

The Kerala Public Libraries Act, 1989

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The following Act of the Kerala State Legislature is hereby published for general information. The Bill as passed by the Legislative Assembly received the assent of the President on the 18th day of May, 1989.

By order of the Governor,
AV RAMAKRISHNA PANICKER,
Special Secretary (Law)

THE KERALA PUBLIC LIBRARIES, (KERALA GRANTHASALA SANGHOM) ACT, 1989

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SCHEDULE

ACT 15 of 1989

THE KERALA PUBLIC LIBRARIES (KERALA GRANTHASALA SANGHOM) ACT, 1989

An Act to consolidate and unify the library laws in the State and to provide for the re-organisation of the entire library system in the State of Kerala with a view to the development and maintenance of a comprehensive rural and urban library service and for matters connected therewith or incidental thereto.

*Preamble.—*Whereas the period of the notified order by which the Board of Control for the Kerala Granthasala Sanghom was constituted under the Kerala Granthasala Sanghom (Taking over of Management) Act, 1977 expired on 21 May, 1988;

And whereas by the Kerala Granthasala Sanghom (Taking over of Management) Amendment Act, 1988 (20 of 1988), the period of the notified order was extended for a further period of one year;

And whereas the Public Libraries and Local Library Authorities constituted under the Madras Public Libraries Act, 1948, in the erstwhile Malabar District are not functioning properly;

And whereas Government consider that the taking over of the management of Kerala Granthasala Sanghom by Government will not solve the problems confronting the libraries in the State;

And whereas Government consider that the Kerala Granthasala Sanghom which was originally registered under the Travancore Companies Act, 1114 ME, cannot effectively function as a democratic, cultural body if it continues to be a company;

And whereas the Government consider it feasible and desirable to reorganise the functioning of the libraries affiliated to the Kerala Granthasala Sanghom and of the other libraries in the State;

And whereas Government have received several representations from members of the public and other bodies requesting that a comprehensive and uniform legislation for Public Libraries may be enacted, encompassing all the libraries in the State with a view to ensuring their democratic functioning, all-round development and progress;

And whereas Government feel that a uniform legislation applicable to all the library authorities and libraries is necessary to give fillip to the library movement in the State;

Be it enacted in the Fortieth Year of the Republic of India as follows:

CHAPTER I

Preliminary

1 Short title, extent and commencement—(1) This Act may be called the Kerala Public Libraries (Kerala Granthasala Sanghom) Act, 1989.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint and different dates may be fixed for different provisions of this Act.

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

(a) “affiliated library” means a library affiliated to the Kerala State Library Council;

(b) “book” includes every volume, part of division of a volume, and pamphlet in any language;

(c) “Children’s library” means a library established by the State Library Council for the benefit of children;

(d) “district” means a Revenue District;

(e) “District Library Council” means a District Library Council constituted under section 10;

(f) “Granthasala Sanghom” means the Kerala Granthasala Sanghom;

(g) “notification” means a notification published in the Gazette;

(h) “prescribed” means prescribed by rules made under this Act;

(i) “President of the State Library Council” means the President of the Kerala State Library Council elected by the State Executive Committee;

- (j) "President of the District Library Council" means the President of the District Library Council elected by the members of the District Library Council;
- (k) "President of the Taluk Library Union" means the President of the Taluk Library Union elected by the members of the General Body;
- (l) "public library" means a library established or maintained or run directly by the State Library Council, a District Library Council or a Taluk Library Union under this Act;
- (m) "representative of affiliated library" means a member elected by the general body of an affiliated library from among its members;
- (n) "section" means a section of this Act;
- (o) "State" means the State of Kerala;
- (p) "State Library Council" means the Kerala State Library Council constituted under section 3;
- (q) "State Executive Committee" means the Executive Committee of the State Library Council;
- (r) "State Library" means a State Library established under this Act;
- (s) "Taluk" means Revenue Taluk;
- (t) "Taluk Library Union" means a Taluk Library Union constituted under this Act;
- (u) "year" means the financial year.

CHAPTER II

The Kerala State Library Council

3 Constitution and composition of the Kerala State Library Council—(1) As soon as may be after the commencement of this Act, the Government may, by notification, constitute a Library Council for the State to be called the Kerala State Library Council which shall be a body corporate by the name aforesaid 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, both movable and immovable, and to enter into contracts, and shall by the said name sue and be used.

