CHAPTER - VII

ORISSA PUBLIC LIBRARY BILL
- A MODEL
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ORISSA PUBLIC LIBRARIES BILL - A MODEL

INTRODUCTION:

Orissa which is a developing state in India with a population of 3 crores (2,62,72,054 according to 1981 census) has been a seat of learning and education from time immemorial but a well-knit library system is lacking in the state as compared to Andhra Pradesh, Tamil Nadu, Karnataka, Maharastra, West Bengal, Manipur, Haryana and Kerala, the states having Library Laws. In 1964, the Government of India sent a Model Public Library Bill to all the state Government including Orissa for consideration but no tangible result could be seen in this direction. Attempts also have been made by eminent Library Scientists of the state since 1974 for the promulgation of Library Act in Orissa but the attempts are not successful.

For this purpose the best suitable public libraries Bill of Orissa will be as given below:

DRAFT BILL OF THE ORISSA PUBLIC LIBRARIES ACT

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Chapter - I

1. Short title extent and commencement -

(1) This Act may be called the Orissa Public Libraries Act, 199_.

(2) It extends to the whole of the state of Orissa.

(3) It shall come into force on such date as the State Government may, by notification in the Orissa Gazette, appoint.

2. Definition: In this Act, unless the context otherwise requires, -

(1) "Added libraries" means a library declared by the Director to be eligible for aid either from the State Government or from the library fund in accordance with the rules made under this Act;

(2) "Academic Library" means a library maintained by a University, College, School or research institution or it means the library attached to any university, college, school or research centres.

'book' includes every volume, part or division of a volume and pamphlet in one language, and every sheet of music, map, chart, as plan separately printed or lithographed, newspapers, periodicals, paintings, films, slides, discs, or tapes used for audio-visual information and such other materials;

(3) "Council" means the state library council constituted under section 3;

(4) "Director" means the Director of Public Libraries appointed under section 9;
5. 'District' means a revenue district;

6. 'City' means a city having more than one lakh population;

7. 'Chief Librarian' means the librarian appointed to be in-charge of a District Central Library or a City Central Library;

8. 'City Library Authority' means a Library Authority constituted for a city area under section 12 and 14;

9. 'District Library Authority' means a Library Authority constituted for a district under section 12 and 13;

10. 'Local Library Authority' means a District Library Authority or City Library Authority;

11. 'Notification' means a notification published in the Orissa Gazettes;

12. 'Prescribed' means prescribed by rules made under this Act;

13. 'State Central Library' means the library declared to be the State Central Library under the provision of the Act;

14. Public Library means -
   a) A library established or maintained by the State Government and declared open to the public;
   b) A library established or maintained by a District Library Authority or a City Library Authority, including the branches
and delivery stations of such library;
c) A library declared to be eligible for aid
and receiving aid from the State Government
and includes any other library notified
by the state government as a public
library for the purposes of this Act;

15. 'Terms' means a period of three years from the date of
formation of the body as part thereof, or as the case
may be;

16. 'Years' means the financial year.

Chapter - II

The State Library Council

3. Constitution and composition of the State Library
Council :-

(1) As soon as may be after the commencement of this
Act, the State Government shall by notification,
constitute for the purpose of this Act a council to
be called the State Library Council, such council
shall be a body corporate having perpetual
succession and a common seal with power, subject to
the provisions of this Act, to acquire, hold and
disposal of property, and to contact and may the
same name sue and be sued.

(2) The council shall consist of :-
a) The Minister in-charge of Public Libraries,
who shall ex-officio be the president of the council;
b) the Commissioner/Secretary to the Government of Orissa, Arts and Culture Department for the time being in Office;
c) three persons elected by the Orissa Legislative Assembly from among its members;
d) One person elected by the Syndicate of each of the universities in the State from among the members of the University Committee;
e) One representative of the Utkal Library Association, one member from Orissa College Association and one member from the first library periodicals of the state.
f) Two persons nominated by the State Government, from among the members of the district Library Authority;
g) the Director of Public Libraries who shall be ex-officio secretary of the state library council;
h) One person co-opted by the council who in the opinion of the council is expert in the field of library and information science.

4. **Function of the State Library Council**:

The council shall advise the state government on all matters connected with administration of this Act, shall be the managing council for the State Central Library, and shall exercise and perform such powers and
duties conferred and entrusted to the said council by this Act, and such other powers and duties as may be prescribed.

