

The Chhattisgarh Public Libraries Act, 2008

CHHATTISGARH

India

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Act 20 of 2008

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The Chhattisgarh Public Libraries Act, 2008C.G. Act No. 20 of 2008Received the assent of the Governor on 4-9-2008; assent first published in Chhattisgarh Rajpatra (Asadharan), dated 10-9-2008.An Act to provide for the establishment, organization, maintenance and development of Public Libraries.Whereas it is expedient to provide for the establishment, organization, maintenances and development of free and effective rural and urban Public Libraries and other allied service in the State of Chhattisgarh;It is hereby, enacted in the Fifty-ninth year of the Republic of India as follows :-

Chapter I Preliminary

1. Short title, extent and commencement.

(1)This Act may be called the Chhattisgarh Public Libraries Act, 2008.(2)It extends to whole of the State of Chhattisgarh.(3)It shall come into force from the date of its publication in the Official Gazette.

2. Definitions.

- In this Act,-(a)"Book" includes,-(i)every volume, a part or division of a volume and pamphlet, in any language, newspapers, periodicals, serial publication and manuscripts;(ii)sheet of music, map, chart or plan separately printed or lithographed;(iii)audio-visual, audio and visual materials such as tapes, cassettes, films, filmstrips, micro card, microfilm, computer, floppy, compact disk, photograph etc.;(b)"Chairman" means the Chairman of the State Library Council constituted under this Act;(c)"Council" means the State Library Council constituted under this Act;(d)"Director" means the Director of Public Libraries referred to in Section 6;(e)"District" means a Revenue District of the State;(f)"Officer on Special Duty (Libraries)" means an officer having professional

qualification in Library Science not below the rank of Deputy Director appointed by the State Government to look after the affairs of Libraries;(g)"Public Library" means a library established, maintained and managed by the State Government, a local body or other organization receiving aid from State Government and declared open to the public and shall include any other library recognized by notification by the State Government;(h)"Aided Library" means a Library declared as such by the State Government;(i)"Year" means a period of twelve months commencing on the first day of April of a calendar year.

Chapter II

Advisory Committee

3. Constitution and function of the State Library Council.

(1)As soon as may be after the commencement of this Act, the State Government shall by notification constitute for the purpose of this Act, a Council to be called the State Library Council.(2)The State Library Council shall consist of;-

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| (1) | The Minister, School Education Department, Government of Chhattisgarh; | Chairperson |
| (2) | The Principal Secretary, to the Government of Chhattisgarh School Education Department, in charge of the Public Libraries; | Vice-Chairperson |
| (3) | The Secretary to the Government of Chhattisgarh, Higher Education Department; | Member |
| (4) | The Secretary to the Government of Chhattisgarh, Finance Department or his nominee not below the rank of Special Secretary; | Member |
| (5) | The Secretary to the Government of Chhattisgarh, Culture Department or his nominee not below the rank of Special Secretary; | Member |
| (6) | The Secretary to the Government of Chhattisgarh, Planning Department or his nominee not below the rank of Special Secretary; | Member |
| (7) | The Secretary to the Government of Chhattisgarh, Panchayat Department; | Member |
| (8) | The Secretary to the Government of Chhattisgarh, Tribal Welfare Department | Member |
| (9) | The Director, School Education Department, Chhattisgarh; | Member |
| (10) | The Librarian, Central State Library, School Education Department, Chhattisgarh; | Member |
| (11) | One person nominated by the Chhattisgarh Library Association; | Member |
| (12) | One Library Officer nominated by the State Government; | Member |
| (13) | One person nominated by the Chairman Raja Ram Mohan Roy Library Foundation, Kolkata; | Member |
| (14) | The Officer on Special Duty (Library Cell) School Education Department, Government of Chhattisgarh. | Member/Secretary |

(3)The Council shall advise the State Government on all matters arising in the administration of this Act. It shall exercise such powers and perform such function as may be prescribed.(4)The tenure of the members specified at Serials 11 to 13 shall be two years.(5)The Headquarters of the Council shall be at Raipur.

4. Constitution and function of the State Standing Committee.

(1)There shall be a State Standing Committee consisting of-

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| (1) The Principal Secretary to the Government of Chhattisgarh, School Education Department; | Chairman |
| (2) The Secretary to the Government of Chhattisgarh, Higher Education Department; | Member |
| (3) The Secretary to the Government of Chhattisgarh, Finance Department or his nominee not below the rank of Special Secretary'; | Member |
| (4) The Secretary to the Government of Chhattisgarh, Planning Department or his nominee not below the rank of Special Secretary; | Member |
| (5) The Director, School Education Department, Chhattisgarh; | Member |
| (6) The Additional Director, Department of Higher Education; | Member |
| (7) The Officer on Special Duty (Library Cell) School Education Department, Government of Chhattisgarh; | Member/Secretary |