(2) The State Library Council shall consist of *one member each from a Taluk elected by the general body of the District Library Councils, and five members*, of whom one shall be a *librarian* another a person, belonging to the *scheduled caste or scheduled tribe* and another a *woman* nominated by the Government. .

(3) There shall be an *Executive Committee* for the State Library Council consisting of *twenty-five members* of whom *fifteen* shall be elected by the elected members of the State Library Council from among themselves, *five non-officials* nominated under

sub-section (2) and *five officials*, namely, the Secretary to Government, Higher Education Department, the Secretary to Government, General Education Department, the Secretary to Government, Finance Department, the Secretary to Government, Cultural Affairs Department and the Secretary to Government, Local Administration Department.

(4) The Executive Committee shall meet at such times and at such places as the President of the State Library Council may decide and exercise such powers and functions as may be prescribed.

(5) The elected members of the Executive Committee shall elect a *President, Vice-President, Secretary and Joint Secretary* from among themselves to be the President, Vice-President, Secretary and Joint Secretary respectively of the State Library Council and of the Executive Committee.

4 Term of Office—(1) Save as otherwise provided in this Act, the term of office of the *members* of the State Library Council, other than the ex-officio members, shall be *three years* from the date on which the Government notifies the constitution of the State Library Council in the Gazette.

Provided that every member, other than an ex-officio member, shall continue to hold office until his successor assumes office.

(2) A member of the State Library Council shall not be eligible for re-election or re-nomination, as the case may be, for more than two terms consecutively.

5 Vacancies—(1) A casual vacancy caused by death, resignation or disability of a *member*, or otherwise, in the State Library Council shall be filled as early as possible by election or nomination, as the case may be.

(2) Any person so elected or nominated to fill a casual vacancy shall hold office *only* so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred.

6 Meeting of the State Library Council—(1) The State Library Council shall meet at least thrice a year on dates to be fixed by the President and one of such meetings shall be the annual meeting.

(2) The President may, whenever he thinks fit, convene a special meeting of the State Library Council for the transaction of urgent business.

(3) Subject to such conditions as may be prescribed, a special meeting shall be convened by the President to discuss matters of urgent importance upon a written requisition by not less than one-third of the total number of members of the State Library Council.

(4) One-third of the total number of the members of the State Library Council shall be the quorum for a meeting of the Council.

(5) The President or, in his absence, the Vice-President or, in the absence of both, any member chosen by the members present from among themselves, shall preside over a meeting of the State Library Council.

(6) The President and the Vice-President shall exercise such other powers and perform such other duties as may be prescribed.

7 Procedure of State Library Council—(1) The State Library Council shall transact business by resolutions passed in such manner and in accordance with such procedures as may be prescribed.

(2) Copy of every resolution shall be forwarded to the Government within fifteen days of the passing of that resolution.

(3) The Government may call for any record or information regarding any resolution from the State Library Council and the Council shall be bound to furnish such record or information.

(4) The Government may, after giving reasonable notice to the State Library Council and after hearing its objections if any, suspend or cancel or modify any resolution passed by the Council.

8 Powers and functions of the State Library Council—(1) Subject to the other provisions of this Act and the rules made thereunder, the State Library Council may,—

(a) advise the Government on all matters connected with the administration of this Act;

(b) advise the Government on all matters connected with the overall library policy of the State;

(c) co-ordinate the working of the District Library Councils and the Taluk Library Unions;

(d) supervise and direct all matters relating to library service in the State;

(e) re-organize in a phased manner the library service in the State into an integrated library system with close linkages between the several limits as also to comprise book-banks and mutual loaning;

(f) with the prior concurrence of the Government establish one or more State Libraries or Children's Libraries at such place or places in the State as may be considered necessary:

Provided that the Trivandrum Public Library shall be deemed to be a State Library Council under this clause:

Provided further that the Trivandrum Public Library shall continue to be a Department of the Government;

(g) organise children's section on affiliated libraries wherever it is not in existence;

(h) appoint and control such officers and servants as may be necessary for the efficient performance of its duties and functions under this Act and the rules made thereunder;

