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LAW DEPARTMENT

NOTIFICATION

The 11th March 2002

No. 4623-Legis.—The following Act of the Orissa Legislative Assembly having been assented to by the Governor on the 28th February 2002, is hereby published for general information.

ORISSA ACT 3 OF 2002

THE ORISSA PUBLIC LIBRARIES ACT, 2001

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NETWORK OF PUBLIC LIBRARIES IN THE STATE OF ORISSA AND TO MAINTAIN, REGULATE, GUIDE, CONTROL, SUPERVISE, INTEGRATE AND CONSOLIDATE THE LIBRARIES IN THE STATE AS ALSO TO PROVIDE FOR A COMPREHENSIVE RURAL AND URBAN LIBRARY SERVICE IN THE STATE AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO

BE it enacted by the Legislature of the State of Orissa in the Fifty-second Year of the Republic of India as follows :—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Orissa Public Libraries Act, 2001.

(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, appoint.

Definitions.

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

(a) “aided library” means a library which is open to public and declared by the Director to be eligible for grant-in-aid from the Library Fund in accordance with the rules made under this Act, and includes a library which is receiving grant-in-aid from Government;

(b) "book" includes —

(i) every volume, part or division of a volume, and pamphlet, in any language ;

(ii) every sheet of music, map, chart or plan separately printed or lithographed ; and

(iii) newspapers, periodicals, paintings, film slides paper manuscripts, palm-leaf manuscripts, micro-films and discs or tapes used for audio-visual information or electronic information for the purpose of providing library services to the public ;

(c) "City Library" means a public library established or declared as a City Library under sub-section (2) of section 10 ;

(d) "Council" means the Orissa Public Library Council constituted under section 3 ;

(e) "Director" means the Director of Public Libraries referred to in section 7 ;

(f) "Director, Culture" means Director of Culture, Government of Orissa ;

(g) "District Library" means a Public Library established as a District Library under sub-section (1) of section 10 ;

(h) "District Library Committee" means the District Library Committee constituted under section 11 ;

(i) "Gandhi Pathagar" means a library established by Government at Block level ;

(j) "Government" means the State Government ;

(k) "Library Authority" means the Orissa Public Library Authority constituted under section 4 ;

(l) "Library Fund" means the Orissa Public Library Fund maintained under section 12 ;

(m) "Library services" means the services provided by a Public Library in relation to lending of books and references, abstracts, bibliographies and indexes of books and access to information recorded by electronic media ;

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

(o) "Public Library" means—

(a) a library which is open to public and established or maintained by the Government ;

(b) an aided library such as libraries functioning under or by other departments of Government open to the public and includes a Gandhi Pathagar with its branches and delivery stations, if any, and any other library which may be declared by Government, from time to time, as a Public Library ;

(p) "Public Library System" means an organic interlinking of all Public Libraries in the State into a network to facilitate library services in a systematic and organised manner;

(q) "Raja Ram Mohan Roy Library Foundation" means the Raja Ram Mohan Roy Library Foundation established by the Government of India for expansion of public library services in the country;

(r) "State Library" means the library established by Government at the State Capital which has been named as Hare Krushna Mahatab State Library;

(s) "Year" means the financial year.

Constitution
of Orissa
Public
Library
Council.

3. (1) For the purpose of advising the Government on matters concerning the management and development of public library system and library services in the State, formulation of training policies and programmes in relation to such system and services and such other matters relating thereto as may be prescribed, the Government may, by notification, constitute a Council to be called the Orissa Public Library Council.

(2) The Council shall consist of the following members, namely:—

(a) the Minister-in-Charge of the Department of Tourism and Culture (Culture), who shall be the Chairperson of the Council;

(b) Secretaries to Government in the Departments of Tourism and Culture (Culture), Higher Education, School & Mass Education, Revenue, Information & Public Relations, Panchayati Raj, Finance and Information Technology;

(c) Director, Public Libraries, who shall be the Member-Secretary; and

(d) fifteen other members, to be nominated by Government as follows:—

(i) one from amongst the members of the Orissa Legislative Assembly;

(ii) one from amongst the members of Parliament representing the State of Orissa or any Constituency thereof;

(iii) one from amongst the Chairpersons of Zilla Parishads in the State;

(iv) one who, in the opinion of Government, is an expert in public library system and library services;

(v) one who is the President or Secretary of any library association in the State and has rendered valuable service for the development of library movement and education;

- (vi) one from amongst the teachers of Post-graduate Teaching Department of Library and Information Science of different Universities in the State;

Provided that the members specified in sub-clauses (iii) and (vi) shall be nominated on rotation basis in the manner as may be prescribed.

