

ZD [*Article*]2 : (Z2-1) *g***MODEL STATE LIBRARY ACT**

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Note :—1 Draft 1 of the Act was published in 1930 and presented to the Library Service Section of the All Asia Educational Conference, 1, 26 to 30 Dec 1930, **Banaru**, and accorded general approval ;

2 Draft 2 of the Act was drafted at the request of the Indian Library Association in 1942, presented to the All India Library Conference 5, 5th April 1942, **Bombay** and accorded general approval.

- 3 Draft 3 of the Act was published in my *Library development plan, thirty year programmes for India with draft library bills for the Union and the Constituent States*, 1950, P 378 to 403.
- 4 Draft 4 of the Act was published in my *Library personality of West Bengal with a draft library bill* presented to the Bengal Library Conference, 1958, Nawadweep and accorded general approval.
- 5 Draft 5 of the Act was published in my *Library development plan with a draft bill for Kerala State*, 1960.
- 6 Draft 6 of the Act was published in the *Report of the Public Libraries Bill Subcommittee*.
- 7 The numbers of the Sections in the Act are pure decimal fractions.

Whereas it is expedient to provide for the establishment and maintenance of a system of Public Libraries and for the comprehensive development and organisation of city, rural and other kinds of library service in the State of Granthajagat.

It is hereby enacted as follows:—

1 Preliminary

11 SHORT TITLE

11a This Act may be called "The Libraries Act, 19...".

11b It shall extend to the whole of the State of Granthajagat.

11c It shall come into force on such date as the State Government may, by notification, appoint.

12 DEFINITION

In the Act, unless there is anything repugnant in the subject or context.

12a 'Government' means the Government of the State of Granthajagat.

12b 'State Central Library' means any one of the libraries of the system of State Central Libraries enumerated in Sec 12c to 12e.

12c 'State Copyright Library' means the library made up of one copy of each of the reading materials collected or received from their respective publishers in the State. Its reading materials will be produced before a Court of Law on demand. Otherwise, no reading material will be lent out of the library. Further, no reading material will be given for use within the library or in its premises, until the expiry of ten years of its receipt in the library. Any reader desiring to have a copy of any of its reading materials, will have to get it from the appropriate State Service Library.

12d 'State Dormitory Library' means a library made of one sound copy of each of the reading materials, (along with their catalogue cards) weeded out by any library in the State including the State Service Library. This collection is maintained as a deposit of the intellectual and cultural output of the State. It is also intended to serve the needs of persons engaged in antiquarian and bibliographical research, from time to time. Such persons are usually few and far between.

12e 'State Service Library' means a library of reading materials of current value, established, maintained, and managed by the State Library Authority for

servicing readers. As and when any reading material, in a State Service Library, is not on demand for some years or has outmoded idea-content is weeded out periodically, as in the case of every service library.

12f 'City' means a population cluster with about 100,000 people or such other number of people as may be prescribed by the Government from time to time, provided it is not excluded by the Government from the definition, or such other population clusters, declared by the Government to be a City for the purpose of this Act.

Note :—1 The Kolar City in the Mysore State has a population of above 100,000. But the proceeds of library cess in the City is not adequate to maintain a Public Library System of its own. Therefore, it has to be excluded from the definition of a City and the public library provision for its people has to be left to the care of the Kolar District Library Authority ;

2 The locality with a population just short of 100,000—say, 95,000—may be developing very fast; and therefore, its population is expected to reach 100,000 very soon.

In such a case, it is convenient for the Government to declare it to be a City for the purpose of this Act, even at the commencement of this Act.

12g 'Town' means a population cluster with 5,000 or more people but less than 100,000.

12h 'Village' means a population cluster with 1,000 or more people but less than 5,000.

12j 'Hamlet' means a population cluster with less than 1,000 people.

12k 'District' means a revenue district excluding the cities in it.

12m 'Local Library Authority' means either a City Library Authority or a District Library Authority.

12n 'State Librarian' means the Librarian appointed to manage the implementation of this Act.

12p 'Department of Libraries' means a Department of Government formed for the purpose of this Act.

12q 'Chief Librarian' means the Librarian appointed to manage a City Library System or a District Library System.

12r 'Public Library' means,

12r1 State Service Library established or declared to be State Service Library for the purpose of this Act;

12r2 Any library established and/or maintained by a Local Library Authority, including the travelling libraries and service stations;

12s 'Quasi-public Library' means any library, open to the public free of charge and maintained and managed by the Government or by any Local Body.

12t 'Aided Library' means a library receiving grant-in-aid from the Government according to prescribed Rules.

12u 'State-owned Library' means a library maintained by a Department of the Government, the State Legislature, the High Court, or any other Court or any other Governmental body.

12v 'Academic Library' means a library maintained by a research institution, a university, a college, or a school.

12w 'Business Library' means a library maintained by an industrial or service or commercial body.

12x 'Specialist Library' means a library providing documentation service to readers with emphasis on micro documents and specialist readers.

