in giving effect to the Act.

Under the appropriate clauses of sec 891, the State Government will be empowered to prescribe the purposes other than the purposes specified in the Act to which a property, movable and immovable, vesting in the . . . City Library Authority should be applied.

The proposed delegation of legislative power is of a normal character.