

Gujarat Public Libraries Act, 2001

25 of 2001

[1st September, 2001]

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Gujarat Public Libraries Act, 2001

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An Act to provide for the promotion and development of public libraries in the State of Gujarat and for that purpose to constitute State Library Development Council and for the matters connected therewith or incidental thereto. It is hereby enacted in the Fifty-second Year of the Republic of India as follows:

CHAPTER 1 PRELIMINARY

1. Short title, extent and commencement :-

- (1) This Act may be called the Gujarat Public Libraries Act, 2001.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,

- (a) "Book" includes,
 - (i) every volume, part or division of a volume and pamphlet in any language;
 - (ii) manuscript in any form;
 - (iii) every sheet of music, map, graph, chart or plan separately printed or lithographed;
 - (iv) newspaper, periodicals, paintings, posters, photographs, photographic reproduction, gramophonic records, audio-video tapes, floppy, compact discs, slides, microfilms and film scripts for

audio visual information and such other materials;

(v) computer output in any form and computer programmes;

(b) "Book deposit center" means a center where books are deposited and members of the public can borrow;

(c) "Book service center" means a center where members of the library can borrow books through a mobile library;

(d) "Council" means the Gujarat State Library Development Council constituted under Sec. 3;

(e) "Director" means the Director of Public Libraries;

(f) "District" means a revenue district;

(g) "Education Committee" means an Education Committee of a district panchayat constituted under clause (iii) of sub-sec. (1) of Sec. 145 of the Gujarat Panchayat Act, 1993 (Guj. 18 of 1993);

(h) "Extension service" means and includes the activities pertaining to preservation and promotion of cultural heritage and encouraging the . intellectual, literary and scientific character of the community;

(i) "Library" mean's and includes collection of books, book deposit center or book service center providing library service or extension service;

(j) "Library service" means and includes providing reading facilities, lending out Books to the members of the library and assisting the readers to procere book and relevant information;

(k) "Members of the library" means registered members of the library; (1) "Local Authority" means a municipal corporation, a municipality, a panchayat, including notified area and cantonment constituted under the relevant local authority law;

(m) "Municipal School Board" means a Municipal School Board as defined in clause (ii) of sub-sec, (ii) of Sec. 2 of the Bombay Primary Education Act, 1947, (Bom. 61 of 1947);

(n) "Municipality" includes the person or committee appointed under clause (c) of sub-sec. (1) of Sec. 264-B of the Gujarat Municipalities Act, 1963, (Guj. 34 of 1964); for any notified area;

(o) "prescribed" means prescribed by rules;

(p) "President" means the President of the Council;

(q) "Public library" means,

(i) a library, within the public library system of the State, (ii) a library recognised by the Director under Sec. 20;

(iii) any other library which the State Government may, by notification in the Official Gazette, declare to be a public library for the purposes of this Act;

(r) "Public library system" means a set up of public libraries in the State with the State Central Library at the apex and village libraries at the bottom;

(s) "Public library association" means a public library association recognised under Sec. 21;

(t) "Relevant local Authority law" means,

(i) in relation to a municipal corporation, the Bombay Provincial Municipal Corporations Act, 1949 (Bom. LIX of 1949);

(ii) in relation to a Municipality, the Gujarat Municipalities Act, 1963 (Guj. 34 of 1964);

(iii) in relation to a district panchayat, the Gujarat Panchayats Act, 1993 (Guj. 18 of 1993);

(iv) in relation to a cantonment, the Cantonment Act, 1924 (2 of 1924);

(u) "rules" or "regulations" means the rules or regulations made under this Act;

(v) "State" means the State of Gujarat; (w) "taluka" means the revenue taluka; (x) "year" means the financial year.

CHAPTER 2

STATE LIBRARY DEVELOPMENT COUNCIL

3. Constitution of State Library Development Council :-

(1) As soon as may be after the commencement of this Act, the State Government shall, by notification in the Official Gazette, constitute for the purposes of this Act, a Council to be called the Gujarat State Library Development Council with effect from such date as may be specified in the notification.