12y 'Out-lier Library' means any library, other than a public library, situated within the State or outside it.

12z 'Library Cess' means a cess levied under Section 6a and its subdivisions.

12A 'Reading material' means

12A1 Any book—macro document—or a volume, part or division of a volume, and pamphlet in any language, produced by printing or near-printing process, such as reprograph;

12A2 Any sheet of music, map, chart or plan separately printed or lithographed;

12A3 Any newspaper, periodical publication, or any other such publication;

12A4 Any other reading or kindred material such as Book for the Blind, Audio, Visual, or Audio-visual material, giving service similar to that of a reading material expressing ideas in an articulate language and embodied in a book of any of kinds defined in the preceding sub-sections.

12B 'Micro-document' means a paper in a periodical or a part, chapter or section in a book.

12C 'Prescribed' means prescribed by Rules made under this Act.

Note :—This is different from the rules of a library framed in regard to the use of a library.

12D 'Notification' means the notification published in the official Gazette of the Government.

12E 'Year' means the financial year.

2 State Library Authority

21 MINISTER FOR EDUCATION

For the purpose of promoting and organising a library system in the State of Granthajagat, the Minister for Education for the State (hereinafter referred to as the 'Minister') shall be the State Library Authority.

211 DUTY OF THE STATE LIBRARY AUTHORITY

It shall be the duty of the State Library Authority to provide for an adequate library service in the State of Granthajagat and for the progressive development of institutions devoted to the purpose, and to secure the effective execution by Local Library Authorities, of the national policy for providing adequate library service to the people.

212 FUNCTIONS OF THE STATE LIBRARY AUTHORITY

The functions of the State Library Authority are to:

- 1 Establish and/or maintain and manage a system of State Central Libraries; and
- 2 Provide for an adequate library service in the State of Granthajagat including hospital library service and prison library service.

22 SYSTEM OF STATE CENTRAL LIBRARIES

The system of State Central Libraries shall include a

- 1 State Copyright Library;
- 2 State Dormitory Library; and
- 3 State Service Library.

23 STATE LIBRARIAN

To help it in the discharge of its duties, the State Library Authority shall appoint a full-time State Librarian from among those with adequate qualifications to practice in the library profession, lay down the conditions of his service, and provide him with the necessary establishment.

231 SUBJECT TO THE CONTROL OF THE STATE LIBRARY AUTHORITY, THE STATE LIBRARIAN,

231a Shall manage the State Central Libraries

231b Shall superintend, direct and deal with all matters relating to the Press and Registration of Books Act, 1867 (Central Act 25 of 1867) and maintain and manage the State Copyright Library;

231c Shall maintain and manage the State Dormitory Library made of at least one sound copy of the books weeded out by any library in the State on account of its having become outmoded in the idea expounded in it, in order to meet the demand, at any time from any person engaged in antiquarian or bibliographical research.

231d Shall superintend, direct and deal with the exercise of powers and the performance of duties by Local Library Authorities under this Act;

231e May centralise all impersonal technical work such as acquisition, classification and cataloguing, and co-ordinate the selection, service and maintenance of reading and kindred materials in the Public, Academic, Departmental and Outlier libraries of the State, according to the agreed conditions;

231f Shall maintain the State Register of Libraries;

231g Shall submit to the State Library Authority an annual report on the progress and the working of the public library system of the State, of the State Copyright Library, and of the State Dormitory Library;

231h Shall control the appointments, postings, transfers, punishments, and retirements of officers and the others employed in the State Library Service; and

231j Shall generally assist the State Library Authority and carry on the correspondence and exercise the powers assigned to him by it in the discharge of its duties and the exercise of its powers in regard to this Act.

24 STATE LIBRARY COMMITTEE

There shall be a State Library Committee for the purpose of the State Library Authority on all matters arising under.

241 MEMBERSHIP

The State Library Committee shall consist of:—

- 241a The Minister, (*Ex-officio* Chairman) ;
 - 241b The Minister in charge of Local Self-Government or his deputy;
 - 241c The State Librarian, (*Ex-officio* Secretary) ;
 - 241d The Secretary for Education ;
 - 241e The Director of Education ;
 - 241f Two persons elected by the State Legislative Assembly ;
 - 241g One person elected by the State Legislative Council, if it exists;
 - 241h One person, appointed by the Executive of each of the universities in the State ;
 - 241j One person elected respectively by the members of each of the two of the City Library Authorities, by rotation;
 - 241k One person elected respectively by the members of each of the three of the District Library Authorities by rotation.
- Notes* :—In a State with more than 20 districts, the number of District Library Authorities to elect a representative, by rotation, may be increased to four.
- 241m Three persons appointed by the Executive of the Library Association of the State approved by the Minister for this purpose; and
 - 241n Three library experts with special knowledge of Library Science and Service, appointed by the Minister.

242 NOMINATION OF MEMBERS IN DEFAULT OF ELECTION

If any of the bodies referred to in Section 241 does not by such periods as may be prescribed, elect or nominate a person to be a member of the State Library Committee, as the case may be, the 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 Committee as if he had been duly elected by the said body.