- (vii) three representatives of rural aided libraries from three Revenue Divisions of the State as may be nominated by concerned Revenue Divisional Commissioner;

- (viii) three eminent writers, of whom two shall be women, as may be nominated by the Government;

- (ix) two eminent persons from outlying Oriya speaking tracts across the State border; and

- (x) one representative of the book publishers as may be nominated by the Government.

(3) The term of office of, the procedure to be followed in discharge of their functions by, and the manner of filling casual vacancies among members of the Council shall be such as may be prescribed.

Constitution
of Public
Library
Authority.

4. (1) The Government shall, as soon as may be, after the commencement of this Act, by notification, constitute a body to be called the Orissa Public Library Authority which shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act and the rules made thereunder, to acquire, hold and dispose of property and to enter into contracts and shall, by the said name, sue and be sued.

(2) The Library Authority shall consist of—

- (a) the Minister-in-Charge of the Department of Tourism & Culture (Culture), who shall be the Chairperson;

- (b) the Secretary to Government in the Department of Tourism & Culture (Culture), who shall be the Working Chairperson; and

- (c) Director, who shall be the Member-Secretary.

Powers and
functions
of Library
Authority.

5. Subject to the provisions of this Act, the rules made thereunder and the general or special direction, if any, of the Government, the Library Authority shall exercise the following powers and perform the following functions, namely:—

- (a) to evolve and, subject to the approval of Government, finalise perspective plans for the development of public library system and library services in the State which shall be executed by it through the Director and to co-ordinate, and determine the standard of library services from Village level to State level;

(b) to sanction the opening of Public Libraries subject to availability of funds ;

(c) to decide policy for the selection and purchase of books required by Public Libraries in the State and, for that purpose, constitute sub-committees in such manner and consisting of such persons as may be prescribed ;

(d) to set up such other sub-committees as may be necessary from time to time to regulate its work ;

(e) to approve and submit to Government, every year, the audited statements of accounts and utilisation certificates of its funds ;

(f) to accept endowments, bequests, donations, grants, and transfer of any movable and immovable properties made over to the Library Authority; and

(g) to exercise such other powers and perform such other functions as may be prescribed.

Powers and functions of Chairperson and Working Chairperson of Library Authority.

6. (1) The Chairperson shall be the head of the Library Authority and he, or, in his absence, the Working Chairperson shall preside over the meetings of the Library Authority.

(2) The Chairperson shall supervise the implementation of policies and programmes of the Library Authority and exercise such other powers and perform such other functions as may be prescribed.

(3) The Chairperson may, in writings, delegate such of his powers and functions as he may consider necessary, to the Working Chairperson.

Constitution of Directorate.

7. (1) The Government shall, for the purpose of carrying out the objects of this Act, constitute a separate Directorate to be called the Directorate of Public Libraries, which shall be headed by the Director of Public Libraries referred to in sub-section (2) and shall consist of such other Officers and employees as may be prescribed by way of restructuring the posts attached to the Library Section of the existing Directorate of Culture of the Government and State Library with the staff continuing against those posts in the prescribed manner.

(2) The Director, Culture shall be the Director of Public Libraries.

Powers and functions of Director.

8. Subject to the control of [the Government, the Director shall —

(a) be responsible to implement the plans, policies, schemes and programmes of the Library Authority ; and

(b) subject to the provisions of this Act, exercise such powers and perform such functions as may be prescribed.

State
Library.

9. (1) The State Library shall be headed by the Director of Public Libraries who shall be not below the rank of a Class-I Officer.

(2) The State Library shall function as a reference library and not as a lending library in respect of the books therein, except in cases of inter-library loans.

District and
City
Libraries.

10. (1) The Government may, by notification, establish a District Library in the headquarters of every district and, for the purpose of this section, a District Library established by Government prior to the commencement of this Act, shall be deemed to be a District Library established under this Act.

(2) Where the population of any city, town or any other urban area is two lakhs or more, the Government may, by notification, establish in that area a City Library or declare an existing library, which is established by it, to be a City Library, notwithstanding that a District Library is already existing in the concerned district.

Con-
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Constitution
of District
Library
Committee.

11. (1) The Government may, by notification, constitute, in the prescribed manner, a Committee in each district to be called the District Library Committee to look after the management of library services in the district.

(2) The term of office of, the procedure to be followed in discharge of its functions by, and the manner of filling casual vacancies among, members of the District Library Committee shall be such as may be prescribed.