(2)The State Standing Committee shall ensure the implementation of the decisions and suggestions made by the State Library Council. It shall plan, monitor and execute plans and projects in connection with the Public Library' Development in the State. It shall also look after the library work entrusted to it by the Ministry of Education, Government of India, Department of Culture, the State Library Council or any other outside agency connected with the Public Library Development.(3)Without prejudice to the provisions contained in sub-section (2) the functions of State Standing Committee shall also be,-(a)to enunciate and promote public library policy and system;(b)to process, plan and prepare budget and other financial proposals in connection with the development of public libraries;(c)to monitor and evaluate the growth of public libraries and library system;(d)to plan, supervise, control and coordinate central acquisition, procurement and distribution of books and other material;(e)to recognize voluntary public libraries and library associations on application;(f)to coordinate and supervise the activities of the public libraries of the State;(g)to process matters concerning the library Council and the Standing Committee;(h)to adopt measures for establishing cooperation and liaison among library service rendered by other departments;(i)to process matters concerning other library service under the Education Department;(j)to establish liaison with professional bodies and associations within and outside the State;(k)to advise on matters concerning libraries under other departments of the State Government;(l)to organize "continuing education programs" for librarian in public library system such as refresher course etc.;(m)to perform such other function as may be assigned to it by the State Government from time to time.

5. Constitution and function of a District Library Committee.

(1) There shall be a District Library Committee in each district of the State consisting of,-

(1) the District Collector;	Chairperson
(2) the Chief Executive Officer, Zila Panchayat;	Vice-Chairperson
(3) the Principal, District Institute for Education and Training	Member
(4) the Secretary, District Literacy Committee;	Member
(5) the District Sports and Youth Welfare Officer	Member
(6) one person nominated by the Pensioners Association;	Member
(7) the District Education Officer;	Member
(8) the Assistant Director/Deputy Director/ Joint Director for Information	Member
(9) the nominee of Chairman, Zila Panchayat	Member
(10) the Chairman, Nagar Nigam or his nominee	Member
(11) the Librarian of a Degree College of the district to be nominated by the District Magistrate	Member
(12) the Principal of a Government College to be nominated by the District Magistrate	Member
(13) one representative of District Library Association	Member
(14) the Coordinator, Nehru Yuva Kendra	Member
(15) the Librarian District Government Library if any.	Member/Secretary

(2) Where there is no Librarian of District Government Library in any district the member specified at Serial 12 shall be the Member-Secretary. (3) The District Library Committee shall prepare plans for the development of Public Library System in the district and monitor the progress thereof. It shall also perform such other functions as may be prescribed.

Chapter III

Director of Public Libraries

6. The Director of public libraries.

- The Director of Secondary Education, Chhattisgarh shall be the Director of Public Libraries and be responsible for the proper administration and operation of the provisions of this Act.

7. Function of the Director.

- Subject to the control of the State Government, the Director shall,-(a) prepare and submit to the Government the annual budget, annual and five year plans for the development of Public Library System and services in the State; (b) collect descriptive and statistical report and data on the working of all Public Libraries, including Government Aided Public Libraries; (c) fix minimum standards of

library and information services by various Public Libraries and ensure that the Public Libraries of the State maintain such standards;(d)ensure, organise, support the in-service training of various types of library workers;(e)ensure the proper inspection of the Public Libraries in the State;(f)supervise and coordinate the performance of all Public Libraries;(g)ensure proper functioning of the Library Committees at District Level;(h)prepare and submit annual report in connection with the development of Public Library Services;(i)exercise such other powers and perform such other duties as may be conferred on or assigned to him by the State Government from time to time.

Chapter IV

Structure of the Public Library System and function of various State Centres Libraries

8. State Level Libraries.

- There shall be two State Level Libraries in the State, of which one shall be the State Central Library at Raipur and the other shall be the State Reference Library at Bilaspur.

9. Functions of the State Central Library.

- The functions of the State Central Library shall be, -(a)to procure and organize all reading material useful for the general public;(b)to provide facility of self-reading to the general public;(c)to act as a supplement to other Public Libraries in the State;(d)to organise book exhibition, Lectures, seminars and other activities etc. for promoting reading habits among public at large;(e)to act as an agency to disseminate information relating to various development schemes/welfare programmes of the State and the Central Government;(f)to provide book lending service to the general public in such manners as may be prescribed;(g)to plan and co-ordinate library co-operation among Public Libraries in the State including inter-library loan service;(h)to provide reading facilities and special services to handicapped;(i)to work as an apex institution in Public Library System of the State;(j)to procure and make available literatures suitable for neo literates as a supper system for various adult education programmes in the State;(k)to promote Computerization in Public Libraries of the State and organise training programmes for the benefit of professional working in Public Libraries;(l)to carry out such other work as may be entrusted to it by the State Library Council or the Director for the Development of Public Library System and service in the State.