243 TERM OF OFFICE

243a Save as otherwise provided in this Act, the term of office of each member of the State Library Committee, other than an *ex-officio* member, shall be for a period of three years commencing from the date on which the first meeting of the Committee is held after the election or nomination of the members under Section 241;

243b An out going member shall continue in office until the election or nomination of his successor;

243c An out going member shall be eligible for re-election or re-nomination.

244 VACANCIES

In the event of a vacancy, in a non *ex-officio* place, arising out of death, resignation, disability, or otherwise, previous to the expiry of the term of office of any member of the State Library Committee, the vacancy shall be filled by elec-

tion or nomination, as the case may be, of another person in the manner provided in the concerned subsection of Section 241, 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.

245 DISABILITIES FOR CONTINUING AS MEMBER

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

245a Absents himself without excuse sufficient in the opinion of the Committee, from three consecutive meetings of the Committee; or,

245b In the case of a member elected by any body referred to in the concerned subsection of section 241, ceases to be a member of the body concerned, his office in the Committee shall become vacant.

246 DISQUALIFICATIONS

A person shall be disqualified for being chosen as, and for being, a member of the State Library Committee,

246a If he has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months, such sentence not having been subsequently reversed, quashed or remitted, unless he has, by order, which the Government is hereby empowered to make in this behalf, been relieved from the disqualifications arising on account of such sentence;

246b If he is an undischarged insolvent; and

246c If he is of unsound mind and stands so declared by a competent Court.

247 MEETINGS OF THE STATE LIBRARY COMMITTEE

247a The State Library Committee shall meet at least twice a year on dates to be fixed by the Chairman. One of such meetings shall be the annual meeting;

247b The Chairman may also, whenever he thinks fit, convene a special meeting of the Committee for the transaction of urgent business;

247c Subject to prescribed conditions, special meetings shall be convened by the Chairman to discuss matters of urgent importance upon a requisition by the members of the Committee;

247d Two-fifths of the total number of members of the Committee, shall be quorum for a meeting of the State Library Committee; and

247e The Chairman if present, shall preside at every meeting of the Committee. In the absence of the Chairman, the members present at the meeting shall choose one from among themselves to preside.

248 PROCEDURE OF STATE LIBRARY COMMITTEE

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

25 DEPARTMENT OF PUBLIC LIBRARIES

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

26 STATE LIBRARY SERVICE

26a 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.

26b The State Library Service shall consist of the State Librarian, Chief Librarians of Cities and Districts, Librarians and such other classes and categories of posts as the 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 of India be regulated, by such rules as may be prescribed.

26c 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.

3 Local Library Authority

31 CONSTITUTION OF A LOCAL LIBRARY AUTHORITY

31a For the purpose of organising and administering the Public Libraries in the State, there shall be constituted a Local Library Authority, for each city and for each District.

31b Every Local Library Authority shall be 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 provision of this Act, to acquire, hold and dispose of property, and to control, and may by the same name sue and be sued.

32 COMPOSITION OF A CITY LIBRARY AUTHORITY

Every City Library Authority shall consist of ;

- 32a The Mayor of the municipal corporation or the President of the municipal council or other municipal body of the City, as the case may be, who shall *ex-officio* be the Chairman of the Authority ;
- 32b A Principal of a First Grade College in the City nominated by the Government, who shall *ex-officio* be the Vice Chairman of the Authority ;
- 32c The Chief Librarian of the City who shall *ex-officio* be the Secretary of the City Library Authority and of each of the Committees of the said Authority ;
- 32d Two persons elected by the municipal corporation, municipal council or other municipal body of the City, as the case may be, from among its members ;
- 32e One person nominated by the Government from among the members of governing bodies of the aided libraries in the City ;
- 32f A Head Master of a High School in the City nominated by the Government ;
- 32g One person nominated by the Council of the City branch, if any, of the State Library Association ;
- 32h An Officer of the Department of Public Instruction having jurisdiction over the City, nominated by the Government ;
- 32j Two persons nominated by the Government from among persons ordinarily resident in the City.

33 COMPOSITION OF A DISTRICT LIBRARY AUTHORITY

Every District Library Authority shall consist of :

- 33a The Deputy Commissioner or the Collector, as the case may be, of the District who shall *ex-officio* be the Chairman of the Authority ;
- 33b A Principal of a First Grade College in the District nominated by the Government, who shall *ex-officio* be Vice-Chairman of the District Library Authority ;
- 33c The Chief Librarian of the District, who shall *ex-officio* be the Secretary of the District Library Authority and the Committees of the said Authority ;
- 33d The District Educational Officer or the Educational Inspector of the District, as the case may be ;
- 33e Two persons elected from among its members by the District Development Council ; or any other equivalent body, if any ;
- 33f 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 an area for which a City Library Authority is established, and with a population of not less than about 50,000.
- 33g Two persons nominated by the Government from among the members of municipal councils or other municipal bodies in the District with jurisdiction over a municipal area having a population of less than about 50,000 ;
- 33h One person nominated by the council of the District Branch, if any, of the State Library Association ;
- 33j One person nominated by the Government from among the members of the Taluk Development Board in the District, if any ;
- 33k Two persons nominated by the Government from among the members of the village panchayats and town panchayats in the District ;
- 33m Two persons nominated by the Government from among the members of the governing bodies of aided libraries in the District ;
- 33n A Headmaster of a High School in the District nominated by the Government ; and
- 33p Three persons nominated by the Government from among persons ordinarily resident within the District.

