

No. 490/Vidhayee and Sansadiya Karya/2005

Dated Dehradun, April 26, 2005

NOTIFICATION**Miscellaneous**

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of The Uttaranchal Public Library Bill, 2005 (Uttaranchal Adhiniyam Sankhya 19 of 2005).

As passed by the Uttaranchal Legislative Assembly and assented to by the Governor on 23-04-2005.

THE UTTARANCHAL PUBLIC LIBRARY ACT, 2005

(ACT No. 19 OF 2005)

To make the law relating to the establishment and maintenance of Public Libraries in the Uttaranchal and matters connected therewith and incidental thereto

AN

ACT

Be it enacted by the Uttaranchal Legislative Assembly in the Fifty-sixth Year of the Republic of India, as follows :--

CHAPTER-I**PRELIMINARIES**

Short title,
Extent and
Commencement

1. (1) This Act may be called The Uttaranchal Public Library Act, 2005.
- (2) It extends to the Uttaranchal State.
- (3) It shall come into force at once.

Definitions

2. In this Act, unless the context otherwise requires--
 - (a) "Recognised Library" means a library declared recognised by the Director in accordance with the rules made under this Act and open for common people;
 - (b) "Committee" means the State Library Committee;
 - (c) "Director" means the Director of Education;
 - (d) "District" means the revenue district;
 - (e) "Government" means the State Government of Uttaranchal;
 - (f) "Library fee" means the library fee levied, as prescribed by the Government;
 - (g) "Notification" means a notification published in the Uttaranchal State Gazette;
 - (h) "Prescribed" means prescribed by rules and procedures made under this Act;
 - (i) "Public Library" means--
 - (1) A library established or maintained by District Library Authority including the branches and delivery stations of such a library and declared open to use of the Public,
 - (2) A library established or maintained by the Government and declared as public library,
 - (3) A library established or maintained by any local body, or co-operative, and declared as public library,
 - (4) A library declared to be eligible for aid and receiving and kind of financial and books aid from the State Government or from the Library Fund; and includes any other library notified by Government as a public library for the purposes of this Act;

- (j) "State" means the State of Uttaranchal;
- (k) "State Central Library" means a library declared by the Government at the State Central Library;
- (l) "Year" means the financial year.

CHAPTER--II

STATE LIBRARY COMMITTEE

3. (1) As soon as may be, after the commencement of this Act, the Government shall, by notification, constitute for purposes of this Act, a committee to be called the State Library Committee.

(2) The Committee shall consist of--

- (a) The Minister Incharge of Education *ex-officio* **Chairman;**
- (b) The Principal Secretary/Secretary to the Government in the Education Department **Vice Chairman;**
- (c) The Secretary, Planning to the Government of Uttaranchal;
- (d) The Secretary, Co-operative & Panchayati Raj to the Government of Uttaranchal;
- (e) The Principal Secretary/Secretary, Finance to the Government of Uttaranchal;
- (f) Director of Higher Education, Uttaranchal;
- (g) Director of Technical Education, Uttaranchal;
- (h) Head, State Level Library;
- (i) One representative of the State Universities nominated by the Vice Chancellor or himself by rotation;
- (j) One of the first enrolled reader members of the State Level Library;
- (k) Two nominated members with special knowledge of matters relating to the libraries in the State;
- (l) Two district library heads nominated by State Government in cyclic order;
- (m) Nominee of Raja Ram Mohan Rai Library Foundation;
- (n) Director, School Education **Member-Secretary.**

(3) The Committee shall advise the Government on all matters arising under this Act and shall exercise and perform such other powers and duties as may be prescribed under the Act.

4. Subject to the provisions of sub-section (2) of section 3, every member of the Committee other than an *ex-officio* member shall hold office for a period of three years from the date of his election or nomination, as the case may be:

Provided that such term of a member nominated, or elected, shall come to an end as soon as the member ceases to be a member of the body from which he was nominated or elected :

Provided further that a member, who is holding office at the commencement of this Act, shall continue to hold office for a period of three years from the date on which he was nominated, elected or co-opted, as the case may be.