- (i) (i) carry on propaganda on the importance of library development in the State by providing lectures, conferences, etc, and using any media as appropriate from time to time;
- (ii) conduct such other activities as may be conducive to creating favourable atmosphere in the State for the organisation of new libraries and for the better functioning of the existing libraries;
- (iii) impart training to librarians; or other library staff;
- (iv) organise activities for promoting distance education, adult education and eradication of illiteracy;
- (v) cultivate reading habit and foster book mindedness among the public;
- (vi) with the prior concurrence of the Government establish and conduct schools for promoting adult education and non-formal education;
- (vii) maintain and preserve useful published and other records relevant to the cultural heritage of the people at large;
- (viii) provide in the Trivandrum Public Library or in such other State Libraries, books, periodicals, newspapers, maps, radios, manuscripts, works and specimens of art and science, lantern slides, films, cinema projectors, recorders, television sets, charts, video cassette players, video cassette recorders and computer and the like;
- (ix) provide mobile Libraries to District Library Council which can give book service to each Panchayat;
- (x) prepare project reports and seek financial assistance from the Central Government, Trusts or any charitable institutions for the implementation of the same.
- (j) do any other act that may be conducive to the furtherance of the objects of this Act with the previous sanction of the Government;
- (k) exercise such other powers and perform such other duties as are conferred on it by this Act and the rules made thereunder.

(2) The State Library Council may give to the District Library Councils and the Taluk Library Unions directions in the performance of their functions under this Act and the District Library Councils and the Taluk Library Unions shall not in the discharge of their functions under this Act depart from the directions given by the said Council.

9 Secretary of the State Library Council—(1) The Secretary of the State Library Council shall be the chief executive authority of the State Library Council.

(2) It shall be the duty of the Secretary of the State Library Council to give effect to the resolutions of the said Council unless they are suspended or cancelled or modified by the Government under sub-section (4) of section 7.

(3) Where a resolution passed by the State Library Council is modified by the Government under sub-section (4) of section 7, the Secretary of the State Library Council shall give effect to the resolution as so modified by the Government.

(4) The Secretary of the State Library Council shall exercise such other powers and perform such other duties as are, or may be, conferred or imposed on him by the President or the State Library Council.

(5) Suits by or against the State Library Council shall be instituted by or against the Secretary of the State Library Council.

(6) The Joint Secretary shall assist the Secretary and shall perform such other functions as may be entrusted to him by the Executive Committee.

CHAPTER III

District Library Councils

10 Constitution of District Library Councils—(1) For the purpose of organising, administering and developing library service at the district level, the Government may, by notification, constitute a District Library Council for each District in the State.

(2) Every District Council shall be a body corporate, by the name of the district for which it is constituted, 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, both movable and immovable, to enter into contracts, and to do all things necessary, proper or expedient for the purpose for which it is constituted and shall, by the said name sue and be sued.

11 Composition of District Library Councils—(1) Every District Library Council shall consist of—

(a) the Presidents and Secretaries of the Taluk Library Unions in the district;

(b) seven persons to be elected by the General Body of each of the Taluk Library Unions in the district of whom one shall be a woman, and one shall be a person belonging to the Scheduled Castes or Scheduled Tribes; and

(c) the President or any other office bearer of any affiliated library in the district headquarters nominated by the Government.

(2) The elected members of every District Library Council shall elect from among themselves a District Executive Committee consisting of eleven members including a President, a Vice-President, a Secretary and a Joint Secretary.

(3) The District Executive Committee shall exercise such powers as are determined by the State Library Council and perform such functions as may be prescribed from time to time.

12 *Term of office*—(1) Save as otherwise provided in this Act, the term of office of the members of a District Library Council shall be three years commencing from the date on which the Government notifies the constitution of the District Library Council in the Gazette:

Provided that every member shall continue in office until his successor assumes office.

(2) A member of a District Library Council shall be eligible for re-election to the Council.

13 *Vacancies*—A casual vacancy caused by death, resignation or disability of a member or otherwise, in the District Library Council shall be filled as early as possible by election of a suitable person in accordance with the provisions of section 11 and any person so elected to fill a vacancy shall hold office only so long as the member in whose place he is elected would have held office if the vacancy had not occurred.

14 *Meetings of the District Library Councils*—(1) Every District Library Council shall meet at least once in every three months on dates to be fixed by the President of the Council and one of such meetings shall be the annual meeting.

(2) The President may, whenever he thinks fit, convene a special meeting of the District Library Council for the transaction of urgent business.