34 NOMINATION OF MEMBERS IN DEFAULT OF ELECTION

If any of the bodies referred to in Section 32 or 33 does not, by such periods 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 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.

35 TERM OF OFFICE

35a Save as otherwise provided in this Act, the term of office of any member of any Local Library Authority, other than *ex-officio* members, shall be for a period of three years commencing from the date on which the first meeting of the Authority is held after the election or nomination of the member under Section 32 or 33, as the case may be.

35b An outgoing member of any Local Library Authority shall continue in office until the election or nomination of his successor ;

35c An outgoing member of any Local Library Authority shall be eligible for re-election or re-nomination.

36 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 any Local Library Authority, other than an *ex-officio* member, the vacancy shall be filled by election or nomination, as the case may be, of another person in the manner provided in Section 32 or 33, 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.

37 DISABILITIES FOR CONTINUING AS MEMBER

Any member, other than an *ex-officio*, of any Local Library Authority, shall be deemed to have vacated his office, during the period for which he has been nominated or elected, if,

37a He absents himself without excuse sufficient in the opinion of the Authority from three consecutive meetings of the Authority; or

37b A member elected by any body referred to in Section 32 or 33, as the case may be, ceases to be a member of the body concerned.

38 DISQUALIFICATION

A person shall be disqualified for being chosen as, and for being, a member of a Local Library Authority, if,

38a He has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months, such sentence not having been subsequently reversed, quashed or remitted, unless he has, by order, which the Government is hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence;

38b He is an undischarged insolvent; or

38c He is of unsound mind and stands so declared by a competent court.

3A MEETINGS OF LOCAL LIBRARY AUTHORITY

3A1 Every Local Library Authority shall meet at least twice a year on dates to be fixed by the Chairman. One of such meetings shall be the annual meeting; and the other shall be the budget meeting.

3A2 The Chairman also, may, whenever he thinks fit, convene a special meeting of the Authority for the transaction of urgent business.

3A3 Subject to prescribed conditions, special meetings shall be convened by the Chairman to discuss matters of urgent importance upon a requisition by the members of the Authority.

3A4 A Local Library Authority shall transact business in such manner and in accordance with such procedure as may be prescribed.

3B POWERS AND FUNCTIONS OF LOCAL LIBRARY AUTHORITY

3Ba 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.

- 2Bb Every City Library Authority shall establish and maintain,
- 3Bb1 One City Central Library ;
- 3Bb2 One City Branch Library for every population cluster of about 25,000 people ;
- 3Bb3 One City Travelling Library and the necessary number of City Service Stations for service to the sparsely populated, fringe, and other areas, with too small a population cluster for a City Branch Library; and
- 3Bb4 One Specialist City Branch Library for every industrial estate in the city.
- 3Bc Every District Library Authority shall establish and maintain,
- 3Bc1 One District Central Library ;
- 3Bc2 Two District Branch Libraries for each town with a population between about 40,000 and about 100,000 ;
- 3Bc3 One District Branch Library for each town with a population between about 5,000 and about 40,000 ;
- 3Bc4 One District Travelling Library for a rural population of about 40,000. It can give book service once in a fortnight to each village and each group of three adjacent hamlets. The number of service stations can be determined within the area as covered by the Travelling Library according to the context ; and
- 3Bc5 One Specialist District Branch Library for every industrial estate in the District.

3Bd EXTENSION SERVICES

3Bd1 Every Local Library Authority may cooperate with the Adult Education Agencies in its area, in the supply of books, and if practicable, permission for the use of its premises or of any of its branches; or

3Bd2 Every Local Library Authority or any of its branches may, if practicable, provide meeting rooms, and seminar rooms, for the local learned and social organisations, for such of their work, as may need the consultation of the books in the library.

- 3Be For giving library service every Local Library Authority may,
- 3Be1 Provide suitable lands, and buildings to its libraries, and the furniture, fittings, equipments and other conveniences necessary for the purpose ;
- 3Be2 Provide to its libraries, books and other kindred materials ;
- 3Be3 Provide for lectures and conduct other activities as may be conducive to the carrying out of the purpose of this Act ;
- 3Be4 With the consent of the management and the previous sanction of the Government acquire any library or such conditions as may be approved by the Government ;
- 3Be5 With the previous sanction of the Government shift or close any of its libraries ;
- 3Be6 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 Government ;
- 3Be7 With the sanction of the Government do any other thing that may be conducive to the furtherance of the purposes of this Act ; and
- 3Be8 Exercise such other powers and perform such other duties as may be conferred or imposed by or under this Act.