10. Function of the State Reference Library.

- The functions of the State Reference Library shall be :- (a)to procure all useful material published in the State;(b)to compile a computerized union catalogues of Public Libraries in the State;(c)to compile and publish comprehensive bibliographies on various subjects for the benefits of scholars and researchers, especially in the field of "humanities" and "social science";(d)to provide reading facilities to general public for reference and research purposes;(e)to acquire the handwritten rare

manuscripts available at different places in the State and to compile and publish comprehensive bibliographies of such rare manuscripts;(f)to preserve rare manuscripts with the help of chemical treatment or/and microfilming;(g)to compile a union catalogue of manuscripts available in different libraries of the State;(h)to carry out various documentation activities and news paper clippings on important aspects of general interest;(i)to examine and evaluate the old and unuseful collection of public libraries for declaring such materials unuseful after identifying the material having permanent significance;(j)to promote library co-operation on different aspects of library operations including inter-library lending for the benefit of reader in other public libraries;(k)to participate, in various existing computerized library network such as "DELNET" etc. for the benefit of users;(l)to carry out any work entrusted by State Library Council or Director for the development of public library system in the State.

11. District Libraries.

- There shall be a Government District Library in each District. A District Library shall function as an apex library for the district library system in addition to functioning as a lending and reference library for the district. The District Library shall :-(a)collect useful and standard literature and other reading material, audio-visual equipment for the use of the public;(b)collect material of regional/local interest;(c)provide reference, information and lending services and help in promotion and extension of reading habits;(d)supplement the collection of branch/tehsil/block/village libraries and libraries run by other agencies;(e)encourage and supervise inter library co-operation in the district;(f)provide mobile library services and establish book delivery centers wherever necessary;(g)coordinate and supervise the activities of other Government Branch/Tehsil/Block/Village libraries of the district and mobile library services;(h)inspect periodically the other Government libraries and other aided libraries in the district;(i)provide assistance to the district library committee in the task of preparation of development plans for the district library system;(j)perform such other functions as may be entrusted to it by the District Library Committee.

Chapter V Finance

12. Finance.

- The library development plan shall form an integral part of the centralized and decentralized annual and five year plan and non-plan budget of the State. The State Government, if it considers necessary may also find means and ways to raise additional resources to support and develop the Public Library System.

Chapter VI Recognition and Derecognition

13. Recognition of Public Libraries and Public Library Associations.

(1)The State Government may recognize any library run by the voluntary organizations registered under the Chhattisgarh Society Registrikaran Adhiniyam, 1973, or any library run by local authority open for use to the public as public library for the purpose of payment of grant-in-aid or other financial assistance to it.(2)The State Government may, in accordance with the rules, recognize any public library association in the State registered under the Chhattisgarh Society Registrikaran Adhiniyam, 1973 for the purpose of payment of grant-in-aid or other financial assistance to it.

14. Provision of not complying/fails.

- Any public library if it is found that it is not complying/fails to comply with the valid direction or it fails to fulfil any obligations laid down in this Act or rules made the State Government on receipt from the State Council after giving an opportunity of being heard may by an order in writing to be published in the Official Gazette derecognize such public libraries.However, the report that shall be sent by the State Council shall be only after the Standing Committee send a report to the State Council on the said public library.

Chapter VII

Reports and Inspections

15. Reports and Inspections.

(1)Every person who is in-charge of the management of a public library and every person who is in-charge of public library association shall submit such reports and returns and furnish such information as the State Government may from time to time require.(2)The Director or an Officer authorized by him in this behalf shall have power to inspect public libraries and public library associations 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 being carried out.(3)Within six months from the close 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 associations in that year together with such information and particulars as may be prescribed and submit the same to the State Government.

Chapter VIII

Miscellaneous

16. Members of the Council shall be public servants.

- All the members of the Council 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.

17. Protection of action taken in good faith.

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

18. Acts and proceedings of the Council be valid.

- No act or proceeding of the Council or 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.

19. Power to make rules.

(1) The State 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 be made to provide for all or any of the following matters namely :- (a) manner for electing representatives from public library associations or Library Officers; (b) the powers, duties and functions to be performed by the Chairperson; (c) such other powers and functions as may be exercised and performed by the Council; (d) the allowances payable to the members of the Council and its Committees and the rates at which they shall be payable; (e) other powers, functions and duties to be exercised and performed by the Director or the Library Cell; (f) the function to be performed by the district library committees; (g) recognition of public libraries and public library associations; (h) the information and particulars to be included in the annual report; (i) any other matter which is to be or may be prescribed.

20. Power to make regulations.

(1) The Council may make regulations not inconsistent with the provisions of this Act and rules made thereunder to discharge its decision 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; (b) other committees which Council may constitute, the number of members therein and the functions which may be performed by such committees.

21. Power to remove difficulties.

(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulties. (2) Every order made under this

section shall, be laid, as soon as may be after it is made, before the house of the State Legislature.