

**Madras Public Libraries Act, 1948**

**24 of 1948**

**[08 February 1949]**

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PREAMBLE

An Act to provide for the establishment of public libraries in the Province of Madras and the organisation of a comprehensive rural and urban library service therein.

Whereas it is expedient to provide for the establishment of public libraries, and the organization of a comprehensive rural and urban library service, in the Province of Madras; It is hereby enacted as follows:--

Preliminary.

1. For Statement of Objects and Reasons, see Fort St. George Gazette dated 9th December 1947. Part IV-A, p. 579.

### **1. Short title, extent and commencement :-**

(1) This Act may be called the Madras Public Libraries Act, 1948.

(2) It extends to the whole of the <sup>1</sup>[State] of Madras.

(3) This section shall come into force at once; and the rest of this Act shall come into force on such <sup>2</sup>date as the Government may, by notification, appoint.

1. This word was substituted for the word "Province " by the Adaptation Order of 1950.

2. Came into force on 1st April 1950.

### **2. Definitions :-**

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

(1) aided library means a library declared by the Director to be eligible for aid from the Government;

(2) Director means the Director of Public Libraries appointed under section 4;

(3) district means a revenue district;

(4) Government means the <sup>2</sup>[State] Government;

(5) notification means a notification published in the Fort St. George Gazette;

(6) prescribed means prescribed by rules made under this Act;

(7) <sup>1</sup>[State] means the <sup>1</sup>[State] of Madras;

(8) public library means a library established or maintained by a Local Library Authority, and includes the branches and delivery stations of such a library; and

(9) year means the financial year.

1. This word was substituted for the word "Province " by the Adaptation Order of 1950.

2. This word was substituted for the word " Provincial " by the Adaptation Order of 1950.

### **3. State Library Committee and its functions :-**

The <sup>1</sup>[State] Library Committee.

(1) A <sup>1</sup>[State] Library Committee shall be constituted by the Government for the purpose of advising them on such matters relating to libraries as they may refer to it.

(2) The Committee shall be constituted in such manner, and shall exercise and perform such other powers and duties as may be prescribed.

1. This word was substituted for the word " Provincial" by the Adaptation Order of 1950.

#### **4. Appointment and duties of Director :-**

The Government shall appoint a Director of Public Libraries for the <sup>1</sup>[State] and he shall, subject to their control--

(a) manage the central library, being a library constituted by the Government as the central library or an existing Government library recognized by them as the central library, together with the branches of such library;

(6) 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 superintend and direct all matters relating to such libraries;

(d) superintend and control the work of all Local Library Authorities under this Act;

(e) submit to the Government every year a report on the working of libraries under this Act in the previous year; and

(f) perform such other duties and exercise such other powers as are imposed or conferred by this Act or the rules made there under.

1. This word was substituted for the word " Provincial" by the Adaptation Order of 1950.

#### **5. Constitution of Local Library Authorities :-**

(1) For the purpose of organizing and administering public libraries in the <sup>1</sup>[State], there shall be constituted Local Library Authorities, one for the City of Madras and one for each district.

(2) The Local Library Authority for the City of Madras shall consist of--

(a) three members elected by the Corporation of Madras;

(b) eight members nominated by the Government, of whom--

(i) three shall be office-bearers of libraries situated in the City of Madras and recognised in this behalf by the Government,

- (ii) two shall be headmasters or headmistresses of high schools in the City of Madras, and
- (iii) one shall be the principal of a college in the City of Madras;
- (c) the holder for the time being of an office, which the Government may, from time to time, specify in this behalf.

(3) The Local Library Authority for each district shall consist of--

(a) ten members nominated by the Director, of whom--

(i) three shall be office-bearers of libraries situated in the district and recognised in this behalf by the Government, and

(ii) five shall be headmasters or headmistresses of high schools or principals of colleges in the district;

(b) one member elected by the district board, and where there are two or more district boards in the district, one member elected by each such district board;

(c) such number of members as may be elected by the presidents of the panchayats in the district, the presidents of the panchayats in each taluk electing one member;

(d) such number of members as may be elected by the municipal councils in the district, each municipal council electing one or more members in accordance with the following scale:--

Number of Members.

Municipalities with a population--

Not exceeding one lakh ... .. One-

Exceeding one lakh but not exceeding two lakhs, Two.

Exceeding two lakhs ..... Three.

(e) the holder for the time being of an office which the Government may, from time to time, specify in this behalf.

