

Law (LEGISLATIVE DRAFTING) DEPARTMENT**(Group-II)****NOTIFICATION**

Jaipur, April 22, 2006

No. F.2(20)Vidhi-2/2006.-In pursuance of clause (3) of Article 348 of the constitution of India, the governor is pleased to Authorize the publication in the Rajasthan Gazette of the following Translation in the English language of the Rajasthan Sarvajanik Pustkalaya Adhiniyam, 2006(2006 ka Adhiniyam Sankhyank 11):-

(Authorized English Translation)

THE RAJASTHAN PUBLIC LIBRARIES ACT,2006

(Act No. 11 of 2006)

[Received the assent of the Governor on the 20th day of April,2006]

An

Act

To provide for the promotion and development of public libraries in the State and for that purpose to constitute State library Council And for the matters connected therewith or incidental thereto.

Be it enacted by the Rajasthan State Legislature in the Fifty-seventh year of the Republic of India, as follows :-

CHAPTER 1**Preliminary**

1. **Short title, extent and commencement.** – (1) This Act May be called the Rajasthan Public Liabraries Act, 2006
- (2) It extends to the whole of the State of Rajasthan.
- (3) It shall come into force on such date as the State Government may, by notifications in the Official Gazette ,appoint.

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

(a) "book" includes-

- (i) every volume, part or division of a volume and pamphlet in any language;
- (ii) manuscript in any form;
- (iii) every sheet of music, map, graph, chart or plan separately printed or lithographed;
- (iv) newspapers, periodicals, paintings, posters, photographs, Photographic, reproduction, gramophonic, records, audio - video tapes, floppy, compact discs, slides, microfilms and film scripts for audio visual information and such other materials;
- (v) computer output in any form and computer programmes;

(b) "book deposit center" means a center where books are deposited and members of the public can borrow;

(c) "book service center" means a center where members of the library can borrow books through a mobile library;

(d) "chairperson" means the chairperson of the Council;

(e) "Council" means the Rajasthan State Library Council constituted under section 3;

(f) "Director" means the director of public libraries;

(g) "District" means a revenue district constituted under the provision of Rajasthan Land revenue Act, 1956 (Act no.15 of 1956);

(h) "Division" means a revenue division constituted under the provisions of the Rajasthan Land revenue Act, 1956 (Act no.15 of 1956);

- (i) “extension service” means and includes the activities pertaining to preservation and promotion of cultural heritage and encouraging the intellectual, literary and scientific character of the community;
- (j) “library” means and includes collection of books, book deposit center or book service center providing library service or extension service;
- (k) “library service” means and includes providing reading, facilities, lending out books to the members of the library and assisting the readers to procure books and relevant information;
- (l) “Local authority” means a municipality constituted under the provisions of the Rajasthan a municipalities Act, 1959 (Act No.38 of 1959) or a Panchayati Raj Institution constituted under the provisions of the Rajasthan Panchayati Raj Act, 1994 (Act No.13 of 1994);
- (m) “member of the library” means registered member of the library;
- (n) “prescribed” means prescribed by rules;
- (o) “public library” means-
 - (i) a library within the public library system of the state;
 - (ii) a library recognized by the Director under section 18; and
 - (iii) any other library which the State Government may, by notification in the Official Gazette, declare to be a public library for the purpose of this Act ;
- (p) “Panchayat Samiti” means a Panchayat Samiti constituted under the provision of the Rajasthan panchayati Raj Act, 1994 (Act no.13 of 994);

- (q) "public library system" means a set up of public libraries in the State with the State central library at the apex and village libraries at the bottom;
- (r) "public library association" means a public library association recognized under section 19;
- (s) "rules" or "regulation" means the rules or regulation made under this Act;
- (t) "year" means a period commencing on 1st April and ending on 31st March next following.

CHAPTER II

State Library Council

3. Constitution of the State Library council.- (1) As soon as may be after the commencement of this Act, the State Government shall, by notification in the Official Gazette, constitute for the purposes of this Act, a Council to be called the Rajasthan state Library Council with effect from such date as may be specified in the notification.

