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## PART III—Act of the West Bengal Legislature

## GOVERNMENT OF WEST BENGAL

## LEGISLATIVE DEPARTMENT

## NOTIFICATION

No. 39-L.—7th January, 1980.—The following Act of the West Bengal Legislature, having been assented to by the President, is hereby published for general information:—

**West Bengal Act XXXIX of 1979****THE WEST BENGAL PUBLIC LIBRARIES ACT, 1979.**

[Passed by the West Bengal Legislature.]

[Assent of the President was first published in the *Calcutta Gazette, Extraordinary*, of the 7th January, 1980.]

*An Act to provide for the establishment of public libraries in the State of West Bengal and to regulate, guide, control, supervise and to grant recognition to the existing libraries in the State as also to provide for a comprehensive rural and urban library service in the State of West Bengal.*

WHEREAS it is expedient to provide for the establishment of public libraries in the State of West Bengal and to regulate, guide, control, supervise and to grant recognition to the existing libraries in the State as also to provide for a comprehensive rural and urban library service in the State of West Bengal:

It is hereby enacted in the Thirtieth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

## CHAPTER I

## Preliminary

Short title,  
extent and  
commence-  
ment

1. (1) This Act may be called the West Bengal Public Libraries Act, 1979.

(2) It extends to the whole of West Bengal.

(3) This section shall come into force at once and the remaining sections shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different sections of this Act.

*The West Bengal Public Libraries Act, 1979.*

(Chapter 1.—Preliminary.—Section 2.—Chapter 11.—The State Library Council—Section 3, 4.)

**Definitions.**

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

- (a) "aided library" means a recognised library receiving aid from the Government, or from a Local Library Authority;
- (b) "Central Library" means a library declared by the State Government by notification as the Central Library;
- (c) "Director" means the Director of Public Libraries appointed under section 6;
- (d) "district" means a revenue district;
- (e) "District Library" means a library in a district established or recognised by the Government as the District Library;
- (f) "Government" means the Government of the State of West Bengal;
- (g) "notification" means a notification published in the *Official Gazette*;
- (h) "prescribed" means prescribed by rules made under this Act;
- (i) "private library" means a library other than an aided, recognised or a public library;
- (j) "public library" means a library established or maintained by the Government or by a Local Library Authority;
- (k) "recognised library" means a library recognised by the Director and declared as such for the purposes of this Act.

**CHAPTER II****The State Library Council****State Library Council and its functions.**

3. (1) The Government shall constitute a State Library Council (hereinafter referred to as the Council) for the purpose of advising the Government on the management of the Central Library, on matters of public library system and on such other matters relating to libraries and library service as may be referred to it.

(2) The Council shall, in consultation with Local Library Authorities constituted under Chapter III, also formulate the principles governing the eligibility of private libraries to receive recognition or aid under this Act.

(3) The Council shall exercise such powers and perform such duties as may be prescribed.

**Composition of the Council.**

4. (1) The Council shall consist of:—

- (a) the Minister-in-charge of Library Services who shall be the Chairman of the Council;
- (b) four persons to be elected by the members of the West Bengal Legislative Assembly from amongst themselves;
- (c) four persons to be nominated by the Government representing the interests of Universities, the West Bengal Board of Secondary Education and the West Bengal Council of Higher Secondary Education from amongst their members;

*The West Bengal Public Libraries Act, 1929.**(Chapter II.—The State Library Council.—Sections 5, 6.)*

- (d) two representatives of the Bengal Library Association to be nominated by the Executive Committee of the said Association from amongst its constituted members;
- (e) one representative of the employed libraries that will come under the provisions of this Act to be elected in the manner prescribed;
- (f) two persons elected by the Local Library Authorities from amongst the members of such authorities in the manner prescribed;
- (g) one District Library Officer to be nominated by the Government;
- (h) one District Librarian to be nominated by the Government;
- (i) the Secretary to the Government in the Education Department or his nominee;
- (j) the Director of Public Instruction, West Bengal or his nominee;
- (k) four persons to be nominated by the Government who in its opinion are experts in library science and library service;
- (l) the Deputy Director of Public Instruction (Social Education), West Bengal;
- (m) the Director of Information and Cultural Affairs or his nominee;
- (n) the Librarian, Central Library;
- (o) the Librarian of the National Library, Calcutta;
- (p) the Director who shall be the *ex-officio* Member-Secretary of the Council.
- (2) The members, other than the *ex-officio* members, shall hold office for a period of three years:

Provided that if a nominated or an elected member ceases to hold the position by virtue of which he was so nominated or elected, he shall automatically cease to be a member of the Council.

Functions  
of the  
Central  
Library.

5. The Central Library shall, in addition to running a library and a reading room, perform such other functions as may be entrusted to it from time to time by the Government or any other officer authorised by the Government in that behalf.

Appoint-  
ment and  
functions  
of Director.