(4) The member referred to in clause (c) of Sub-section (2) or in clause (e) of sub-section (3), as the case maybe, shall be the Secretary of the Local Library Authority concerned.

(5) Every Local Library Authority shall elect one of its members to be its Chairman.

(6) Subject to the provisions of sub-section (8), the term of office of a nominated or elected member of a Local Library Authority shall be three years from the date of his nomination or election, as the case may be.

(7) A vacancy in the office of a nominated or elected member of a Local Library Authority occurring otherwise than by efflux of time shall be filled by nomination or election in accordance with the provisions of sub-section (2) or sub-section (3), as the case may be, and the person nominated or elected to fill the vacancy shall, subject to the provisions of sub-section (8), hold office only for the

remainder of the term for which the member whose place he takes was nominated or elected.

(8) A member nominated in his capacity as the holder of a particular office, shall, if he ceases to be the holder of that office, cease to be a member of the Local Library Authority.

(9) No act of a Local 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.

(10) Members of Local Library Authorities shall be eligible for re-nomination or re-election.

1. This word was substituted for the word "Province" by *ibid*.

## **6. Incorporation of Local Library Authorities :-**

Every Local Library Authority shall be a body corporate, by the name of the area for which it is constituted, shall have perpetual succession and a common seal and shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding or transferring property, movable or immovable, of entering into contracts and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

## **7. Executive Committees and subcommittees of Local Library Authorities :-**

(1) A Local Library Authority may appoint an executive committee consisting of such number of its members, not exceeding seven, as it may deem fit and delegate to such committee all or any of its powers or duties under this Act.

(2) A Local Library Authority may also from time to time appoint Sub-committees to enquire into and report or advise on any matters which it may refer to them.

## **8. Schemes to be submitted by Local Library Authorities :-**

( 1 ) As soon as possible after a Local Library Authority is constituted, and thereafter as often as may be required by the Director, every Local Library Authority shall, and whenever it considers it necessary so to do a Local Library Authority may, prepare a scheme for establishing libraries and for spreading library service within its area and submit it to the Director for sanction. The Director may sanction it with such modifications and additions,

if any, as he may think fit and the Local Library Authority shall give effect to the scheme as so sanctioned by him.

(2) The Director may suo motu or on application by the Local Library Authority concerned modify any scheme sanctioned under sub-section (1) or replace it by a new scheme.

### **9. Powers of Local Library Authorities :-**

A Local Library Authority may--

(a) provide suitable lands and buildings for public libraries and also the furniture, fittings, materials and conveniences requisite therefor;

(b) stock such libraries with books, periodicals, newspapers, maps, works and specimens of art and science, lantern slides, cinema reels and any other thing suitable for other purpose;

(c) employ from time to time such staff as it considers necessary, for such libraries;

(d) with the previous sanction of the Government, close or discontinue any public library or change the site thereof;

<sup>1</sup>[(e) accept, with the previous sanction of the Director or the Government, any gift of books, or, with the previous sanction of the Government, any other gift or endowment for any purpose connected with its activities;]

(f) provide for lectures and the holding of classes; and

(g) in general, do everything necessary to carry out the provisions of this Act.

1. This clause was substituted for the Original clause (e) by section 2 of the Madras Public Libraries (Amendment) Act, 1954 (Madras Act XXI of 1954).

### **10. Vesting of properties in Local Library Authorities :-**

All property, movable and immovable, acquired or held for the purpose of any public library in any area shall vest in the Local Library Authority of that area.

### **11. Regulations by Local Library Authorities :-**

(1) Subject to the provisions of this Act and the rules made thereunder, a Local Library Authority may make regulations generally to carry out the purposes of this Act and, without prejudice to the generality of this power, such regulations may

provide for--

(a) the admission of the public to public libraries in its area on such conditions and on payment of such fees as it may specify;

(b) requiring from persons desiring to use such libraries any guarantee or security 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 used and the protection of such property from injury, misuse, destruction, or loss; and

(d) authorizing its officers and servants to exclude or remove from any such library any person who contravenes or fails to comply with the provisions of this Act or the rules or regulations made thereunder.

(2) The Government may, in their discretion, modify or cancel any regulation made by a Local Library Authority under sub-section (1): Provided that before modifying or cancelling any regulation, the Government shall give the Local Library Authority concerned a reasonable opportunity to make its representations in the matter.