(3) Subject to such conditions as may be prescribed, a special meeting shall be convened by the President to discuss matters of urgent importance upon a written requisition by not less than one-third of the number of members of the District Library Council.

(4) One-third of the total number of members of the District Library Council shall be the quorum for a meeting of the Council.

(5) A District Library Council shall transact business by resolutions passed in such manner and in accordance with such procedure as may be prescribed.

(6) Copy of every resolution shall be forwarded to the State Library Council within fifteen days of the passing of that resolution.

15 *Powers and duties of President and Vice-President of District Library Council*—

(1) The President of a District Library Council may preside over the meetings of the Council and exercise such powers and perform such duties as may be prescribed.

(2) The Vice-President may in the absence of the President, preside over the meetings of the Council and exercise such powers and perform such duties of the President as the President may, from time to time, delegate to him.

16 *Secretary of the District Library Council*—(1) The Secretary of the District Library Council shall be the chief executive authority of the District Library Council.

(2) It shall be the duty of the Secretary of the District Library Council to give effect to the resolutions of the said council.

(3) The Secretary of the District Library Council shall exercise such other powers and perform such other duties as are, or may be, conferred or imposed on him by the President or the District Library Council.

(4) Suits by or against the District Library Council shall be instituted by or against the Secretary of the District Library Council.

(5) The Joint Secretary shall assist the Secretary and shall perform such other functions as may be entrusted to him by the Executive Committee.

17 Powers and functions of the District Library Councils—(1) Save as otherwise provided in this Act, every District Library Council shall have powers—

(a) to elect members to the State Library Council to the extent of one for each taluk in the district;

(b) to establish new libraries within its jurisdiction with the previous sanction of the State Library Council;

(c) to supervise, co-ordinate and control the library service under its jurisdiction in the district and to promote co-operation between libraries and cultural and educational institutions in the country;

(d) to provide library service and mobile library service to the persons residing in the district;

(e) to provide suitable lands and buildings for public libraries and furniture fittings, equipment and other conveniences necessary for the purpose;

(f) to provide such libraries with books, periodicals, newspapers, maps, radios, manuscripts, works and specimens of art and science, lantern slides, films, video films, cinema projectors, recorders, cassettes, television sets, charts, tape recorders, video cassette players, video cassette recorders and the like;

(g) to shift, reorganise, or close or amalgamate any public library established or maintained or run directly by the District Library Council;

(h) to appoint and control such officers and servants as may be necessary for the efficient performance of its duties and functions under this Act and the rule made thereunder;

(i) to accept any endowment or gift for any purpose connected with its activities;

(j) to provide for lectures, seminars, symposia, conferences and conduct study classes to strengthen the functioning of the Libraries and to conduct other activities as may be conducive to the carrying out of the purposes of this Act;

(k) with the sanction of the State Library Council to do any other thing that may be conducive to the furtherance of the purposes of this Act; and

(l) to exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act or the rules made thereunder.

(2) The District Library Council may give to the Taluk Library Unions directions not contrary to the directions, if any, issued by the State Library Council in the performance of their functions under this Act and the unions shall not in the discharge of their functions under this Act depart from the directions given by the Council.

CHAPTER IV

Taluk Library Unions

18 *Constitution of Taluk Library Unions*—(1) For the purpose of organising and administering library service at the taluk level the Government may, by notification, constitute a Taluk Library Union for each Taluk in the State.

(2) Every Taluk Library Union shall be a body corporate by the name of the Taluk for which it is constituted 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 both movable and immovable, to enter into contracts, and to do all things necessary, proper or expedient for the purpose for which it is constituted and shall, by the said name sue and be sued.

19 *Composition of Taluk Library Unions*—(1) Every Taluk Library Union shall consist of two representatives of each affiliated library in the Taluk.

(2) Every Taluk Library Union shall elect an Executive Committee of the Union consisting of nine members including a President, a Vice-President, a Secretary and a Joint Secretary.

Provided that if there is no woman or person belonging to the Scheduled Castes or Scheduled Tribes in the Taluk Library Union, then one woman and one person belonging to the Scheduled Castes or Scheduled Tribes shall be nominated by the Executive Committee, in which case the Executive Committee shall consist of eleven Members.