6. The Government shall appoint a Director of Libraries in accordance with the rules made under this Act and the Director shall, subject to the control of the Government, discharge the following functions:—

- (a) maintain a register of recognised libraries;
- (b) manage the Central Library together with the branches of such library and shall superintend and direct all matters relating to the Central Library;
- (c) declare, in accordance with the rules made under this Act, by notification, the names and addresses of the recognised libraries in the State;
- (d) superintend and direct all matters relating to the work of all local library authorities under this Act;
- (e) submit to the Government in accordance with rules made under this Act a report on the working of all libraries under this Act;
- (f) inspect or cause to be inspected periodically through officers authorised in this behalf all the public and recognised libraries;



*The West Bengal Public Libraries Act, 1979.*

(Chapter II.—The State Library Council.—Section 7. —  
Chapter III.—The Local Library Authorities.—Section 8.)

- (g) take steps for removal of defects in the working of any such library as the reports on inspection of the libraries by the officers authorised under clause (f) may disclose and take measures for enforcing the rules as may be made in this behalf and in appropriate cases obtain approval of the Government for derecognition of the library or discontinuance of financial and other assistance to such library in the event of persistent failure to abide by the rules made under this Act or otherwise which in his opinion warrants such action;
- (h) guide, control and supervise the functioning of the libraries;
- (i) take appropriate steps for prosecution of persons responsible for any loss or injury caused to any library; and
- (j) perform such other duties and exercise such other powers in accordance with this Act or the rules made thereunder.

Directorate of Libraries.

7. (1) There shall be a "Directorate of Libraries" to be constituted by the Government for the purposes of this Act with such number of officers and employees as may be prescribed.

(2) The officers and staff of the Directorate of Libraries shall be whole-time Government employees and the terms and conditions of their services shall be such as may be prescribed.

CHAPTER III

Local Library Authorities

Constitution of Local Library Authorities.

8. (1) For the purpose of organizing and administering public libraries in the State, there shall be constituted by the Government Local Library Authority for each district.

(2) The Local Library Authority for each district shall consist of:—

- (i) the District Magistrate of the district who shall be the Chairman;
- (ii) the District Library Officer, who shall function as *ex-officio* Member-Secretary of the Local Library Authority;
- (iii) the District Social Education Officer;
- (iv) two representatives of the Associations of the employees of the different public libraries to be nominated by the Government;
- (v) two members to be nominated by the Government from amongst the Commissioners of the Municipalities within the district;
- (vi) two representatives of the district branch of the Bengal Library Association to be nominated by the Executive Committee of the said Association;
- (vii) one person to be nominated by the *Sabhadhipati* from amongst the members of the *Zilla Parishad* in the district;
- (viii) two persons nominated by the Government from amongst the members of the *Panchayat Samitis* in the district;
- (ix) two persons nominated by the Government, of whom—
  - (a) one shall be a member of the Governing Bodies of recognised libraries in the district, and
  - (b) the other from the Advisory Committees, if any, of the libraries under the District Library;

*The West Bengal Public Libraries Act, 1979.**(Chapter III.—The Local Library Authorities.—Sections 9—12.)*

- (x) a teacher of a College or Polytechnic in the district to be nominated by the Government;
- (xi) a teacher of a High School or a Higher Secondary School in the district to be nominated by the Government;
- (xii) a teacher of a Primary School in the district to be nominated by the Government;
- (xiii) two M.L.A.s of the district to be nominated by the Government;
- (xiv) the Librarian/Librarians of the District Library/Libraries.

(3) The members, other than the *ex-officio* members, shall hold office for a period of three years:

Provided that if a nominated or an elected member ceases to hold the position by virtue of which he was so nominated or elected, he shall automatically cease to be a member of the Local Library Authority.

Local  
Library  
Authority  
shall be a  
body  
corporate.

9. 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 may sue or be sued in its corporate name, and shall have the right 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.

Power of a  
Local  
Library  
Authority.

10. 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 the purpose;
- (c) employ from time to time such officers and staff for such libraries in the manner prescribed;
- (d) with the previous sanction of the Government, close or discontinue any public library organised or run by it or change the site thereof;
- (e) recommend to the Director for withdrawal of recognition of, or discontinuance of Government grant to, any public library;
- (f) accept, with the previous sanction of the Director, any gift of books, or, with the previous sanction of the Government, any other gift or endowment for any purpose connected with its activities;
- (g) provide for lectures and seminars on topical subjects and the holding of classes; and
- (h) in general, do everything necessary to carry out the purposes of this Act.

Vesting of  
property  
in Local  
Library  
Authori-  
ties.

11. 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.

Regula-  
tions by  
Local  
Library  
Authori-  
ties.

12. Subject to the provisions of this Act and the rules made thereunder, a Local Library Authority may, with the previous approval of the Government, 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 persons to public libraries in its area on such conditions and on payment of such fees as it may specify;



(Chapter III.—The Local Library Authorities.—Sections 13—16.)