## **12. Library cess :-**

(1) (a) Every Local Library Authority shall levy in its area a library cess in the form of a surcharge on the property tax or house tax levied in such area under the Madras City Municipal Act, 1919(Madras Act IV of 1919), the Madras District Municipalities Act, 1920(Madras 1920), or the Madras Local Boards Act, 1920(Madras Act XIV of 1920)<sup>1</sup> as the case may be, at the rate of six pies for every whole rupee in the property tax or house tax so levied.

(b) A Local Library Authority may, with the previous sanction of the Government and shall, if so directed by them, increase the rate specified in clause (a).

(2) The cess levied under sub-section (1) shall be collected--

(a) in the City of Madras, by the Corporation of Madras;

(b) in an area within the jurisdiction of a municipal council, by the municipal council;

(c) in an area within the jurisdiction of a panchayat by the panchayat; and

(d) in an area in a district not included within the jurisdiction of a municipal council or a panchayat by the district board

as if the cess were a property tax or house tax payable under the Madras City Municipal Act, 1919(Madras Act IV of 1919), or the

Madras District Municipalities Act, 1920(Madras Act V of 1920), or the Madras Local Boards Act, 1920(Madras Act XIV of 1920)<sup>1</sup>, as the case may be, and all the relevant provisions of the said Acts shall apply accordingly:

Provided that the Government may, by notification direct that for the purposes of the collection of the cess aforesaid, the provisions of the Madras City Municipal Act, 1919(Madras Act IV of 1919), or the Madras District Municipalities Act, 1920(Madras Act V of 1920), or the Madras Local Boards Act, 1920(Madras Act XIV of 1920)<sup>1</sup> as the case may be, shall apply subject to such modifications as may be specified in the notification.

(3) The cess collected under sub-section (2) shall be paid to the Local Library Authority concerned by the Corporation of Madras, the municipal council, the panchayat or the district board, as the case may be.

1. Now the Madras District Boards Act, 1920 (Madras Act XIV of 1920).

### **13. Library Fund :-**

(1) Every Local Library Authority shall maintain a fund called the Library Fund from which all its expenses under this Act shall be met.

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

(a) the cess collected under section 12, subsection (2);

(b) contributions, gifts, and income from endowments made for the benefit of public libraries;

(c) special grants which the Government may make for any specific purpose connected with libraries;

(d) fees, fines and other amounts collected by the Local Library Authority under any rules or regulations made under this Act.

(3) The Government shall contribute to the Library Fund maintained by every Local Library Authority other than the Local Library Authority for the City of Madras, a sum not less than the cess collected under section 12, subsection (2),

### **14. Maintenance of accounts :-**

(1) An account shall be kept of the receipts and expenses of each Local Library Authority.

(2) The account shall be open to such inspection, shall be subject

to such audit, disallowance and surcharge and shall be dealt with in all other respects in such manner, as may be prescribed.

### **15. Supersession or reconstitution of Library Authorities :-**

Notwithstanding any provision in <sup>1</sup>[this Act,] the Government may, in cases where they think it is necessary to do so, supersede or reconstitute any Library Authorities constituted under 1[this Act:] Provided, however, the Government shall give notice to the Authority concerned together with the grounds on which they propose to supersede or reconstitute and shall consider any explanations that may be offered by such Authority.]

1. These words were substituted for the words " the Act by section 4 of, and the Third Schedule to, the Madras Repealing and Amending Act, 1957 (Madras Act XXV of 1957).

### **16. Reports and returns :-**

Every Local Library Authority and every person in charge of a public or aided library shall submit such reports and returns and furnish such information to the Director or any person authorized by him as the Director or the person authorized may, from time to time, require.

### **17. Inspection of libraries :-**

The Director, or any person authorized by him may inspect any public or aided library or any institution attached thereto for the purpose of satisfying himself that the provisions of this Act and the rules and regulations thereunder are duly carried out.

### **18. Power to make rules :-**

(1) The Government may, by notification, make rules consistent with this Act to carry out the purposes thereof.

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

- (a) all matters required or allowed to be prescribed under this Act;
- (b) the method of conducting the election of members to Local Library Authorities and all matters connected therewith;
- (c) the matters to be included in the scheme referred to in section 8;
- (d) the maintenance of the minutes of the proceedings of Local

Library Authorities;

(e) the publication of audited statements of the accounts of such Authorities and of the reports of the auditors; and

(f) a Library Grant-in-aid Code, regulating the Governments aid to, and the declaration, inspection and co-ordination by the Director of, aided libraries and the standards to be maintained by such libraries.