(3) Every Taluk Library Union shall elect seven persons as members to the District Library Council under clause (b) of sub-section (1) of section 11 of whom one shall be a woman and one shall be a person belonging to the Scheduled Castes or Scheduled Tribes.

20 *Term of Office*—(1) Save as otherwise provided in this Act, the term of office of the members of a Taluk Library Union shall be three years commencing from the date on which the Government notifies the constitution of the Taluk Union in the Gazette.

Provided that every member shall continue in office until his successor assumes office.

(2) A member of a Taluk Library Union shall be eligible for re-election.

21 Vacancies—A casual vacancy caused by death, resignation or disability of a member or otherwise in the Taluk Library Union shall be filled as early as possible in accordance with the provisions of section 19 and any person so taken shall hold office only so long as the member in whose place he is taken would have held office if the vacancy had not occurred.

22 Meetings of the Taluk Library Unions—(1) Every Taluk Library Union shall meet at least once in every two months on date to be fixed by the President of the Union and one of such meetings shall be the annual meeting.

(2) The President may, whenever he thinks fit, convene a special meeting of the Taluk Library Union for the transaction of urgent business.

(3) Subject to such conditions as may be prescribed, a special meeting shall be convened by the President to discuss matters of urgent importance upon a written requisition by not less than one-third of the number of members of the Taluk Library Union.

(4) One-third of the total number of members of the Taluk Library Union shall be the quorum for a meeting of the Union.

(5) A Taluk Library Union shall transact business by resolutions passed in such manner and in accordance with such procedure as may be prescribed.

(6) Copy of every resolution shall be forwarded to the District Library Council within fifteen days of the passing of that resolution.

23 Powers and duties of President and Vice-President of the Taluk Library Union—(1) The President of a Taluk Library Union may preside over the meetings of the Union and exercise such powers and perform such duties as may be prescribed.

(2) The Vice-President of Taluk Library Union may, in the absence of the President, preside over the meetings of the Union and exercise such powers and perform such duties of the President as the President may, from time to time, delegate to him.

(3) In the absence of both the President and Vice-President any member chosen by the members present from among themselves shall preside over a meeting of the Taluk Library Union.

24 Secretary of the Taluk Library Union—(1) The Secretary of the Taluk Library Union shall be the chief executive authority of the Taluk Library Union.

(2) It shall be the duty of the Secretary of the Taluk Library Union to give effect to the resolutions of the said Union.

(3) The Secretary of the Taluk Library Union shall exercise such other powers and perform such other duties as are, or may be, conferred or imposed on him by the President or the Taluk Library Union.

(4) Suits by or against the Taluk Library Union shall be instituted by or against the Secretary of the Taluk Library Union.

(5) The Joint Secretary shall assist the Secretary and shall perform such other functions as may be entrusted to him by the Executive Committee.

25 Powers and functions of Taluk Library Unions—Save as otherwise provided in this Act, every Taluk Library Union shall have powers—

(a) to elect members to the District Library Council under sub-section (3) of section 19;

(b) to supervise, co-ordinate and control the library service under its jurisdiction in the Taluk and to give directions and advice to the affiliated libraries in regard to their day to day functions and management;

(c) to provide library service including mobile library service to the persons residing in the taluk and to establish new libraries within that area;

(d) to provide suitable lands and buildings for affiliated libraries and furniture, fittings, equipment and other conveniences necessary for the purpose;

(e) to provide such libraries with books, periodicals, news papers, maps, manuscripts, works and specimens of art and science, lantern slides, films, cinema projectors, radios, recorders, television sets, charts, video cassette players, tape recorders, video cassette recorders and the like;

(f) to provide for lectures, seminars, symposia, conferences and conduct other activities as may be conducive to the carrying out of the purposes of this Act;

(g) to accept any endowment or gift or contribution for any purpose connected with its activities;

(h) to appoint and control such officers and servants as may be necessary for the efficient performance of its duties and functions under this Act and the rules made thereunder;

(i) with the sanction of the District Library Council, to do any other thing that may be conducive to the furtherance of the purposes of this Act; and

(j) to exercise such other powers and perform such other duties as may be conferred or imposed on it or delegated to it by or under this Act or the rules made thereunder.