- (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 shall be used to ensure the protection of such property from injury, misuse, destruction or loss; and
- (d) authorise its officers and employees 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.

Power to Government to cancel or modify regulations.

13. (1) If, at any time, the Government is of opinion that any regulation made under this Act by a Local Library Authority should be cancelled or modified either wholly or in part, it shall cause the reasons for such opinion to be communicated to such Local Library Authority, and shall specify a reasonable period within which such Local Library Authority may make any representation with regard thereto which it may think fit.

(2) After receipt and consideration of any such representation, or, if in the meantime no such representation is received, after the expiry of the specified period, the Government may, at any time, by notification cancel or modify such regulation, either wholly or in part.

(3) The cancellation or modification of a regulation under sub-section (2) shall take effect from such date as the Government may in the said notification direct, or if no such date is specified, then from the date of publication of the said notification except as to anything done or suffered or omitted to be done before such date.

Executive Committee.

14. A Local Library Authority may appoint an executive committee consisting of such number of its members as it may deem fit and delegate to such committee such of its powers or duties under this Act as may be prescribed.

Preparation of scheme.

15. (1) As soon as possible after a Local Library Authority is constituted, and thereafter if required by the Director, every Local Library Authority shall 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 may be sanctioned by the Director.

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

District Library Officer and District Librarian.

16. (1) The Government shall appoint a person to be called the District Library Officer on such terms and conditions as may be prescribed and he shall generally, subject to the control of the Director, direct, superintend and manage the affairs of the libraries in a district.

(2) (i) The Government shall, in consultation with the Local Library Authority, place a person in charge of a District Library to be called the District Librarian with such qualifications and on such terms and conditions as may be prescribed;

(ii) the District Librarian shall, subject to the control of the Local Library Authority, manage the affairs of a District Library.

*The West Bengal Public Libraries Act, 1979.*

(Chapter IV.—Finance and Accounts.—Sections 17, 18.—  
Chapter V.—Miscellaneous.—Sections 19—23.)

## CHAPTER IV

## Finance and Accounts

**Library Fund.** 17. (1) Every Local Library Authority shall maintain a library fund out of which payments under this Act shall be met.

(2) There shall be credited to the library fund the following sums—

- (a) contributions, gifts and income from endowments made to the Local Library Authority for the benefit of public libraries;
- (b) grants which the Government may make for the general maintenance or for any specific purpose connected with libraries or social education;
- (c) any amount collected by the Local Library Authority under any rules or regulations made under this Act.

**Accounts and audit.** 18. (1) An account of all assets and liabilities of each Local Library Authority and of all contributions, gifts and income from endowments, grants made by the Government, any amount collected by the Local Library Authority under any rules made under this Act shall be maintained in the prescribed manner.

(2) The account shall be audited annually in such manner and by such officer or authority as may be prescribed. A copy of the audit report shall be submitted to the Government in the prescribed manner.

## CHAPTER V

## Miscellaneous

**Validation of acts.** 19. No act of the Council or of a Local Library Authority shall be deemed to be invalid by reason only of the existence of any vacancy, initial or subsequent, or any defect, in the constitution of the Council or the Authority.

**Reports and returns.** 20. 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 Director or the person so authorised may, from time to time, require.

**Inspection of public libraries.** 21. The Director or any person authorised 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 made thereunder are duly carried out.

**Penalty.** 22. (1) Whoever contravenes any provision of this Act or of any rules made thereunder shall, if no other penalty is provided therefor in any other Act, be punishable with fine which may extend to two hundred and fifty rupees or if having been previously convicted of such offence is again convicted of an offence under this Act, with fine which may extend to five hundred rupees.

(2) No court shall take cognizance of any offence under this Act except on a written complaint made by the Director or by any person authorised by the Director in this behalf.

**Power to make rules.** 23. (1) The Government may, by notification, make rules for carrying out the purposes 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 matters which may be or are required to be prescribed or made by rules.

*The West Bengal Public Libraries Act, 1919.**(Chapter V.—Miscellaneous.—Section 24.)*

(3) All rules made under this section shall, as soon as may be, after they are made, be laid before the House of the State Legislature for 14 days and shall be subject to such modification as the State Legislature may make during the session in which they are so laid.

Amendment to the Press and Registration of Books Act, 1867.

24. The Press and Registration of Books Act, 1867, 25 of 1867, shall, in its application to the State of West Bengal, be amended as follows:—

(1) for clause (a) of the first paragraph of section 9, the following clause shall be substituted:—

“(a) in any case, within one calendar month after the day on which any book shall first be delivered out of the press, three such copies and”;

(2) in section 11, for the first paragraph, the following paragraph shall be substituted:—

“Out of the three copies delivered pursuant to clause (a) of the first paragraph of section 9 of this Act, one copy shall be sent to the Central Library, and the remaining copies shall be disposed of in such manner as the Government may from time to time determine.”.

By order of the Govern

S. N. SANYAL,

Secy. to the Govt. of West Bengal.