3C POWERS AND DUTIES OF CHAIRMAN AND VICE CHAIRMAN* OF A LOCAL LIBRARY AUTHORITY

- 3C1 The Chairman of a Local Library Authority, if present, shall,
- 3C1a Preside over every meeting of the Authority ; and

- 3C1b Watch over the financial and executive administration of the Authority and exercise general supervision and control.
- 3C2 The Vice Chairman of a Local Library Authority shall,
- 3C2a In the absence of the Chairman, preside over a meeting of the Authority ; and
- 3C2b Exercise such powers and perform such duties of the Chairman as the Chairman may, from time to time, delegate to him.

3D LOCAL LIBRARY AUTHORITY TO APPOINT COMMITTEES

3Da Every Local Library Authority shall constitute the following committees by election from among its members, namely:—

- 3Da1 The Executive Committee ;
- 3Da2 The Finance Committee ; and
- 3Da3 The Book Selection Committee.

3Db A Local Library Authority may constitute committees for such other purposes as it deems fit;

3Dc The Chairman of the Local Library Authority shall *ex-officio* be a member and Chairman of the Executive Committee, the Finance Committee, and the Book Selection Committee;

3Dd The Executive Committee shall be responsible for the executive functions of the Local Library Authority; and

3De 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.

3Df ADVISORY LIBRARY COMMITTEES

3Df1 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, an Advisory Committee shall be considered.

3Dg BRANCH LIBRARY COMMITTEE

Every branch library committee shall consist of,

- 3Dg1 The Branch Librarian who shall *ex-officio* be the Chairman and Convener of the Committee ;
- 3Dg2 One person representing the area which the Branch Library serves, on the Municipal Council or other municipal body or the panchayat having jurisdiction over that area, elected by the body concerned, as the case may be ;
- 3Dg3 Three teachers of educational institutions, in the area in which the Branch library is located, nominated by the Chief Librarian of the City or the Chief Librarian of the District as the case may be; and
- 3Dg4 Three persons from among the registered borrowers of the Branch Library nominated by the Chief Librarian of the City or the Chief Librarian of the District, as the case may be.

3Dh VILLAGE LIBRARY COMMITTEE

Every Village Committee shall consist of,

- 3Dh1 The Travelling Librarian visiting the Service Station in the Village who shall *ex-officio* be the Chairman and Convener of the Committee ;

3Dh2 Two teachers of educational institutions in the area served by the Service Station, nominated by the Chief Librarian of the District ; and

3Dh3 Two presons from among the registered borrowers in the area served by the Service Station, nominated by the Chief Librarian of the district.

3Dj TERM OF OFFICE

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

3E LIBRARY DEVELOPMENT PLAN

3Ea Subject to the general or special orders of the Government, as soon as possible, after 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 to do so, a Local Library Authority may prepare a plan (hereinafter referred to as the "Local Library 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.

3Eb The salient features of every Local Library Development Plan prepared under section 3Ea 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 Library Development Plan shall be considered by the Local Library Authority and such notification in the plan shall be made as the Authority deems fit.

3Ec The Local Library Development Plan shall thereafter be sent to the State Librarian along with a copy of the objections and suggestions received under Section 3Eb. The State Librarian shall with his comments on the Local Library Development Plan submit it to the Government for sanction.

3Ed The Government may if it deems fit after ascertaining the views of the State Library Authority sanction the Local Library Development Plan with such alterations as it considers necessary. The Government may, on application by the Local Library Authority concerned, modify any Local Library Development Plan sanctioned under this section.

3Ee As soon as the Government sanctions a Local Library Development Plan under section 3Ed, 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, the Branch Libraries including branches to be located in educational institutions, prisons, and hospitals, the Travelling Libraries, and the Service Stations, which shall be established and maintained by the Local Library Authority, the measures to be then 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.

3Ef A Local Library Order made under Section 3Ee may be amended in consultation with the Local Library Authority, whenever the State Librarian considers it expedient to do so.

3Eg Every Local Library Authority shall give effect to the Local Library Development Plan as sanctioned by the Government and the Local Library Order made under Section 3Ee.

4 State Central Library System

4a STATE SERVICE LIBRARY

The State Library Authority shall establish, maintain, and manage a State Service Library at the metropolis or any other suitable place to function as a reservoir for the library system of the State.

4a1 STATE BRANCH SERVICE LIBRARY

The State Library Authority may establish, maintain, and manage a State Branch Service Library for any of its linguistic regions at any suitable place within it.

4a2 REPORT

A report of the working of the State Service Library and of each of the State Branch Service Library, if any, shall be incorporated in the Annual Report of the State Librarian.

4b COPYRIGHT DUTIES AND POWERS

With regard to the State Copyright Library, the State Librarian shall be the officer to discharge the duties and to exercise the powers laid down in parts III and V of the Press and Registration of Books Act of 1867.