(2) The Council shall consist of the following members, namely:

- (i) The Minister-in-charge of Libraries, Gujarat State, who shall be the ex-officio president of the council;
- (ii) The Secretary to the Government of Gujarat, in charge of Libraries;
- (iii) Two members to be nominated by the Gujarat Legislative Assembly from amongst its members;
- (iv) Two members to be nominated by the State Government from amongst the Chairpersons of all the District Education Committees;
- (v) One member to be nominated by the State Government from amongst the Chairpersons of all Municipal School Boards;
- (vi) One representative of public library associations to be nominated by the State Government;
- (vii) Three representatives from public libraries run by voluntary agencies registered under the Societies Registration Act, 1860 (XXI of 1860) or under the Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950) or under Gujarat Co-operative Societies Act, 1961 (Guj. X of 1962), to be elected from amongst themselves in such manner as may be presented;
- (viii) Two persons from amongst renowned educationists having atleast ten years experience in the field of higher education to be nominated by the State Government;
- (ix) Two persons to be nominated by the State Government, each one from amongst persons having special knowledge and experience in library services and library and information science respectively;
- (x) Officer-in-charge of the State Central Library;
- (xi) The Chairperson of Gujarat Sahitya Academy;
- (xii) The Chairperson of Gujarati Sahitya parishad;
- (xiii) One representative to be nominated by the State Government from amongst the registered public trusts mainly carrying out the activities of the publication of books;
- (xiv) One person to be co-opted by the Council.
- (xv) The Director of Public Libraries, who shall be the Secretary of the Council.

(3) The State Government shall appoint one of the members to be the Vice-President of the Council.

4. Head quarters of the Council :-

The Head quarters of the Council shall be at Gandhinagar or at such other place as the State Government may, by notification in the Official Gazette, specify.

5. Powers and functions of Council :-

The powers and functions of the Council shall be as follows, namely:

(i) to advise the State Government on a reference made to it or on its own motion, in regard to all matters connected with the administration of this Act and the rules;

(ii) to approve the expenditure out of the State Library Development Fund in accordance with the rules;

(iii) to direct the measures to be taken for promotion of use of books and to cultivate the reading habits among the community;

(iv) to consider the annual report on the working, administration and progress of public libraries prepared under Sec. 24 and to make suggestions and recommendations thereon;

(v) to review from time to time, based upon the reports and inspections made under Sec. 22 and 23 respectively, the working and administration of all public libraries and public library associations and to suggest such ways and means to remove difficulties in becoming more useful and effective instruments of public education and library service;

(vi) to make recommendations to the State Government as regards the measures to be taken for the improvement of the administration of public libraries;

(vii) to suggest the norms and standards of performance as criteria for eligibility for the purpose of grant-in-aid or other financial assistance to public libraries and public library associations;

(viii) to suggest the formula for fixing the quantum of grant-in-aid;

(ix) to advise the State Government with regard to the objects and purposes for financial assistance other than grant-in-aid and the terms and conditions to be fulfilled for such assistance;

- (x) to make suggestions and recommendations for annual development plan for libraries;
- (xi) to organise and conduct library seminars, meetings and conferences;
- (xii) to prepare consolidated programme in the sphere of library service in accordance with the guidelines issued by the State Government from time to time;
- (xiii) to suggest for organisation and promotion of efficient library service in the State;
- (xiv) to suggest for raising finances and for promotion of library service;
- (xv) to prepare long term and short term plans for improving the library service in the State;
- (xvi) to exercise such powers, and to perform such functions, as are conferred on, or entrusted to it by or under this Act or the rules made thereunder.

6. Term of office of members :-

- (1) Every member of the Council shall hold office during the pleasure of the State Government.
- (2) When a member ceases to hold the post by virtue of which he was so nominated or elected, he shall cease to be a member of the Council.

7. Filling up of vacancy :-

Any vacancy arises in the Office of a nominated or elected member of the Council on account of death, resignation or otherwise, the same shall be filled up, as soon as possible, by nomination or election, as the case may be.

8. Meetings of Council :-

- (1) The Council shall meet on such dates, at such time and places and shall observe such rules of procedure in regard to the transaction of business at its meeting (including the quorum of such meeting) as may be provided by regulations:

Provided that the Council shall meet atleast twice in a year but six months shall not intervene between two successive meetings.

(2) The President of the Council may, whenever he thinks fit call a meeting of the Council; and shall, upon written request of not less than one-third of the total numbers of members of the Council, call a special meeting of the Council on a date not later than thirty days after the receipt of such request:

Provided that no special meeting shall be demanded within a period of two months from the date of last meeting of the Council.

(3) The President or in his absence, Vice-President or in absence of both, any member chosen by the members present from among themselves shall preside over a meeting of the Council.

9. Constitution of Committees :-

The Council may constitute such committees consisting of such number of members for performing such functions, as may be provided by regulations.

10. Payment of allowances to members of Council :-

For the performance of their duties under this Act, the members of the Council or its committee shall be paid such allowances, at such rates as may be prescribed.

CHAPTER 3

DIRECTOR OF PUBLIC LIBRARIES

11. Director of Public Libraries :-

For the purposes of this Act, the existing Director of Libraries shall be the Director of Public Libraries.

12. Functions of Director :-

(1) Subject to superintendence, direction and control of the State Government, the Director shall be responsible for the administration of this Act.