5. Nomination of the member (in the case of default):

If any of the bodies referred to in Sub-section (2) of section 3 does not, by such period as may be prescribed, elect a person to be a member of the State Library Authority, the State Government shall by notification, nominate to the vacancy a person qualified for election thereto; and the person so nominated shall be deemed to be a member of the Authority as if he had been duly elected by the said body.

6. Term of the Offices:

(1) Save as otherwise provided in this Act, the term of office of members of the council, other than ex-officio members, shall be for a period of three years commencing from the date on which the first meeting of the council is held after the election or nomination of the members.

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

A retiring member other than ex-officio member shall not be eligible for election of nomination for more than two consecutive terms.

7. Vacancies:

In the case of a vacancy arising out of death, resignation, disability or otherwise, previous to the
expiry of the term of office of any member of the State Library Council, the vacancy shall be filled by election or nomination, as the case may be, of another person in the manner provided in sub-section (2) of section 3 and any person elected or nominated to fill in the vacancy shall hold office only so long as the member in whose place he is elected or nominated.

8. Disabilities for continuing as Member:

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

a) absents himself without sufficient excuse in the opinion of the council, from three consecutive meetings of the Authority, or

b) in the case of a member elected by any body referred to in sub-section (2) of section-3, ceases to be a member of the body concerned this office in the council shall become vacant.

9. Disqualification:

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

a) if he has been sentenced by a criminal court for any reason;

b) if he is an undischarged insolvent;

c) if he is of unsound mind and stands so declared by a competent court.

10. Meetings of the State Library Council:

(1) The state library council shall meet at least twice
(2) The President may call urgent or special meeting if he thinks so,

(3) Subject to prescribed conditions, special meetings shall be convened by the president to discuss matters of urgent importance upon a requisition by the members of the council.

(4) One third of the total number of members of the Authority shall form the quorum for a meeting of the State Library Council.

(5) The council shall transact business in such manner and in accordance with such procedure as may be prescribed.

Chapter - III

Department of Public Libraries

11. Department of Public Libraries:

(1) For the purpose of this Act, a department of public libraries shall be constituted by the State Government with a Director of Public Libraries as its head and such other officers and servants as the Government may by order specify.

(2) The State Government shall appoint a whole time officer having a prescribed qualification to practise the library profession to be the Director of Public Libraries.

12. Directorate of Public Libraries:

For the above purpose of this Act, a Directorate of
Public Libraries shall be constituted with a state librarian/Director of Libraries as its head and such other officers and servants as the Government may by order specify.

13. Functions of Director:

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

(2) In a particular and without prejudice to the generality of the foregoing provision, the Director shall -

a) Supervise the State Central Library;

b) be responsible for the planning, maintenance, organisation and development of public libraries and public library system;

c) Superintend and direct all matters relating to public libraries;

d) promote the establishment of public libraries to achieve the purpose of this Act;

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

f) Maintain state registers of libraries and of librarians;

g) Superintendent, direct and deal with the exercise of powers and the performance of duties by local library Authorities under this Act.
h) ensure the proper utilisation of the library funds and library man-power of the state;

i) Submit to the State Government every year, a report on the working of public libraries under this Act;

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

k) Exercise such other powers and perform such other duties as may be conferred and imposed on him by rules made under this Act.

14. State Librarian:

(1) A whole time officer having the prescribed qualifications to practise the library professional shall be appointed by the State Government as the State Librarian/Director of Libraries.

(2) The State Librarian/Director of Libraries shall -

a) function as the Librarian/Director of the State Central Library.

b) Superintendent, direct, and deal with all matters relating to the press and Registration of Books Act, 1867 (Central Act 25 of 1867) and to the maintenance and service of the books sent under the said Act.

c) Control the appointments, postings and transfers of officers and servants in the State Library Service.
d) assist the state library Authority in different ways.
e) exercise such other powers and perform such other duties.

15. State Library Service:

(1) The State Government of Orissa should establish an Orissa State Library Service and appoint persons there-to.

(2) The Orissa State Library Service should consist of such classes and categories of posts as the State Government may from time to time determine. All members of the said service shall be government servants and their appointment and conditions of service shall be regulated by such rules as may be made by the State Government from time to time.