Orissa Public
Library Fund.

12. (1) The Library Authority shall have a fund called the Orissa Public Library Fund to which shall be credited—

(a) grants made by Government, Raja Ram Mohan Roy Library Foundation and other sources for the purpose of Library services in the State;

(b) contributions, donations and gifts made by any person ;

(c) endowments, donations and bequests as may be made by any non-resident Indian any Corporate House ; and

(d) interest on fixed deposits and receipts from any other source.

(2) All moneys credited to the Library Fund shall be deposited in such Nationalised or Scheduled Banks or invested in such manner and shall be operated in such manner, as may be prescribed.

(3) The money in the Library Fund shall be utilised for carrying out the purposes of this Act.

(4) The Director shall keep a proper account of the receipts and expenditure.

Accounts and Audit.

13. (1) The Director shall keep regular accounts of receipts to, and disbursements from, the Library Fund, under the direction of the Chairperson of the Library Authority, in such manner as may be prescribed.

(2) The accounts of the Library Authority and the Library Fund shall be subject to audit under the Orissa Local Fund Audit Act, 1948.

Orissa Act
5 of 1948.

(3) The audit report shall be presented by the Director to the Chairperson and copy of the same shall be sent to the Government with a note of action taken on the report.

Reports and Returns.

14. 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 other officer authorised by him in this behalf.

Inspection of Public Libraries.

15. The Director or any other officer authorised by him or by Government 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 or orders made thereunder are carried out.

Annual Report.

16. The Director shall, within six months from the end of every year, prepare an annual report and the progress made by the Library Authority in providing library services in the State in that year and submit it to Government together with such information and particulars as may be prescribed which shall be laid on the Table of the Orissa Legislative Assembly.

Transfer of management and amalgamation of Public Libraries.

17. On and after the commencement of this Act, the Government may, for the purpose of proper and effective management of Public Libraries in the State, by notification,—

(a) transfer any Gandhi Pathagar to a suitable registered voluntary organisation and make provision for grant-in-aid in respect thereof ; and

(b) amalgamate two or more Public Libraries into a single Public Library,
in accordance with the rules made under this Act.

Vacancies, etc. not to invalidate proceedings.

18. No act or proceedings of the Council, Library Authority or a District Library Committee shall be invalid on the ground only of the existence of any vacancy amongst its members, or any defect in the constitution thereof.

Power to make rules.

19. (1) The Government may, by notification, make rules for carrying out the provisions of this Act.

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

- (a) other matters relating to public library system and library services in the State on which the Council may advise the Government under sub-section (1) of section 3 ;
- (b) the manner of nomination on rotation basis under the proviso to clause (d) of sub-section (2) of section 3 ;
- (c) the term of office of the Council procedure to be followed by it and the manner of filling casual vacancies therein under sub-section (3) of section 3 ;
- (d) provisions, if any, subject to which the Library Authority shall exercise its powers and perform its functions, manner and composition of sub-committees and other powers and functions of the Library Authority under section 5 ;
- (e) other powers and functions of the Chairperson of Library Authority under sub-section (2) of section 6 ;
- (f) other officers and employees of the Directorate of Public Libraries, the manner of restructuring the posts and staff of the Directorate of Culture and the State Library under sub-section (1) of section 7 and the qualification and experience of other officers and employees of the Directorate;
- (g) powers and functions of the Director, under clause (b) of section 8;
- (h) the manner of constitution of District Library Committee, the term of office of its members, the procedure to be followed in discharge of its functions and the manner of filling casual vacancies therein under section 11;
- (i) the Banks in which the moneys of the Library Fund shall be deposited, the manner in which such moneys may be invested including the manner of operation of such deposits and investments, under sub-section (2) of section 12;
- (j) the manner of keeping accounts of receipts to, and disbursements from, the Library Fund under sub-section (1) of section 13 ;
- (k) the information and particulars to be accompanied with the annual report of Library Authority under section 16 ;

(l) the manner of transfer of Gandhi Pathagar and amalgamation of Public Libraries under section 17;

(m) the provisions governing the grant-in-aid to aided libraries and the eligibility therefor under clause (a) of section 2 and section 17; and

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

Power to
remove
difficulties

20. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Provided that no order shall be issued under this section after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before the Orissa Legislative Assembly.

By order of the Governor

H. MOHAPATRA

Secretary to Government

THE, ORISSA PUBLIC LIBRARIES ACT, 2001

NO. 368, March 11 MONDAY 2002

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