(2) In particular and without prejudice to the generality of the provision contained in sub-sec. (1), the Director shall perform the following duties and functions, namely:

(a) supervise all matters relating to public libraries;

(b) promote the establishment and development of public libraries;

(c) be responsible for planning, maintenance, promotion and development of public libraries, organisation of public library system;

- (d) recognise any institution or service conducting the training courses in library service and library and information science, and organise programmes for training of the staff of public libraries and other persons;
- (e) maintain a register of recognised libraries and publish names and addresses of such libraries;
- (f) administer and maintain accounts of the State Library Development fund and ensure its proper utilisation;
- (g) arrange for collecting and preserving old and rare books, manuscripts and other documents of educative value in public libraries;
- (h) conduct inspection of and render advisory service to the public libraries and public library associations;
- (i) to implement recommendations of the Council as have been approved by the Government;
- (j) administer the schemes and rules and regulations for grant-in-aid and other financial assistance to public libraries, public library associations and recognised training institutions and sanction and disburse such amount in accordance with the scheme, rules and guidelines made in this behalf, from time to time;
- (k) prepare and submit report as required under Sec. 24
- (l) exercise such other powers and perform such other functions and duties, as may be conferred or imposed on him by or under this Act and the rules.

CHAPTER 4

PUBLIC LIBRARY SYSTEM

13. Public Libraries :-

Subject to such rules, the State Government may, by order, designate one or more library as State Central Library and establish District Library for a district and Taluka Library for a taluka.

14. Establishment and management of the District and Taluka Libraries :-

(1) The State Government may establish and maintain a District library at the head-quarter of District and Taluka library at the head quarter of the taluka or at such other place in the taluka.

(2) Every such District Library and Taluka Library shall be managed, organised and developed by the Director.

15. Constitution of District and Taluka Library Advisory Committees :-

(1) The Director shall constitute for each district library a District Library Advisory Committee consisting of the following members, namely:

(i) the Collector of the district; who shall be the ex-officio Chairman of the committee;

(ii) one representative of the public library association of the district;

(iii) one expert in library services or library and information science;

(iv) one Principal of a college in the district;

(v) one Principal or Head-master of a high-school or higher secondary school in the district;

(vi) one Head-master of a primary school in the district;

(vii) one representative of the public libraries run by voluntary agencies in the district;

(viii) one lady librarian in the district; (ix) the Assistant Director of Public Libraries in-charge of the district;

(x) The Librarian of the district library, who shall act as the secretary of the Committee;

(2) The Director shall constitute for each taluka library a Taluka Library Advisory Committee consisting of the following members, namely:

(i) the Mamlatdar of the Taluka concerned, who shall be the ex-officio Chairman of the committee;

(ii) one representative of the public library association of the district;

(iii) one expert in library services or library and information science;

(iv) one Principal of a college in the taluka, if any;

(v) one Head master of high school in the taluka;

- (vi) one Head master, of a primary school in the taluka;
- (vii) one lady librarian in the taluka, if any;
- (viii) one representative of the public libraries run by voluntary agencies in the taluka;
- (ix) the librarian of taluka library, who shall act as the secretary of the committee.

16. Functions of Advisory Committees :-

The functions of the District Library Advisory Committees and the Taluka Library Advisory Committees shall be such as may prescribed.

CHAPTER 5

FINANCE FOR PUBLIC LIBRARIES

17. Budget for public libraries :-

- (1) The Director shall prepare, every year, the annual budget proposal for the Directorate of Public Libraries for plan and non-plan expenditure and submit it to the State Government.
- (2) The Director shall utilise the grant so sanctioned to defray the expenditure for the following purposes, namely:
 - (a) to carry out the purposes of this Act and rules;
 - (b) to establish new public libraries in the State;
 - (c) maintenance and development of the public libraries in the State;
 - (d) payment of grant-in-aid and other financial assistance to the public libraries, public library associations and recognised institutions conducting training courses in library services and library and information science;
 - (e) such other purposes as may be prescribed.

18. State Library Development Fund :-

- (1) There shall be a fund to be called the State Library Development Fund for modernisation and development of public libraries in the State.
- (2) The State Library Development Fund shall consist of
 - (a) grant received from the State Government other than grant

specified in sub-sec. (2) of Sec. 17;

(b) any contributions or special grants from the Central Government for modernisation and development of public libraries;

(c) all money received by way of contributions or gifts made by the public or any other agency for modernisation and development of public libraries.

(3) The money in the State Library Development Fund shall be utilised by the Director in consultation with the Council to defray the expenditure for the following purposes, namely:

(a) modernisation and development of public libraries in the State;

(b) payment of allowances to the members of the Council under Sec. 10;

(c) such other purposes as may be prescribed.