(3) The salaries, allowances, gratuity, pension and other conditions of the members of the Orissa State Library Service shall be paid from the consolidated fund of the state.

Chapter - IV

Local Library Authority

17. Constitution of Local Library Authorities:

1) For the above purposes of organising and administering public libraries in the State, there shall be constituted local library Authorities.

2) Every local library council should, by the name of
the area for which it is constituted, be a body corporate having perpetual succession and power, subject to the provision of this Act, to acquire, hold and dispose of property and may by the same name sue and be sued.

18. Composition of District Library Council:

(1) Every District Library Council shall consist of-

a) The District Magistrate of the district who shall be the ex-officio Chairman of the Council.

b) The District inspector of Schools who shall be the Vice-Ex-Officio chairman,

c) Two persons from the members of staff of the libraries.

d) One member elected from among themselves by the council,

e) One representative of the Utkal library Association,

f) One person nominated by the State Government from among the members of the Panchayat Blocks in the district,

g) One member from among the members of the Gram Panchayats,

h) Two persons nominated from the aided libraries in the district,

i) A Principal/Teacher of a College/Polytechnic in the district nominated ex-officio member by
the State Government.
j) a Head Master/Teacher of a High School in the District nominated ex-officio member by the State Government.
k) an Officer of the Department of Public Instruction having jurisdiction over the district.
l) Three persons nominated by the State Government from among the persons ordinarily resident in the district,
m) The Chief Librarian of the District shall be the ex-officio Secretary of the district Library Council and of the committee of the said council.

19. Nomination of members in default of elections:

If any of the bodies referred to in section 17 does not by such period as may be prescribed elect or nominate a person to be a member of the District Library Council as the case may be, the State Government shall by notification, nominate to the vacancy a person disqualified for election there-to; and the person so nominated shall be deemed to be a member of the council as if he had been duly elected by the said body.

20. Term of the Office:

(1) Save as otherwise provided in this Act, the terms of office of members of a local library council, other than ex-officio members, shall be for a
period of three years commencing from the date on which the first meeting of the council is held after the election or nomination of the members under sections 17 & 18.

(2) A retiring member shall continue in office until the election or nomination of his successor.

(3) A retiring member other than ex-officio member shall not be eligible for election or nomination for more than two consecutive terms.

21. **Vacancies:**

In the event of a vacancy arising out of death, resignation, disability or otherwise, before the expiry of the term of office of any member of a Local Library Authority, the vacancy shall be filled by election or nomination as the case may be, of another person in the manner provided in section 17, as the case may be, and the person so elected or nominated shall hold office for the remaining period of the term of his pre-decessor.

22. **Disabilities for continuing as member:**

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

a) absents himself without sufficient excuse in the opinion of the council from three consecutive meetings of the council, or

b) In the case of a member elected by any body
referred to in section 17 ceases to be a member of the body concerned, his office in the Authority shall become vacant.

23. **Disqualification:**

A person shall be disqualified for being chosen as a member of the Local Library Council.

a) 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 subsequently reversed, quashed or remitted, unless he has, by order, which the State Government is hereby empowered to make in this behalf, been relieved from the qualification arising on account of such sentences.

b) If he is undischarged insolvent;

c) If he is of unsound mind and stands so declared by a competent court.

24. **Meeting of Local Library Council:**

1) Every Local Library Authority shall meet at least twice a year on dates which are to be fixed by the Chairman. One of such meetings shall be the annual meeting.

2) The Chairman, whenever he thinks fit, and shall, upon the written request of not less than one-third of the total number of members of the Authority, and on a date later than thirty days after the receipt of such request, shall call for special meeting of the Authority.
referred to in section 17 ceases to be a member of the body concerned, his office in the Authority shall become vacant.

23. Disqualification:

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a) 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 subsequently reversed, quashed or remitted, unless he has, by order, which the State Government is hereby empowered to make in this behalf, been relieved from the qualification arising on account of such sentences.

b) If he is undischarged insolvent;

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24. Meeting of Local Library Council:

1) Every Local Library Authority shall meet at least twice a year on dates which are to be fixed by the Chairman. One of such meetings shall be the annual meeting.

2) The Chairman, whenever he thinks fit, and shall, upon the written request of not less than one-third of the total number of members of the Authority, and on a date later than thirty days after the receipt of such request, shall call for special meeting of the Authority.
3) A local library Authority shall transact business in such manner and in accordance with such procedure as may be prescribed.

