THE DELHI PUBLIC LIBRARIES BILL : 1987

A BILL

To provide for the promotion and development of public libraries in the Union Territory of Delhi and for the purposes connected therewith.

Be it enacted by the Parliament in the Thirty Eight Year of the Republic of India as follows:

CHAPTER-I

PRELIMINARY

Short title, 1. (1) This Act may be called the Delhi Public Libraries Act, 1987.

(2) It extends to the whole of the Union Territory of Delhi.

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

Definitions. 2. In this Act, unless the context otherwise requires,

(a) "Administrator" means the Administrator of the Union Territory of Delhi appointed by the President under article 239 of the Constitution;

(b) "book" includes,

(i) every volume, part or division of a volume in any language;
(ii) every sheet of music, map, chart or plan separately printed or lithographed;

(iii) newspapers, periodicals, paintings, posters, photographers, photographic reproductions, grammophonic records, tapes, slides, microfilms and film scripts for audiovisual information and such other materials;

(c) "Council" means the Delhi Library Advisory Council constituted under section 3;

(d) "Delhi" means the entire Union Territory of Delhi;

(e) "Director" means the Director of Libraries appointed under section 10;

(f) "Local Authority" means the Municipal Corporation of Delhi, the New Delhi Municipal Committee, the Delhi Cantonment Board, or as the case may be, a panchayat constituted or deemed to be constituted under the relevant local authority law;

(g) "Prescribed" means prescribed by rules made under this Act;

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

(i) Public Library" means,
a Library established and maintained by 
the Administrator or a local authority 
for the use of the public;

ii. a library recognised by the Director 
under section 18;

iii. any other library which the 
Administrator may, by notification in 
the official Gazette, declare to be 
public library for the purposes of this 
Act;

(j) "Recognised Library Association" means a 
public library association recognised under 
section 19;

(k) "Year" means the financial year.

CHAPTER-II

DELLI LIBRARY ADVISORY COUNCIL

(1) As soon as may be, after the commencement of 
this Act, the Administrator shall, by 
notification in the official gazette, 
constitute for the purposes of this Act a 
Council to be called "The Delhi Library 
Advisory Council" which shall consist of the 
following, ex-officio, elected, nominated 
and representative members, namely :

A. EX-OFFICIO MEMBERS

(a) the Executive Councillor in-charge of
Education who shall be the President;
(b) the Secretary, Education Department of the Administration or representative;
(c) Director of Libraries of the Administration who shall be Member-Secretary;

B. ELECTED MEMBERS
(a) two members of the Lok Sabha and one member of the Rajya Sabha from those representing Delhi, to be nominated by the Administrator;
(b) five members by the Delhi Metropolitan Council from amongst its members, to be elected by the method of proportional representation;
(c) two members of the Municipal Corporation of Delhi from amongst its members, to be elected by the method of proportional representation;
(d) one member to be elected from amongst the nominated members of the New Delhi Municipal Committee;
(e) one member to be elected from amongst the elected members of the Delhi Cantonment Board;
C. NOMINATED MEMBERS

(a) two members having special knowledge of libraries, to be nominated by the Administrator;

(b) two members having special interest in literature, culture, research or special education, to be nominated by the Administrator.

D. REPRESENTATIVE MEMBERS

(a) one representative member of such University established by law in Delhi;

(b) one representative member of the Bar Council of India/Delhi;

(c) one representative member of the Authors Guild of India;

(d) one representative member of the All India Newspaper Editors Conference;

(e) one representative member of the Indian Federation of Working Journalists; and

(f) one representative member of the Press Club of India;

(2) The Administrator shall appoint from amongst the members of the Council, other than the ex-officio members, a person as the Vice-President of the Council.
(3) During the absence of the President due to illness, vacancy in his office, or any other reason, the Vice President of the Council shall exercise all the Powers and perform all duties and functions of the President under this Act.

4. The functions of the Council shall be as under:

i) to advise the Administrator or any reference made to him or on his own motion, in regard to all matters connected with administration of this Act;

ii) to recommend measures to be taken for development of "public libraries" in Delhi;

iii) to recommend measures to be taken for promotion of use of books;

iv) to consider and approve the annual report on the working of administration and progress of public libraries prepared by the Director under section 22 and to make suggestions and recommendations thereon;

v) to review from time to time the working and administration of public libraries and to suggest ways and means to remove difficulties experienced by them in becoming more useful and effective instruments of
vi) to make recommendations to the Administrator as regards the measures which may be undertaken for the improvement of the administration of public libraries;

vii) to recommend to the Administrator the libraries which may be declared as public libraries;

viii) to recommend to the Administrator the libraries which may be recognised for the purpose of payment of grants-in-aid under this Act;

ix) to exercise such powers, and to perform such functions, as are conferred on, or entrusted to it, by or under this Act or as may be prescribed.