5. Any vacancy occurring in the office of a nominated, elected member of the committee before the expiration of his term shall be filled by nomination or election as the case may be, of another person in the manner provided in section 3, and the person nominated, elected shall hold office for the residue of the term of his predecessor.

Constitutions
and
Composition of
the State
Library
Committee and
its Functions

Terms of office
of certain
members of the
Committee

Filling up of
casual
vacancies of
certain
members of the
Committee

Meeting of the
Committee

6. The Committee shall meet twice every year and can meet any time if required.

Act of State
Library
Committee not
to be
invalidated by
informality, etc.

7. No Act of a State Library Committee shall be deemed to be invalid by reason only of the existence of any vacancy in or any defect in the constitution of that Committee.

CHAPTER-III

CELL/DEPARTMENT OF PUBLIC LIBRARIES WITH IN EDUCATION DEPARTMENT

Constitution of
the Cell of
Public Libraries
in the
Education
Department

8. For the purpose of this Act, the Govt. shall establish a cell of Public Libraries in the Directorate of Education. A Joint/Deputy Director shall be appointed from the posts available in the directorate on the recommendation of the Director of School Education and will be called Officer on Special Duty for Libraries. Who will assist the Director of Education in execution of the following duties :-

- (a) Supervise the State Central Library and the branches of such library;
- (b) Superintend and direct all matters relating to public libraries;
- (c) Declare in accordance with the rules made under this Act, what libraries are eligible for aid from the Government and supervise and direct all matters relating to such libraries;
- (d) Direct and control the work of all District Library Authorities under this Act according to the manner prescribed;
- (e) Assisting Director of School Education in submitting reports on the working of the libraries under this Act to the Government or the State Library Committee;
- (f) Submit reports, on the working of Libraries, whenever necessary;
- (g) Publish annually a bibliography of all the books published in the State or on the State in any language;
- (h) Perform such other duties and exercise such other powers as may be imposed or conferred on him by this Act;
- (i) Arrange for centralized classification, cataloguing, interlibrary loan and co-ordination of book selection and maintenance of copyright registry;
- (j) Assist the Director of School Education, to create and appoint, in accordance with the rules made under this Act, the posts required in the office of District Library Authority and in the public libraries established or maintained by the District Library Authorities.

DISTRICT LIBRARY AUTHORITIES

Constitution
and
incorporation
of District
Library
Authority

9. (1) For the purposes of organising and administering public libraries in the State, there shall be constituted District Library Authority, one for each of the districts by the name of the district concerned.

(2) Every District 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 to acquire, hold and dispose of property and to enter into contracts and may by the said name sue and be sued.

(3) It shall be the duty of every District Library Authority to provide library service in the area of its jurisdiction in such a way that after enactment of this Act, to formulate a plan in a phasewise manner to establish a block library as far as possible in every development block, a city/town library in every municipality/town area and a village library in every gram panchayat area as earlier as possible.

10. The District Library Authority for each district shall consist of the following members :--

Composition of District Library Authority

- | | |
|---|--------------------------|
| (a) District Magistrate | Chairperson; |
| (b) Treasury Officer | Member; |
| (c) District Education Officer | Member-Secretary; |
| (d) One from Government Degree College or Post Graduate College shall be nominated by the State Library Committee and one Principal among the Government Polytechnic and Government Secondary School shall be nominated by the concerning Department; | |
| (e) Two persons who have rendered eminent service to the cause of Education/Public Libraries to be nominated by the State Government; | |
| (f) One Member elected from amongst themselves by the Pradhans/ Municipal Commissioners of each Block/Municipal Committee; | |
| (g) One reader member of the district Library; | |
| (h) The Librarian, District Central Library; | |
| (i) Librarians of the University/Deemed University Library in the District, if any; | |
| (j) Member of each of the Department of Information and Judiciary or a member nominated by Bar Association. | |

11. (1) Every member of District Library Authority, not being the Librarian of the District Library shall hold office for a period of three years from the date of his nomination or election, as the case may be.