25. Powers & Functions of Local Library Council:

(1) It shall be the duty of every District Library Council to provide library service to the persons residing in the area within its jurisdiction. The library council shall in every city establish a city Central Library and Branch Libraries and in every district establish a District Central Library, Branch Libraries (Block Libraries and Village Libraries).

(2) For purposes of sub-section (2), a local library council may -
   a) Provide such libraries with books material and non-books material,
   b) Provide suitable lands and buildings for public libraries, and the furniture, fittings, equipment and other conveniences necessary for the purpose,
   c) With the previous sanction of the Government shift or close any public library,
   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 State Government).
e) Provide for lectures and conduct other activities as may be conducive to the carrying out of the purposes of this Act,
f) With the consent of the management and the previous sanction of the State Government acquire any library on such conditions as may be approved by the State Government,
g) With the sanction of the State Government do any other thing that may be conducive to the furtherance of the purpose of this Act,
h) Exercise such other powers and perform such other duties as may be conferred or imposed by or under this Act.

26. **Library Development Scheme:**

1) After the local library Authority is constituted it should prepare a scheme named 'Local Library Development Scheme' for establishing libraries and spreading library service within the jurisdiction of such Authority in such form and manner and continuing such particulars as may be prescribed.

2) The salient features of every local library development plan prepared under sub-section (1) 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 council and such modifications in the plan shall be made as the council deems fit.

3) After that the Local Library Development Scheme shall be sent to the Director along with a copy of the objections and suggestions received under sub-section(2). The director shall give comments and submit it to the State Government for sanction.

4) The State Government may if it deems fit after ascertaining the local library development scheme with such alterations as it considers necessary. The State Government may on application by local library council modify any local library development plan sanctioned under this sub-section.

5) As soon as may be the State Government sanctions a local library development plan under sub-section (4), the state librarian/director of libraries shall in conformity with the provisions of the said plan made an order called the local library order for the area.

A local library order made under clause (a) may be amended in consultation with the local library council, whenever the state librarian considers it expedient to do so.

6) Every local library council shall give effect to the local library development plan as sanctioned by
the State Government and the local library order made under sub-section (5).

27. Local Library Authority to appoint Committee:

(1) Every local library Authority shall constitute the following committees by election from among its members namely -
   a) the executive committee, and
   b) the Finance Committee.

(2) The Chairman of the local library Authority shall ex-officio be a member and chairman of the Executive Committee, and the Finance Committee.

28. Advisory Library Committees:

(1) For the purpose of advising on local requirements relating to library services of each branch library and each village library, Advisory Committees shall be constituted in accordance with the provision of this section.

(2) Every Branch Library Committee shall consists of -
   a) the branch librarian who shall ex-officio be the chairman and convenor of the committee,
   b) One person representing the area which the Branch Library serves, on the municipal councilor other municipal body or the panchayat having jurisdiction over that area, elected by the body concerned.
   c) Two Head Masters of high schools 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,

(d) Two persons from among the registered borrowers of the branch library nominated by the librarian of the city or the District Librarian of the district, as the case may be.

(3) Every village library committee shall consist of:-

(a) the village librarian who shall ex-officio of the committee,

(b) two teachers/Head Masters of educational institutions of the village nominated by the District Librarian,

(c) Two persons among the registered borrowers of the village libraries nominated by the librarian of the district.

(d) The nominated members of the Branch Library Committee and village library committee shall hold office for a period of three years or until their successors are nominated.
Chapter - V
FINANCE AND ACCOUNTS

29. State Library Fund:
The State Government shall after due appropriation made by the law in this behalf, contribute to the state library fund every year a sum required for the purpose as the government think fit in the interest to the public.

Local Library Funds:
(1) The Local Library Council shall maintain a Fund called the Local Library fund from which all its payments under this Act shall be met.
(2) These shall be credited to the local library fund, the following sums:
   (a) The grant made by State Government,
   (b) Contributions, gifts and income from endowments, made to the library council for the benefit of public libraries,
   (c) grant which the Central Government or the State Government may provide,
   (d) Funds and other amounts collected by the Local Library Council under rules as bye laws made under this Act.