CHAPTER V

Disqualification and Affiliation

26 No person to be a member of more than one Council or Union—Notwithstanding anything contained in the foregoing provisions, no person shall be a member of more than one District Library Council or of more than one Taluk Library Union and if a person is chosen as a member of more than one District Library Council or

Taluk Library Union and he does not specify the Council or Union of which he desires to be a member within thirty days from the date of last election or nomination, as the case may be, then on the expiration of such period his membership in all the Councils and/or Unions shall cease.

27 Disqualification of members of State Library Council, District Library Council and Taluk Library Union—A person shall be disqualified for being chosen as, or for being, a member of the State Library Council, the District Library Council or the Taluk Library Union,—

(a) if he absents himself without leave being granted by the State Library Council or the District Library Council or the Taluk Library Union, as the case may be, from three consecutive meetings of the Council or Union; or

(b) if he ceases to hold the office or be a member of the body or authority by virtue of which he has been elected; or

(c) if he has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months, such sentence not having been subsequently reversed, quashed or remitted; or

(d) if he is of unsound mind and stands so declared by a competent court.

28 Affiliation of Libraries—(1) Any library other than a library established or maintained by the State Library Council or a District Library Council or a Taluk Library Union may apply, in such form as may be prescribed, to the Taluk Library Union of the Taluk in which it is situated for recognition as an affiliated library under this Act.

(2) The Taluk Library Union shall consider the application and if it is satisfied that the conditions prescribed for granting affiliation have been complied with, recommend the application through the District Library Council to the State Library Council for affiliation and on such affiliation being granted, the library shall be treated as an affiliated library.

(3) A person aggrieved by any decision of the Taluk Library Union with regard to the affiliation of library may appeal to the State Library Council in writing through the District Library Council within thirty days of such decision, and the decision of the State Library Council after obtaining the opinion of the District Library Council thereon shall be final.

CHAPTER VI

Development Plan and Funds

29 Library Development Plan—(1) Subject to the provisions of this Act and the rules made thereunder and any general or special orders of the Government, if any, in this behalf, a District Library Council may prepare a District Library Development Plan for establishing, co-ordinating and spreading library service within the entire

district or part thereof, in such form and manner and containing such particulars as may be prescribed.

(2) The District Library Development Plan shall thereafter be forwarded to the President of the State Library Council who shall submit it to the Government with the views of the State Library Council.

(3) The Government may, if they deem fit, sanction the District Library Development Plan with or without alterations.

(4) The Government may, on application by the District Library Council, modify any District Library Development Plan sanctioned under sub-section (3).

(5) As soon as may be after the sanctioning of a District Library Development Plan, the President of the State Library Council shall, in conformity with the provisions of the said plan, make an order called the District Library Development Order, specifying the extent and nature of the Library service which shall be established and maintained by the District Library Council, the measures to be taken by the District Library Council for Providing adequate library service to the people in the area and the stages in which such measures shall be taken.

(6) Every District Library Council shall give effect to the District Library Development Plan as sanctioned by the Government under sub-section (3) and the District Library Development Order made under sub-section (5).

30 Government grant to the State Library Council—(1) The Government may make every year a grant to the State Library Council of a sum which *shall not be more than one per cent* of the amount allotted for education in the State budget for the year, taking into account the programmes and projects of the State Library Council for that year.

(2) The amount of such grant shall be credited to the State Library Fund maintained under section 31 at such times and in such manner as may be prescribed.

31 State Library Fund—(1) The State Library Council shall maintain a fund called the State Library Fund from which all the expenses of the State Library Council, District Library Councils and Taluk Library Unions shall be met.

(2) The following sums shall be credited to the State Library Fund:—

(a) grants which the State Government or Central Government may make to the State Library Council;

(b) contributions and gifts made to the State Library Council by any other person, body or authority;

(c) Provident Fund, Superannuation Fund, Welfare Fund and other funds of the Granthasala Sanghom transferred under sub-section (2) of section 38;

(d) cess collected under section 48.

32 Distribution of funds to the District Library Council and Taluk Library Unions—The State Library Council shall distribute from the State Library fund such amounts

as may be required for each of the District Library Councils and the Taluk Library Unions.

33 Accounts—(1) The State Library Council and every District Library Council and Taluk Library Union shall keep complete accounts of their financial transactions in such form as may be prescribed.

(2) The Accounts shall be open to inspection and shall be subject to audit, disallowance and surcharge and shall be dealt with in all other respects in such manner as may be prescribed.