Term of office of members of a District Library Authority

(2) Nominated or elected member shall be member of the District Library Authority :

Provided that any such member who is holding office at the commencement of this Act, shall continue to hold office for a period of three years from the date on which he was nominated or elected, as the case may be.

12. (1) A person shall be disqualified for being chosen as and for being a member of the District Library Authority, if he/she--

Disqualification for being chosen as and for being a member of the District Library Authority

- (a) is or has been sentenced by a criminal court to imprisonment for any offence involving moral turpitude, such sentence not having been reversed or the offence pardoned, and a period of five years has not elapsed from the date of the expiration of such sentence :

Provided that the Government may direct that such sentence shall not operate as a disqualification if he/she--

- (b) is of unsound mind and stands so declared by a competent court Authority;
- (c) applies to be adjudicated as an insolvent or is an undischarged insolvent;
- (d) absents himself from three consecutive meetings without excuse sufficient in the opinion of the District Library Authority to exonerate the absence.

(2) Where a person ceases to be member under clause (d) of sub-section (1), the Secretary shall at once intimate the fact in writing to such person and report the same to the District Library Authority at its next meeting. Where such person applies for restoration of membership to the District Library Authority on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, the District Library Authority may at the next meeting after the receipt of the application or *suo-moto*, restore him as member thereof: Provided that a member shall not be so restored more than twice during his term of office.

Filling up of casual vacancies of the members of the District Library Authority

13. A vacancy occurring in the office of a nominated or elected member of a District Library Authority before the expiration of his term shall be filled by nomination or election, as the case may be, of another person in the manner provided in section 10 and the person so nominated or elected shall hold office for the residue of the term of his predecessor.

Powers and Functions of District Library Authority

14. A District Library Authority may--

- (a) prepare proposals to provide suitable lands and buildings for public libraries and also the furniture, fittings, materials and conveniences requisite therefore;
- (b) stock such libraries with books, periodicals, newspapers, manuscripts, maps, works and specimens of art and science lantern slides, films, cinema projectors, recorders, CD-ROM's audio-visual material, digital documents and the like within available resources or forward proposals or demand to State Library Committee:

Provided that the books that may be stocked in the libraries shall be selected from the list of books approved from time to time by the Government. A book selection committee shall be constituted for the purpose.

The District Library Authority shall stock also books and periodicals as may be directed, from time to time, by the Government or by an officer authorised by the Government in this behalf, the aggregate value where of shall not be more than 25 percent of the provision made in the budget of that Authority for the purpose of this clause;

- (c) with the previous sanction of the Director, shift or close any public library mentioned in sub-clause (a) of sub-section (9) of section 3, or discontinue aid to any other public library, the payment of which is regulated by rules made under this Act;
- (d) accept any gift or endowment 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 and shall be used for the same library;
- (e) provide for lectures connected with current affairs and matter of public interest;
- (f) with the consent of the management and the previous sanction of the Government or an officer authorised by the Government in this behalf, acquire any library on such conditions as may be approved by the Government or an officer authorised by the Government in this behalf;
- (g) assist public libraries and adult education programmes;
- (h) in general do everything necessary to carry out the provisions of this Act.

Schemes to be submitted by District Library Authority

15. (1) As soon as possible after a District Library Authority is constituted and thereafter as often as may be required by the Director, every District Library Authority shall and whenever it considers it necessary to do so, at District Library Authority may, prepare a scheme for establishing libraries and for spreading library service within its area in such form and manner as may be prescribed, and submit it to the Director for sanction. The Director may sanction it with such alteration, if any, as he may think fit after giving the District Library Authority an opportunity to make its representations, if any, in respect of such alterations and the District Library Authority shall thereupon give effect to the scheme so sanctioned by him.

(2) The Director, School Education may on application by the District Library Authority concerned, modify any scheme sanctioned under sub-section (i) or replace it by a new scheme.