(2) The Council shall consist of the following member, namely:-

(a) **EX-officio member** –

- (i) The Minister In-charge of libraries – Chairperson;
- (ii) The Secretary to the Government responsible for the libraries – Vice – Chairperson;
- (iii) The Secretary to the Government, Finance Department or his nominee not below the rank of Deputy Secretary;
- (iv) The Director , College Education;
- (v) The Director , Elementary Education ;
- (vi) The Director , Secondary Education ;
- (vii) The Director , Panchayati Raj ;

- (viii) The Director, Local Self Government ;
- (ix) The Chairman , Board of Secondary Education , Rajasthan
- (x) The Secretary , Rajasthan State Text Book Board;
- (xi) The librarian, State Central Library ;
- (xii) The Director, Public Libraries -Member Secretary;

(b) Nominated members-

- (i) Three members nominated by the Chairperson from amongst person having specialized knowledge and interest in matters relating to library services, among whom one should be a woman;
- (ii) One Librarian of District Library to be nominated by the State Government ;
- (iii) Two eminent scholars nominated by the Chairperson;
- (iv) Two members of the Rajasthan Legislature Assembly to be nominated by the Speaker of the Rajasthan Legislature Assembly.

(3) The power, duties and functions of the Chairperson of the council shall be such as may be prescribed.

4. Headquarters of the Council.- the Headquarters of the council shall be at Jaipur or at such other place as the State Government may, by notification in the Official Gazette, specify.

5. Powers and functions of the Council.- The powers and functions of the council shall be as follows, namely:-

- (i) to advise the State Government on a reference made to it or on its own motion, in regard to all matter connected with the administration of this Act and the rules;

- (ii) To approve the expenditure out of the state library Development fund in accordance with the rules;
- (iii) to direct the measures to be taken for promotion of use of books and to cultivate the reading habits among the community ;
- (iv) To consider the annual report on the working ,administration and progress of public libraries prepared under section 22 and to make suggestions and recommendations thereon;
- (v) to review from time to time , based upon the reports and inspections made under sections 20 and 21 respectively , the working and administration of all public libraries and public library associations and to suggest ways and means to remove difficulties in becoming more useful and effective instruments of public education and library service ;
- (vi) to make recommendations to the State Government as regards the measure to be taken for the improvement of the administration of public libraries;
- (vii) to suggest the norms and standards performance as criteria for eligibility for the purpose of grant-in-aid or other financial assistance to public libraries and public library associations ;
- (viii) to suggest the formula for fixing the quantum of grant-in-aid ;
- (ix) to advise the State Government with regard to the objects and purposes for financial assistance other than grant-in-aid and the terms and conditions to be fulfilled for such assistance;

- (x) to make suggestions and recommendations for annual development plan for libraries;
- (xi) to organize and conduct library seminars , meetings and conferences;
- (xii) to prepare consolidated programme in the sphere of library service in accordance with the guidelines issued by the State Government from time to time;
- (xiii) to suggest for organisation and promotion of efficient library service in the State;
- (xiv) to suggest for raising finances and for promotion of library service;
- (xv) to prepare long term and short term plans for improving the library service in the State ;
- (xvi) to exercise such powers, and to perform such functions, as are conferred on, or entrusted to it by or under this Act or the rules made thereunder;

6.Term of office of members.-(1) The nominated member of this council shall hold office for a period three years from the date of his nomination.

(2) when a member ceases to hold the post by virtue of which he was so nominated, he shall ceases to be a member of the Council.

7. Filling up of vacancy.- If any vacancy arises in the office of a nominated members of the council on account of death, resignation or otherwise the same shall be filled up, as soon as possible.

8. Meeting of the Council.- (1) The Council shall meet on such dates, at such time and places and shall observe such rules of procedure in regard to the transaction of business at its meeting (including the quorum of such meeting) as may be provided by regulations;

Provided that the council shall meet at least twice in a year but six months shall not intervene between two successive meetings.