4b1 REPORT

A report of the working of the State Copyright Library shall be incorporated in the Annual Report of the State Librarian.

4c STATE LIBRARY FOR THE BLIND

The State Service Library may maintain a State Library for the Blind, for the production, storing, and serving of books, sound records of books, and other kindred materials for the blind.

4c1 COLLABORATION

The State Library for the Blind may collaborate with the National and other State Libraries for the Blind and undertake such work as may fall to its share by mutual agreement.

4c2 FREE POSTAL TRANSPORT

The carriage of the books for the blind between the State Library for the Blind and the blind readers within India shall be done by the Postal Department free of postal charges.

4c3 REPORT

A report of the working of the State Library for the Blind shall be incorporated in the Annual report of the State Librarian.

4d STATE BUREAU OF INTER-LIBRARY LOAN

The State Service Library shall maintain a State Bureau of Inter-Library Loan.

4d1 EXTENT WITHIN THE STATE

The State Bureau of Inter-Library Loan may include in the scheme of inter-state library loan the public libraries, and such outlier libraries as are willing to join the scheme on such conditions as may be agreed upon.

4d2 EXTENT OUTSIDE THE STATE

The State Bureau of Inter-Library Loan may enter into any scheme of inter-state library loan or international library loan as may be agreed upon by the participating States and the Central Government.

4d3 REPORT

A report of the working of the State Bureau of Inter-Library Loan shall be incorporated in the Annual Report of the State Librarian.

4e STATE BIBLIOGRAPHICAL BUREAU

The State Service Library may maintain a State Bibliographical Bureau.

4e1 COLLABORATION WITHIN THE STATE

The State Bibliographical Bureau may admit into the scheme of its work other agencies such as the Department of the Government and Educational and Learned Bodies in the State.

4e2 COLLABORATION OUTSIDE THE STATE

The State Bibliographical Bureau may collaborate with similar bureaus or agencies of the other States and of the Central Government, and undertake such bibliographical work as may fall to its share by mutual agreement among the participating bureaus and agencies.

4e3 REPORT

A report of the working of the Bibliographical Bureau shall be incorporated in the Annual Report of the State Librarian.

4f STATE BUREAU OF TECHNICAL SERVICE

A State Bureau of Technical Service may be maintained by the State Service Library for centralised technical services, such as acquisition, classification, and cataloguing of books for the Public Libraries, and such Outlier Libraries as are willing to join the scheme on such conditions as may be agreed upon.

4f1 COLLABORATION

The Bureau of Technical Service may collaborate with similar bureaus of other States and of the Central Government, and undertake such technical work as may fall to its share by mutual agreement with the participating bureaus.

4f2 REPORT

A report of the working of the Bureau of Technical Service shall be incorporated in the Annual Report of the State Librarian.

5 Use, Standard, Report**51 ADMISSION TO PUBLIC LIBRARY**

No Charge shall be made for admission to a Public Library provided by a Local Library Authority, or in case of a lending library, for borrowing therefrom by the inhabitants of the area of such Local Library Authority, but the Authority may, if it thinks fit, grant loan from a lending library to persons not being inhabitants of its areas either gratuitously or for payment.

52 LIBRARY RULES

Subject to the provisions of this Act and the Rules made thereunder by the State Library Authority, a Local Library Authority may frame Library Rules,

- 52a For regulating the use of the Public Libraries under its control, the contents thereof and the admission of the public thereto ;
- 52b For protecting the Public Libraries and the furniture and contents thereof from misuse, injury or destruction ;
- 52c For requiring any guarantee or security from any person using the Public Library and against the loss or injury to any books or other article ; and
- 52d For enabling the officers and servants of the Local Library Authority to exclude or remove from the premises of the Public Library, any person offending against the provisions of this Act, or the Rules made thereunder by the State Library Authority or the Library Rules.

53 OFFENCES AND PUNISHMENT

Any person,

- 53a Who, in a Public Library or other institution maintained under this Act, acts to the annoyance or disturbance of any person using the same, behaves in a disorderly manner, or uses violent, abusive language ; and
- 53b Who, after proper warning, persists in remaining therein beyond the hours fixed for closing, shall be liable to be excluded or removed forthwith from the premises and shall also be liable on conviction to a penalty not exceeding ten rupees.
- 53c An offence committed under the above sections of this Act shall be triable in the manner provided from summary trial by Chapter XII of the Code of Criminal Procedure of 1898.

54 INSPECTION

The State Librarian or any person authorised by him in this behalf, may inspect any Public Library or other institutions maintained by a Local Library Authority for the purpose of satisfying themselves whether the purposes of the Act are being properly fulfilled.

55 PUBLIC ENQUIRY

It shall be competent for the State Library Authority to hold a public enquiry for the purpose of exercising any of their powers or performing any of their duties under this Act in respect of a Local Library Authority.