16. (1) A District Library Authority may appoint an Executive Committee under the Chairmanship of Member-Secretary consisting of such of its members as it may deem fit, and delegate to such Committee any of its powers or functions under this Act to dispose of immovable property and to pass the budget, accounts and the audit and annual report, except the power to levy library cess.

Executive Committees and Sub-Committees of District Library Authority

(2) A District Library Authority may also, from time to time appoint sub-committees to inquire into and report or advise on any matters, which it may refer to them.

17. No act of a District Library Authority shall be deemed to be invalid by reason only of the existence of any vacancy in or any defect in the constitution of that authority.

Act of District Library Authority not to be invalidated by informality, etc.

18. All property acquired or held in any area by the District Library Authority for the purpose of any public library defined in sub-clause (a) of sub-section (9) of section 2 shall vest in the District Library Authority of that area.

Vesting of properties in District Library Authority

19 (1) Subject to the provisions of this Act and the Rules made thereunder, State Government may make bye-laws, generally to carry out the purpose of this Act.

Powers of State Govt. to make bye-laws

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

- (a) The admission of the public to the public libraries in its area on such conditions as it may specify;
- (b) The guarantee or security to be furnished by persons desiring to use such libraries, against injury to or misuse, destruction or loss of the property of such libraries;
- (c) The manner in which the property of such libraries may be protected from the destruction, injury, misuse, or loss;
- (d) The authority to be exercised by its officers and servants in the matter of exclusion or removal from any such library, of any person who contravenes or does not comply with the provisions of this Act or the rules or bye-laws made thereunder;
- (e) The conduct of meeting of the District Library Authority and the procedure to be followed in regard to the transaction of business at such meetings and the quorum for the transaction of such business at a meeting.

(3) The Director may modify or cancel any bye-law made by a District Library Authority under sub-section (2): Provided that before modifying or cancelling any bye-law, the Director shall give the District Library Authority concerned a reasonable opportunity to make its representations in the matter.

CHAPTER--IV

FINANCE AND ACCOUNTS

20. (1) The State Government shall impose fee for the purposes of libraries.

Library Fee and Library Fund

(2) Funds collected as grant from Raja Ram Mohan Ray Library Foundation, Central Government and similar bodies will be used for the development of Public Libraries in the State.

(3) Every District Library Authority shall maintain a fund called the "Library Funds" from which all its expenditure under this Act shall be met.

(4) There shall be credited to the Library Fund the following sums, namely--

- (a) Contributions, gifts and income from endowments made to the District Library Authority for the benefit of public libraries;
- (b) Special grants which the Government may make for any specified purpose connected with libraries and adult education;
- (c) Funds and other amounts collected by District Library Authority under any rules or bye-laws made under this Act.

Maintenance of
Accounts

21. (1) An account shall be kept of the receipts and expenses of each District Library Authority by the Member-Secretary. The Secretary may engage his subordinates of finance and accounts section for this purpose by prior permission of the Chairperson.

(2) The accounts shall be open to inspection, 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--V

MISCELLANEOUS

Reports and
Returns

22. Every District Library Authority and every person Incharge of a Public Library shall submit such reports and returns and furnish such information to the Director or any person authorized by him in this behalf, as the Director or the person authorized may from time to time require.

Inspection of
Libraries

23. The Director or any person authorized 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 carried out.

Power to Make
Rules

24. (1) The Government may, by notification, make rules to carry out the purposes of this Act:

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for --

- (a) the method of appointment, nomination or election of members to the State Library Committee and District Library Authority;
- (b) the publication of audited statements of the accounts of District Library Authority and of the reports of the auditors;
- (c) the publication of a Library Grant-in-aid Code, regulating the grant of aid to aided Libraries and the standards to be maintained by such Libraries;
- (d) the maintenance of the State Registers of Libraries, and Librarians;
- (e) the employment of necessary staff for the Public Libraries maintained by a District Library Authority and for regulating the classification, methods of recruitment, pay and allowances, discipline and conduct and other conditions of service of the staff employed in such libraries.

By Order,

I. J. MALHOTRA,
Principal Secretary.