(2) The Chairperson of the Council may, whenever he thinks fit, call a meeting of the Council; and shall, upon written request of not less than one-third of the total number of members of the Council, call a special meeting of the Council on a date not later than thirty days after the receipt of such request:

Provided that no special meetings shall be demanded within a period of two months from the date of last meetings of the Council.

(3) the Chairperson or in his absence, the Vice – Chairperson or in absence of both, any member chosen by the members present from among themselves shall preside over a meeting of the Council.

9. Constitution of Committees.—The Council may constitute such committees consisting of such number of members of the Council for performing such functions, as may be provided by regulations.

10. Payment of allowances to members of Council.—For the performance of their duties under this Act, the members of the Council or its committees shall be paid such allowances and at such rates, as may be prescribed.

CHAPTER III

Director of Public Libraries

11. Director of public Libraries.— For the purposes of this Act, the existing Director of Language and Libraries shall be the Director of Public libraries.

12. Function of Director.—(1) Subject to superintendence, direction and control of the State Government, 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) supervise all matters relating to public libraries;

- (b) promote the establishment and development of public libraries;
- (c) be responsible for planning , maintenance, promotion and development of public libraries , organisation of public library system;
- (d) recognize any institution or service conducting the training courses in library service and library and information science, and organize programmes for training of the staff of public libraries and other persons;
- (e) maintain a register of recognized libraries and publish names and addresses of such libraries ;
- (f) administer and maintain accounts of the State Library Development Fund and ensue its proper utilization;
- (g) arrange for collecting and preserving 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 and public library associations;
- (i) implement recommendations of the Council as have been approved by the State Government ;
- (j) administer the schemes and rules and regulations, for grant-in-aid and other financial assistance to public libraries, public library associations and recognized training institutions and sanction and disburse such grant-in-aid and other financial assistance in accordance with the scheme, rules and guidelines made in this behalf from time to time;
- (k) prepare and submit report as required under section 22;

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

CHAPTER IV

Public Library System

13. Establishment And Management of Public Libraries.-(1) The State Government may establish and maintain State Central Library for the State and Divisional Library for a division , District Library for a district , Panchayat Samiti Library for a Panchayat Samiti and such other village libraries as it may think necessary .

(2) Every library establishment under sub-section (1) shall be managed , organised and developed by the Director.

14. Constitution of Library advisory Committee.-(1) There shall be constituted for each library a Library Advisory Committee.

(2) Library Advisory Committee for the State Central Library, Divisional Library and District Library shall be constituted by the State Government .

(3) Library Advisory Committee for the Libraries other than those mentioned in sub-section (2) shall be constituted by the Director.

(4) The constitution and functions of the Library Advisory Committees shall be such as may be prescribed.

CHAPTER V

Finance for Public Libraries

15. Budget for Public Libraries .-(1) The Director shall prepare , every year, the annual budget proposal for the Directorate of Public Libraries for plan and non-plan expenditure and submit it to the State Government .

(2) The Director shall utilise the grant so sanctioned to defray the expenditure for the following purposes , namely:-

- (a) to carry out the purposes of this Act and rules;
- (b) to establish new public libraries in the State ;
- (c) to maintain and develop the public libraries in the State ;
- (d) for the payment of grant-in-aid and other financial assistance to the public libraries. public library associations;
- (e) for such other purposes as may be prescribed.

16. State Library Development Fund.-(1) There shall be a fund to be called the State Library Development Fund for modernization and development of public in the State .

(2) The State Library Development Fund shall consist of –

- (a) grant received from the State Government other than the grant specified in sub-section (2) of section 15;
- (b) any contributions or special grants from the Central Government for modernization and development of public libraries ;
- (c) all money received by way of contributions or gifts made by the public or any other agency for modernization and development of public libraries .

(3) The money in the State Library Development Fund shall be utilize by the Director in consultation with the Council to defray the expenditure for the following purposes , namely:

- (a) modernization and development of public libraries in the State;
- (b) payment of allowances to the members of the Council under section 10;
- (c) such other purposes as may be prescribed .