56 REPRESENTATIONS OF THE LOCAL LIBRARY AUTHORITY

A copy of the report of any public enquiry shall be furnished to the Local Library Authority concerned and the representations of such Authority, if any, shall be considered before taking any action on the report.

57 REPORTS, RETURNS, ETC

A Local Library Authority shall send such reports and returns and furnish such information to the State Librarian or any person authorised by him in this behalf, as it may require for the purpose of the exercise of its functions under this Act.

58 REPORT

A report of the progress made by the Local Bodies in regard to the working of this Act together with a list of the Local Library Authorities showing the number of Central Libraries, Branches, Travelling Libraries, and Service Stations, maintained by them and such other information as may be prescribed by the Rules made by the State Library Authority in this behalf, shall be incorporated in the Annual Report of the State Librarian.

6 Finance and Accounts**6a LIBRARY CESS**

With effect from the date of commencement of this Act,

6a1 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 ; and
- 4 Tax on professions, trades, callings and employments,

shall be levied in the area within the jurisdiction of every City Library Authority under the relevant laws relating to Local Bodies providing for the levy of such taxes, at the rate of three paise for every rupee, or such other rates as may be determined by the Government from time to time, at the request of the Local Library Authority concerned.

6a2 A library cess in the form of a surcharge on tax on lands and buildings shall be levied in the area within the jurisdiction of every District Library Authority, under the relevant laws relating to Local Bodies providing for the levy of such tax at the rate of three paise for every rupee, or such other rates as may be determined from time to time, at the request of the Local Library Authority concerned.

6b MODE OF COLLECTION

The cess levied under Section 6a1 and 6a2 shall be collected by the municipal corporation, municipal council or other municipal body, or the village panchayat or other local body, having jurisdiction over the area as if the cess were a tax referred to in the said section 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.

6c PAYMENT OF COLLECTED CESS

The cess collected under Section 6b by every local body shall be paid to the City Library Authority or the District Library Authority, as the case may be.

6d GOVERNMENT GRANT TO DISTRICT LIBRARY AUTHORITY OF A PORTION OF LAND REVENUE

6d1 The Government shall make annually a grant to every District Library Authority of an amount equal to three per cent of the land revenue collection of the district.

6d2 The amount granted to a District Library Authority, under Section 6d1, shall be credited to the District Library Fund at such times and in such manner as may be prescribed.

6d3 Land Revenue collection of a district for the purpose of Section 6d1 shall mean:

6d31 Until the revisions settlement of land revenue under the State Land Revenue Act, the land revenue determined on the basis of the average land revenue collection of the district for a period of three years preceding the date of such determination; and

6d32 After the determination of land revenue on the basis of the aforesaid revision settlement, the land revenue collected during the year preceding the year for which the grant is made.

6e CITY AND DISTRICT LIBRARY FUNDS

6e1 Every City Library Authority and District Library Authority shall maintain a 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.

6e2 There shall be credited to the City Library Fund and the District Library Fund, as the case may be, the following sums:

6e21 The cess collected under Section 6b ;

6e22 The grant under sub-section of Section 6d ;

6e23 Contributions, gifts, and income from endowments, made to the Library Authority for the benefit of public libraries ;

6e24 Grant which the Central Government or the State Government may make; and

6e25 Funds and other amounts collected by the Local Library Authority under rules or bye-law made under this Act.

6e3 The capital expenditure needed by a Local Library Authority for the

1 Purchase of any site needed for buildings ;

2 Erection of buildings ; and

3 Provision of fittings and furniture

should not ordinarily be met except out of the grant, received from Central Government.

6f STATE LIBRARY FUND

6f1 The State Library Authority shall maintain a Fund called the State Library Fund from which all its payments under this Act shall be met.

6f2 There shall be credited to the State Library Fund the following sums:

6f21 Grants made by the Government to the State Library Authority to perform the duties entrusted to it ;

6f22 Grants which the Central Government may make for library purposes or a part of the sum received from the Central Government as per the Recommenda-

- tion of the Finance Commission (provided in Sec 280 of the Constitution of India) which the State Government may set apart for library purposes ;
- 6f23 Contributions and gifts made to the State Library Authority ; and
- 6f24 Funds and other amounts collected by the State Library Authority under the rules or bye-laws made under this Act.
- 6f3 The State Government shall utilise a portion of the sum received from the Central Government as per the recommendation of the Finance Commission (provided in Sec 280 of the Constitution of India) for distribution to the Local Library Authority as grant for their capital expenditure, in the light of the demand and of practicability.

6g ACCOUNTS

6g1 An account shall be kept of the receipts and expenses of the State Library Authority and of each City Library Authority and District Library Authority.

6g2 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.