5. The term of office of the members of the Council other than an ex-officio-members shall be three years from the date on which the first meeting of the Council is held under the proviso to subsection (1) of Section 7.

6. A casual vacancy in the office of a member of the Council other than an ex-officio-member, occurring otherwise than on the expiration of his term of office shall be filled in by nomination
by the Administrator and the members so nominated shall hold office so long only as the member in whose place he is nominated, would have held office, if the vacancy had not occurred.

7. (1) The Council shall meet on such dates and at such hours as may be fixed by the President but a period of two months shall not in any case intervene between any two meetings; Provided that the first meeting of the Council after its constitution under sub-section (1) of Section 3 shall be held within two months after the nomination of the members under sub-section (2) of Section 3, on such date as may be fixed by the President.

(2) Every meeting of the Council shall be presided over by the President and in his absence, by the Vice-President and in his absence any other member of the Council chosen by the meeting to preside for the occasion.

8. For the performance of their duties under this Act, the members of the Council shall be entitled to payment of such compensatory allowance and at such rate as may be prescribed.
9. (1) Subject to the provisions of Section 7 and the previous sanction of the Administrator, the Council shall, for the purpose of regulating the conduct of its business and the procedure at its meeting, make regulations consistent with the provisions of this Act and the rules made thereunder.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may make provision with respect to time and place of a meeting, the notice to be given and other procedure to be followed for calling a meeting, the quorum for such meeting, and the formation of sub-committees of the Council for performing particular functions that may be assigned to them.

CHAPTER-III

DEPARTMENT OF LIBRARIES

1. For the purpose of this Act, a Department of Libraries shall be constituted by the Administrator with a Director of Libraries as its Head and with such other officers and servants as the Administrator may think fit.

2. The Director Libraries shall be a whole time
officer having the prescribed qualifications and shall be appointed by the Administrator.

1. 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-section (1) the Director shall:

(a) be responsible for the promotion and development of public libraries;

(b) be responsible for maintenance of a register of all public and non-public libraries run by registered bodies;

(c) supervise all matters relating to the public libraries;

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

(e) organise programmes for training the members of the staff of public libraries and other candidates in library science and conduct examinations for the candidates of recognised library training course;

(f) maintain accounts of the Delhi Library Fund constituted under section 15 and ensure its
proper utilisation.

(g) promote collection and preservation of 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.

(i) prepare and submit to the Administrator every year a report of the working of the public libraries in Delhi; and

(j) exercise such other powers, and perform such other functions and duties, as may be conferred on, or imposed on, him by or under this Act.

CHAPTER-IV

DEHLI CENTRAL LIBRARY

12. There shall be established by the Administrator Delhi Central Library which shall be located in Delhi and managed by the Government.

13. (1) For every local area, comprising a zone or a group of zones as may be determined by the Administrator, the Administrator may establish and maintain Zonal Library at such
place in the local area as may be determined by the Administrator.

(2) Every such Zonal Library shall be managed, organised and developed through the Deptt. of Libraries by such Govt. officer or other authority as may be appointed by the Administrator for such purpose.

(3) Where the Administrator is of the opinion that in any local area -
   a) the provision for library service to the general public is not made to the satisfaction of the Director by any local authority or any society registered under the Societies Registration Act; 1860; or
   b) any such local authority, society, or trust is not willing or is incompetent to provide the library service to the general public to the satisfaction of the Director, the Administrator may establish a library for the use of general public in that area.

organisation 14. The organisation and functions of the libraries established under section 12 and 13 shall be such as may be prescribed.
CHAPTER-V

FINANCE OF PUBLIC LIBRARIES

15. (1) The Administrator shall constitute a fund to be called the Delhi Library Fund;

(2) There shall be credited into the Delhi Library Fund constituted under sub-section (1),

a) an amount of fifty lakh of rupees, to be initially provided by the Central Government from the Consolidated Fund of India, after due appropriation made by law in this behalf;

b) all moneys received by way of contribution of special grants from the Central Government and any other State Govt.

c) all moneys received by way of contribution of gifts made by the public for the establishment, maintenance and development of public libraries.

16. (1) The moneys in the Delhi Library Fund shall be utilised by the Administrator for carrying out the purposes of this Act.
(2) In particular and without prejudice to the generality of the provision contained in sub-section (1), money in the Delhi Library Fund shall be utilised by the Administrator to defray the expenditure for the following purposes, viz:

a) establishment, maintenance and development of public libraries in Delhi;

b) payment of grants-in-aid to the public libraries and the public library associations recognised for the purpose by the Director.

c) payment of allowances to the members of the Council under section 8;

d) such other purposes as may be prescribed.