19. Vesting of property held for purpose of public libraries
:-

All property movable and immovable held or acquired for the purpose of any public library established and maintained by the State shall vest in the State Government.

20. Recognition of public libraries :-

The Director may, in accordance with the rules and subject to any general or special orders of the State Government made in this behalf, recognise any library run by the voluntary agencies registered under the Societies Registration Act, 1860 (XXI of 1860) or under the Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950) or under the Gujarat Co-operative Societies Act, 1961 (Guj. X of 1962) or any library run by local authority, open for use to the public, as a public library for the purpose of payment of grant-in-aid or other financial assistance to it.

21. Recognition of public library association :-

With a view to providing an incentive to library activities in the State, the Director may, in accordance with the rules, recognise any public library association in the State, registered either under the Societies Registration Act, 1860 (XXI of 1860) or the Bombay Public Trusts Act, 1950 (Bom. XXIX of 1950) or the Gujarat Co-operative Societies Act, 1961 (Guj. X of 1962) for the purpose of payment of grant-in-aid or other financial assistance to it.

22. Reports and returns :-

Every person who is in charge of the management of a public library and every person who is in charge of public libraries association shall submit such reports and returns and furnish such information as the Director may, from time to time require, to the Director or any person authorised by him in this behalf.

23. Inspection of Public Libraries and Public Library Associations :-

The Director or an officer authorised by him in this behalf shall have powers to inspect public libraries and public libraries associations or any institution attached thereto or any institution conducting the training courses in library service and library and information science receiving financial assistance, for the purpose of satisfying himself that the provision of this Act and the rules made thereunder are carried out.

24. Submission of Annual report :-

Within six months from the end of every year, the Director shall prepare an annual report, on the administration of and the progress made by public libraries and public libraries associations in that year together with such information and particulars as may be prescribed and submit the same to the State Government.

CHAPTER 7

MISCELLANEOUS

25. Member of Council to be public servant :-

All the members of the Council while acting or purporting to act in pursuance of the provisions of this Act or any rules and regulations made thereunder, be deemed to be public servants within the meaning of Sec. 21 of the Indian Penal Code. (XLV of 1860).

26. Protection of action taken in good faith :-

No suit, prosecution or other legal proceeding shall lie against the Council or any member and officer or servant for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rules and regulations made thereunder.

27. Acts and proceedings of Council presumed to be valid :-

No act or proceeding of the Council or of any of its committees shall be invalid merely by reasons of

(a) any vacancy therein or any defect in constitution thereof, or

(b) any irregularity in its procedure not affecting the merits of the case.

28. Power to make rules :-

(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the following matters, namely:

(a) manner for electing representatives from public libraries under clause (vii) of sub-sec. (2) of Sec. 3;

(b) the powers, duties and function to be performed by the President under sub-sec. (4) of Sec. 3;

(c) the expenditure out of the State Library Development Fund to be approved under clause (ii) of Sec. 5;

(d) such other powers and functions which may be exercised and performed by the Council under clause (xvi) of Sec. 5;

(e) the allowances payable to members of the Council and its committee and the rates at which they shall be payable under Sec. 10;

(f) other powers, functions and duties to be exercised and performed by the Director under clause (1) of sub-sec. (2) of Sec. 12;

(g) subject to which the State Government may designate Library as State Central Library under Sec. 13;

(h) the functions to be performed by the District Library Advisory Committee and the Taluka Library Advisory Committee under Sec. 16;

(i) other purposes for which the sanctioned grant may be utilised under clause (e) of sub-sec. (2) of Sec. 17;

(j) other purposes for which State Library Development Fund may be utilised under clause, (c) of sub-sec. (3) of Sec. 18;

(k) rules recognising public libraries under Sec. 20; (1) rules for recognising public library associations under Sec. 21;

(m) the information and particulars to be included in the annual

report under Sec. 24;

(n) any other matter which is to be or may be prescribed under this Act.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may during the session in which they are so laid or the session immediately following.

(4) Any-rescission or modification so made by the State Legislature shall be published in the Official Gazette, and shall thereupon take effect.

29. Power to make regulations :-

(1) The Council may make regulations not inconsistent with the provisions of this Act and the rules made thereunder enabling it to discharge its function under this Act.

(2) In particular and without prejudice to the foregoing powers, such regulations may provide for all or any of the following matters, namely:

(a) the time, date and place at which the Council shall meet and the rules of procedure the Council shall observe in regard to transaction of its business at its meeting under sub-sec. (1) of Sec. 8;

(b) other committees which council may constitute, the number of members which the committee may consist of and functions which may be performed by such committee under Sec. 9.