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

CHAPTER VI

Recognition of Public Libraries and

Public Library Associations

18. Recognition of public libraries.- The Director may, in accordance with the rules and subject to any general or special orders of the State Government made in this behalf, recognize any library run by any voluntary agency registered under the Rajasthan Societies Registration Act, 1958 (Act No. 28 of 1958) or under the Rajasthan Public Trust Act, 1959 (Act No. 42 of 1959) or any library run by local authority, open for use to the public, as a public library for the purpose of payment of grant-in-aid or other financial assistance to it

19. Recognition of public library association.- With a view to providing an incentive to library activities in the State, the Director may, in accordance with the rules, recognize any public library association in the State, registered either under the Rajasthan Societies Registration Act, 1959 (Act no. 28 of 1958) or the Rajasthan Public Trust Act, 1959 (Act No. 42 of 1959) for the purpose of payment of grant-in-aid or other financial assistance to it.

CHAPTER VII

Reports and Inspection

20. Reports and returns.- Every person who is in charge of the management of a public library and every person who is in charge of public libraries association 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. inspection of public libraries and public library association.- The Director or an officer authorised by him in this behalf shall have power to inspect public libraries and public libraries association or any institution attached thereto or any institution conducting the training courses in library service and library and

information science receiving financial assistance, for the purpose of satisfying himself that the provisions of this Act and the rules made thereunder are carried out.

22. Submission of Annual Report.- within six months from the end of every year, the Director shall prepare an annual report, on the working and administration of, and the progress made by, public libraries and public library association in a year together with such information and particulars as may be prescribed and submit the same to the State Government.

Chapter viii

Miscellaneous

23. Member of the Council to be public servant.-All the members of the Council shall, while acting or purporting to act in pursuance of the provisions of this Act or any rules and regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act No. 45 of 1860).

24. Protection of action taken in good faith.- No suit, prosecution or other legal proceedings shall lie against the Council or any member and officer or servant for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act or any rules and regulations made thereunder.

25. Acts and proceedings of the Council presumed to be valid,- No act or proceeding of the Council or of any of its committees shall be invalid merely by reasons of –

(a) any vacancy therein or any defect in constitution thereof;
or

(b) any irregularity in its procedure not affecting the merits of the case.

26. Power to make rules.-(1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the forgoing power, such rules may be made to provide for all or any of the following matters namely:-

(a) the powers, duties and functions to be performed by the Chairperson under sub-section (3) of section 3;

(b) the expenditure out the State Library Development Fund to be approved under clause (ii) of section 5;

(c) such other powers and functions which may be exercised and performed by the Council under clause (xvi) of section 5;

(d) the allowances payable to members of the Council and its committee and the rates at which they shall be payable under section 10;

(e) other powers, functions and duties to be exercised and performed by the Director under clause (1) of sub-section (2) of section 12;

(f) constitution and function of the Library Advisory Committee to be constituted under Section 14;

(g) other purposes for which the sanctioned grant may be utilized under clause(e) of sub-section (2) of section 15;

(h) other purposes for which State Library Development Fund may be utilized under clause (C) of sub-section (3) of section 16;

(i) rules for recognition of public libraries under section 18;

(j) rules for recognition of public library associations under section 19;

(k) the information and particulars to be included in the annual report under section 22;

(1) any other matter which is to be or may be prescribed under this Act,

(3) All rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which they are so laid or the session immediately following, the House of the State Legislature makes any modification in any such rules or resolves that any such rules should not be made, such rule shall thereafter have effect only in so much as may have been so modified from 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 thereunder.

27. Power to make regulations.-(1) The Council may make regulations not inconsistent with the provisions of this Act and the rules made thereunder enabling it to discharge its functions under this Act.

(2) In particular and without prejudice to the foregoing powers, such regulations may provide for all or any of the following matters, namely:-

- (a) the time, date and place at which the Council shall meet and the rules of procedure the Council shall observe in regard to transaction of its business at its meeting under sub-section(1) of section 8;
- (b) Committees which the Council may constitute, the number of member which the committee may consist of and functions which may be performed by such committee under section 9.

गुमान सिंह,

Secretary to the Government.