7 Rules and Bye-Laws

71 POWER TO MAKE RULES

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

72 PROVISIONS IN THE RULES

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

- 72a The method of election or nomination of members to the State Library Authority, the Local Library Authorities, the Branch Library Committees and the Village Service Library Committees ;
- 72b The maintenance of a State Library Fund and the City and District Library Funds ;
- 72c The administration, inspection and management of the State Service Library ;
- 72d The maintenance of accounts by the State Library Authority and the Local Library Authorities and the publication of audited statement of accounts and the audit reports ;
- 72e The grants-in-aid to aided libraries and the standards to be maintained by such libraries ;
- 72f The maintenance of State Registers of Libraries, and of Librarians ;
- 72g The constitutions of committees by the State Library Authority and the Local Library Authorities ; and
- 72h The restrictions and conditions subject to which the State Library Authority or a Local Library Authority may enter into contracts, or acquire, hold or dispose of property.

73 APPROVAL OF THE RULES

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 sessions immediately following, both Houses agree in making any modification in the rule or 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; however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

74 POWER OF STATE LIBRARY AUTHORITY AND LOCAL LIBRARY AUTHORITIES TO MAKE BYE-LAWS

74a The State Library Authority and every Local Library Authority, may, subject to the provisions of this Act and the Rules made thereunder and with the previous sanction of the Government, by notification, make bye-laws generally to carry out the purposes of this Act.

74b 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,

74b1 The admission of the public to the public libraries under the control of the State Library Authority or the Local Library Authority, as the case may be, subject to such conditions as may be specified in such bye-laws, provided that no fees shall be charged for such admission;

74b2 The manner in which a book or any other property of such libraries may be used and the protection of such property from injury, misuse, destruction, or loss;

74b3 The guarantee of a rate-payer of the locality or security deposit, if any, which may have to be furnished by a person desiring to use such libraries, against injury to, or misuse, destruction, or loss of a book or any other property of such libraries; and

74b4 The authority to be exercised by the officers and servants of the State Library Authority or the Local Library Authority, as the case may be, for the purpose of exclusion or removal from any such library of any person who contravenes or does not comply with any provisions of this Act or any rule or bye-law made thereunder.

74c Every bye-law made under this section shall be subject to the condition of previous publication for a period of not less than thirty days, and such publication shall be in the official Gazette or in such other manner as may be prescribed.

74d The Government may by notification modify or cancel any bye-law made by the State Library Authority or a Local Library Authority under this section, provided that before modifying or cancelling any bye-law, the Government shall give the State Library Authority or the Local Library Authority concerned a reasonable opportunity to make its representations in the matter.

75 POWER OF STATE LIBRARY AUTHORITY AND LOCAL LIBRARY AUTHORITIES TO MAKE LIBRARY RULES

75a The State Library Authority and every Local Library Authority, may, subject to the provisions of this Act and the Rules and the Bye-laws made thereunder, make library rules to regulate the use of their respective libraries.

75b In particular and without prejudice to the generality of the foregoing power, such library rules may provide for all or any of the following matters, namely,

75b1 The days and hours of keeping the library open for public use; and

75b2 The procedure and conditions to be complied with, for a person to be enrolled as a member of the library, in order to get the privilege of taking out books from the library for reading outside the library premises.

8 Miscellaneous**81 OFFENCES AND PENALTIES**

Whoever,

81a 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; and

81b 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.

82 CONTROL OF LOCAL LIBRARY AUTHORITIES BY GOVERNMENT

82a If, at any time, it appears to the 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 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 Government is satisfactory within such time as the Government may fix in this behalf, the Government may supersede the Local Library Authority for such period as the Government may direct.

82b If a Local Library Authority is superseded,

82b1 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 Government may from time to time appoint in this behalf;

82b2 All property vested in the Local Library Authority shall during the period of supersession, vest in the Government; and

82b3 On the expiry of the period of supersession, the Local Library Authority shall be re-constituted in the manner provided in this Act.

83 LIABILITY OF MEMBERS FOR LOSS, WASTE, OR MISAPPLICATION

83a 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.

83b 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.

83c If the amount is not so paid, it shall be recoverable as an arrear of land revenue.

83d An appeal shall lie from the decision of the 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.

84 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.

85 SAVINGS OF VALIDITY OF ACTS AND PROCEEDINGS

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

85a Of any vacancy or defect in the constitution of any Authority or any Committee thereof ; or

85b Of any defect or irregularity in such act or proceedings not affecting the merits of the case.

86 PROVISIONS RELATING TO SUITS, ETC

86a No suit or other legal proceedings shall be instituted against the State Library Authority or a Local Library Authority of 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, in the amount of compensation, if any claimed, and the name and place of abode of the intending plaintiff.

86b No suit or other legal proceeding shall lie against the 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.

87 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.

9 Possible Additional Section

According to the conditions prevailing in a Constituent State, it may be necessary for the Act to have additional sections, bearing on those conditions.

For example,

- 9a It may have to provide for the conversion of an existing library—Private or State owned—into the State Service Library ;
 - 9b It may have to convert straightaway some existing libraries in Cities or Districts into their respective Central Libraries ;
 - 9c It may have to amend, with the previous sanction of the Central Government, the Press and Registration of Books Act, 1867, so far as its application to the Constituent State in question is concerned ; and
 - 9d It may have to repeal some of the existing Acts of the State with any necessary proviso.
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