

MANIPUR



GAZETTE

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GOVERNMENT OF MANIPUR
SECRETARIAT: LAW & LEGISLATIVE AFFAIRS DEPARTMENT

NOTIFICATION

Imphal, the 18th September, 2015

No. 2/31/2015-Leg/L : The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on September 17, 2015 is hereby published in the Official Gazette:

THE MANIPUR PUBLIC LIBRARY (TAKING OVER OF MANAGEMENT) ACT, 2015
(MANIPUR ACT NO. 13 OF 2015)

AN

ACT

to provide for the taking over of the management of the Manipur Public Library in the public interest and for matters connected therewith or incidental thereto.

Whereas, a movement for construction of a public library in Imphal was initiated in the year 1948 by a Committee led by late Shri N. Gopal Singh as its founder Secretary by raising subscription/ donation from the general public of Manipur;

Whereas on request by the Committee, the Manipur State Council earmarked land for the said Library vide Council Resolution No. 27 dated 4th February, 1948. Late Premasukh Patri, on behalf of his firm M/S Ganeshlal Premasukh donated Rs. 25,000/- for the construction of a public library and the erstwhile Manipur State Council vide Council's Resolution No 17 dated 15th June, 1949 wished that the Committee led by Shri N. Gopal Singh will construct the library building and equip the same with books which will be keeping with the benefactors wishes;

Whereas, the Manipur Public Library Committee completed the construction of the building with the money provided by Shri Premsukh Patni and other donors and the library was opened to the public from 21st June, 1950 and the same was managed by the Manipur Public Library Committee;

Whereas the management of the Manipur Public Library Society was taken over in 1963 by the Manipur Library Society which was registered under the Societies Registration Act, 1860.

Whereas the Manipur Public Library Society fails to convene meetings of the Society in time despite instructions issued by the Registrar of Societies, and with the passage of time after a fire gutted the library through mismanagement of the property by letting out some portions of the plot to individual persons for business which is quite contrary to the object for which the Manipur Public Library was established and land provided for the same and the library had become defunct and that the Manipur Public Library Society had also become defunct and non functional causing serious loss to the general public; and

Whereas the State Government in its desire to save the library from total loss decided to take over the management of the Manipur Public Library and properties thereof and it is felt that any delay in taking over the management of the Library would be highly detrimental to the interest of the general public.

BE it enacted by the Legislature of Manipur in the Sixty-sixth year of the Republic of India as follows:

Short title and Commencement

1. (1) This Act may be called the Manipur Public Library (Taking Over of Management) Act, 2015.

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

Definitions.

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

(a) "custodian" in relation to the Manipur Public Library means the person appointed under section 5 of this Act to take over the management of the Manipur Public Library;

(b) "library" means the Manipur Public Library, located at Bir Tikendrajit Road, Imphal managed by the Manipur Public Library Society;

(c) "Manipur Public Library Society" means the Manipur Public Library Society registered under the then Societies Registration Act, 1860:

- (d) "notification" means a notification published in the Official Gazette;
- (e) "prescribed" means as prescribed by rules made under this Act; and
- (f) "State Government" means the Government of Manipur.

3. (1) On and from the commencement of this Act, the management of the Manipur Public Library shall vest in the State Government.

Management
of the
Manipur
Public Library

(2) The management of the Manipur Public Library shall be deemed to include management of all assets, rights, lease-holds, powers, authorities and privileges and all property, movable and immovable, cash balance, reserve funds including lands, buildings, works of art, library and all other rights and interest arising out of such property as were immediately before the commencement of this Act in the ownership, possession, power or control of the society, all books of accounts, registers, records and all other documents of whatever nature relating thereto.

4. (1) Any contract, whether expressed or implied, provided for management of the Manipur Public Library, made before the commencement of this Act between any person claiming to be in charge of the management of such library and any other person before the commencement of this Act shall be deemed to have terminated or vacated their offices, as the case may be, on such commencement.

Contract
regarding
management
of the
Manipur
Public Library
to be deemed
to have
terminated.

(2) Notwithstanding anything contained in this section, all the property belonging to the Manipur Public Library shall stand transferred from the commencement of this Act and shall be deemed to have been vested in the State of Manipur absolutely and free from all encumbrance, trust, power or obligation of any kind or nature whatever.

Provided that the State Government shall not be liable for any act done by any person without the approval of validly elected management committee of the Manipur Public Library Society.

5. (1) The State Government may appoint any person as the custodian for the purpose of taking over of the management of the Manipur Public Library and the person so appointed shall carry on the management of the library on behalf of the State Government in such manner as may be prescribed.

Power to
appoint
Custodian.

(2) The State Government may also appoint one or more person(s) as additional custodian or deputy custodian for assisting

the custodian who may delegate all or such of his power as he may think fit to the additional custodian or deputy custodian.

(3) Every custodian or deputy custodian so appointed shall exercise the power vested to him under the control and supervision of the State Government.

(4) On the appointment of the custodian under sub-section (1), the management of the library shall vest in him and all person in-charge of the management of such library immediately before such appointment shall cease and shall be bound to deliver to the custodian all assets, books of account, register or other document in their custody relating to the Manipur Public Library.

Delegation of Powers.

6. (1) The State Government may, by notification, direct that all or any of the power exercisable by it under this Act may be exercised by any person or persons as may be prescribed.

(2) Whenever any delegation of power is made under sub-section (1), the person to whom such power has been delegated shall act under the direction, control and supervision of the State Government as may be prescribed.

Protection of action taken in good faith.

7. No suit or prosecution or other legal proceedings shall lie against the custodian or authorized person for anything which is in good faith done or intended to be done under this Act.

Removal of difficulties.

8. Whenever any difficulty arises in the implementation of any of the provisions of this Act, rules and orders made thereunder, the State Government may give such directions as may appear to it to be necessary for the purpose of removing the difficulty:

Provided that the above provision shall have effect for a period of two years from the commencement of this Act.

Overriding effect of the Act.

9. The provision of this Act shall have effect notwithstanding anything inconsistent herewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act, or in any decree or order of any court, tribunal or any other authority.

Powers to make Rules.

10. (1) The State Government may, by notification in Official Gazette 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 following matters, namely,—

(a) the manner of management of the library by the custodian under sub-section (1) of section 5;

(b) the powers exercisable by persons under section 6;

(c) any other matter which is required to be, or may be, prescribed.

11. Every rule made under this Act shall be laid as soon as may be after it is made, before the House of the Manipur Legislative Assembly while it is in session for a period of fourteen days which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the sessions immediately following, the House agree in making any modification in the rule or the House agree that the rules shall not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**Rules made
under this
Act to be laid
in the House.**