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

18. The Director shall, in accordance with the rules and subject to any general or special orders of the Administrator made in this behalf, recognise any library open for use to the public as a public library for the purpose of payment of
grants-in-aid to it from the Delhi Library Fund and sanction and disburse such grant-in-aid to such public library.

Recognition 19. The Director shall recognise any library association in Delhi or in any local areas which is connected with library activities, and which is formed for carrying out prescribed objects and functions and which satisfy the other prescribed requirements, as a public library association for the purpose of payment of grant-in-aid to it from the Delhi Library Fund with a view to giving incentive to library activities in Delhi and sanction and disburse such grant-in-aid to such recognised associations in accordance with rules made in this behalf.

CHAPTER-VII

REPORTS AND INSPECTIONS

20. Every person who is in-charge of the management of a public library 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.

21. The Director or any person authorised by him
of public libraries. in this behalf shall have power to inspect any public library or any institution attached thereto, for the purpose of satisfying himself that the provisions of this Act and the rules made thereunder are carried out.

Submission 22. Within six months from the end of every year, the Director shall prepare an annual report, descriptive as well as statistical, on the working and administration of and the progress made by public libraries in that year and submit it to the Administrator together with such information and particulars as may be prescribed.

Provided that no such report shall be submitted to the Administrator unless it is approved by the Council.

Delegation 23. (1) The Administrator may delegate all or any of his powers, duties and functions under this Act to the Director or any other officer.

(2) Every person to whom any power is delegated under sub-section (1), may exercise that power in the same manner and with the same effect as if such power had been conferred on him directly by this Act and not by way of delegation.
Protection 24. No suit, prosecution or other legal proceeding of action shall lie against the Administrator, Director or taken in any other person authorised by the Administrator good faith, or Director or the Council or any member, officer, servant or agent of such Council, acting under its direction, in respect of any thing which is in good faith done or intended to be done in pursuance of this Act or any rule or regulation made thereunder.

Power to 25. (1) The Administrator may, subject to the conditions of previous publication, by notification, in the official Gazette, make rules to carry out the provision of this Act.

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

a) the manner in which the Delhi Library Advisory Council shall exercise powers and perform functions as are conferred on or entrusted to it by or under this Act, S-4 (ix).
b) the rate and the manner in which the compensatory allowances shall be paid to the members of the Council. (S-8).

c) prescribing the qualifications for the appointment of the Director of Libraries S-10(2);

d) the organisation and functions of the libraries established under the Act S-14.

e) the purposes for which the Delhi Library Fund shall be utilised. (S.16(2)(d);

f) the manner the public library associations shall be recognised for the purpose of grant-in-aid to them from the Delhi Library Fund. (S-19)

h) the manner in which annual reports shall contain information and particulars of public libraries. (S-22).

power to 26. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order not inconsistent with the provisions of this Act, remove the difficulty; Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.
STATEMENT OF OBJECTS AND REASONS

There is no law in Delhi to regulate, guide, control and supervise the libraries. For the establishment of public libraries including recognition of existing libraries and their healthy growth in an organised and systematic manner as also to provide for a comprehensive rural and urban library service in Delhi and for effective control over the management a suitable legislation is long being felt.

The Bill has been framed with the above objects in view.

FINANCIAL MEMORANDUM

On enactment of the Bill, a Directorate of Public Libraries subordinate to the Delhi Administration will be set up in Delhi with a small supporting staff and other infra-structure for the purpose of administration.

To begin with, the expenses for running the Directorate will be around Rs.5.00 lakhs per annum. When the work gather momentum, it may be necessary to strengthen the Directorate and to establish separate administration machinery at the district level as also at lower levels.

Another sum of Rs.50.00 lakhs will be initially required for the establishment of the libraries and Delhi Library Advisory Council for the purpose of promotion and development services of libraries in Delhi.
MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 25 of the Bill empowers the Administrator to make rules for carrying out the provisions of the Bill. The matters in respect of which such rules may be made are specified therein. These matters relate inter-alia: (a) in the manner in which the Delhi Library Advisory Council shall exercise powers and perform functions as are conferred on or entrusted to it by or under this Act; (S-4(ix)); (b) the rate and the manner in which the compensatory allowances shall be paid to the members of the council (S-8); (c) prescribing the qualifications for the appointment of the Director of Libraries (S-10(2)); (d) the organisation and functions of the libraries established under the Act (S-14); (e) the purposes for which the Delhi Library Fund shall be utilised (S-16(2)(d)); (f) the manner in which any library shall be recognised as a public library open for the purpose of grant-in-aid to it from the Delhi Library Fund (S-18); (g) the manner the public library associations shall be recognised for the purpose of grant-in-aid to them from the Delhi library Fund (S-19); (h) the manner in which annual reports shall contain information and particulars of public libraries (S-22).

The matters in respect of which rules may be made are matters of administrative detail and procedure and as such the delegation of legislative powers is of a normal character.