30. State Library Funds:
(1) The State Library Council shall maintain a fund called the state library fund from which all its
payments under this Act shall be met.

(2) These shall be credited to the State Library fund the following sums, namely -

(a) The grant made by the State Government to the State Library Council,

(b) any grants given by the Government of India to the State Government for development of public libraries,

(c) contributions and gifts made to the state library council,

(d) funds and other amounts collected by the state library council under the rule.

31. City & District Library Fund:

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.

32. Accounts:

(1) An account shall be kept of the receipts and expenditure of the state library council and of each city library Authority and District Library Authority.

(2) The Accounts should be properly audited in each and every financial year and it should be open to inspection.
Chapter - VI

STATE CENTRAL LIBRARY

33. Orissa State Central Library:

(1) The Orissa State Central Library shall be maintained as a reservoir of books and non book materials for proper functioning of the State Library system.

(2) In addition to the general library, the state library shall consist of the following sections, namely -

(i) a state Bureau of copyright collection,
(ii) a state Bureau of inter-library loans,
(iii) a state Bibliographical Bureau,
(iv) a state Bureau of Technical Service,
(v) a State Bureau of computer application for information retrieval and dissemination,
(vi) such other section as may be prescribed.

34. Sections of State Central Library:

(1) (a) One copy of each book received under the press and Registration of Books Act, 1867 (Central Act 25 of 1867) shall be kept in the State Central Library as a copyright book as in section 32(1)b.

(b) Copies of books in the Bureau of copyright shall not be issued by way of loan of any kind but may be made available for reference in the library premises.
(2) Braille, sound records and kinds of reading materials shall be dealt with in the section relating to the state library for the Blind.

(3) (a) The State Bureau of inter Library loan shall implement such schemes of inter-library-loans among the public libraries, academic libraries and special libraries in the State as may be prescribed.

(b) The State Central library may with the approval of the State Government collaborate in any scheme of inter-state library loans etc.

(4) (a) The State Bibliographical Bureau shall undertake such bibliographical work as and when necessary.

(b) The State Central Library may with the approval of the State Government, collaborate with bibliographical work as may be necessary for the purpose of such collaborations.

(5) The State Bureau of Technical Service shall be maintained for centralised technical services, such as acquisition, classification and cataloguing of books for public libraries.

(6) The state Bureau of services for the illiterates and neo-literates shall be maintained.

(7) The State Central Library should collect children's literature, toy etc. and should arrange different exhibition, films show, etc. for the children from time to time.
Chapter - VIII

REPORTS, RETURNS AND INSPECTION

35. Reports and Returns:
Every Local Library Authority and every person in-charge of a public library shall submit such reports and returns and furnish such information to the Director or any person authorised by him in this behalf as the said Director or authorised person may, from time to time.

36. Inspection of Libraries:
The Director or any person authorised by him in this behalf may inspect any public library at any time for the purpose of satisfying himself with the provision of this Act.

37. Annual Report submitted by the Director:
The State Librarian/Director of libraries shall, in respect of each financial year, prepare an annual report of the progress made by the local library council during the year along with such information and particulars as may be prescribed from time to time and submit such report to the Government of Orissa for taking necessary action in this regard.

MISCELL ANEOUS

38. Power to make rules:
The State Government may by notification make rules and bye-laws without any prejudice to the rules already made
as per the provision of the Act in respect of powers of the state library council, local library council etc.

39. Power to make bye-laws:

(1) The State Library Council and every local library Authority may, subject to the provisions of this Act and the rules made there under and with the previous sanctions of the State Government by notification, make bye-laws generally to carry out the purposes of this Act.

(2) Every bye-law made under this section shall be subject to the conditions of previous publication for a period of not less than 30 days.

(3) The State Government may by notification modify or cancel any bye-law made by state library council under this section.

40. Control over the Local Library Authority by Government:

(1) If at any time it appears to the State Government that a local library authority has failed to perform its functions, the government may supersede the local library authority by giving sufficient time.

(2) If a local library authority is superseded, then

(a) all the powers and duties of the authority shall during the period of supersession be exercised and performed by such person or persons as the state government may from time to time appoint in this behalf.
(b) all property vested in the local library authority shall during the period of supersession vest in the state government and
(c) on the expiry of the period of supersession, the local library authority shall be reconstituted in the manner provided in this Act.

41. Power to remove difficulties:

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