(3) The State Library Council shall, with the prior concurrence of the Government, appoint an officer not below the rank of a Deputy Secretary in the Finance Department to be the Accounts Officer of the State Library Council who shall exercise such powers and perform such functions relating to the accounts of the State Library Council, District Library Councils and Taluk Library Unions, as may be prescribed.

(4) The State Library Council shall appoint auditors to audit the accounts of the State Library Council, District Library Councils and the Taluk Library Unions.

(5) The audited annual statement of accounts shall be forwarded to the Government.

(6) The Government shall on receipt of the audited annual accounts cause the same to be laid on the table of the State Legislative Assembly.

34 Inspection of Libraries—(1) The President of the State Library Council may inspect any library under his jurisdiction for verifying whether the provisions of this Act and the rules and bye-laws made thereunder are duly observed by it:

Provided that the President of the State Library Council may delegate the power of inspection to any office bearer of the Council.

(2) In all cases where such inspections are made, the person conducting the inspection shall furnish a detailed report of his inspection to the State Library Council and the concerned District Library Council.

(3) The concerned District Library Council may consider the report furnished under sub-section (2) and pass such resolution in regard thereto as it may deem fit and the library concerned shall be bound to comply with such resolution unless it is suspended or cancelled or modified by the Government.

(4) Where a resolution referred to in sub-section (3) is modified by the Government, the library shall be bound to comply with such resolution as modified by the Government.

(5) The State Library Council may, from time to time, direct the District Library Council to prepare a gradation list of affiliated libraries functioning in the District in conformity with the principles to be laid down by the State Library Council in that behalf from time to time and forward such lists to the State Library Council for approval.

35 *Grants to affiliated libraries*—(1) Every affiliated library shall be entitled to receive grant from the Taluk Library Union based on the gradation list prepared under sub-section (5) of section 34 at such rates as may be prescribed.

(2) The State Library Council shall provide necessary funds to the Taluk Library Unions for the payment of the grant under sub-section (1).

CHAPTER VII

Reports and Returns

36 *District Library Councils and Taluk Library Unions to submit reports etc*—Every District Library Council and Taluk Library Union shall submit such reports and returns and furnish such information to the President of the State Library Council or any person authorised by him in that behalf, as the President of the State Library Council or the person so authorised may, from time to time, require.

37 *Annual Report*—(1) The President of the State Library Council shall in respect of each year, prepare a report of the working of the State Library Council during that year along with such information and particulars as may be prescribed and submit such report to the Government before such date as the Government may, by order, specify.

(2) The President of the State Library Council shall in respect of each year, prepare a report of working of the District Library Councils and Taluk Library Unions during that year along with such information and particulars as may be prescribed and submit the report to the Government before such date as the Government may, by order specify.

(3) The Government shall on receipt of the annual reports cause the same to be laid on the Table of the State Legislative Assembly.

CHAPTER VIII

Kerala Granthasala Sanghom

38 *Merger of the Kerala Granthasala Sanghom and transfer of its assets and liabilities*—(1) Notwithstanding anything contained in the Kerala Non-trading Companies Act, 1961 (42 of 1961), with effect on and from the date on which this section comes into force, the Kerala Granthasala Sanghom shall, by virtue of this section, be deemed to have been merged in the Kerala State Library Council.

(2) All properties and all rights of whatever kind used, enjoyed or possessed by and all interests of whatever kind owned or vested or held by the Granthasala Sanghom and all liabilities legally subsisting against the Granthasala Sanghom including the liabilities towards the dues to the employees at the commencement of the Kerala Granthasala Sanghom (Taking Over of Management) Act, 1977 (19 of 1977), shall,

with effect on and from the commencement of this section and subject to such directions as may be issued by Government in this behalf, vest in the State Library Council and the State Library Council shall discharge such liabilities in the order of priority specified in the Schedule to this Act.

(3) Every Officer or other employee employed immediately before the commencement of this section, in connection with the affairs of the Granthasala Sanghom shall, as from such commencement become an officer or other employee of the State Library Council and shall hold his office by the tenure, remuneration and terms and conditions of employment as may be altered as per the provisions in the Industrial Disputes Act, 1947 (Central Act 14 of 1947), and with the same rights and privileges as to pension, gratuity and other matters as he would have held under the Granthasala Sanghom if this section had not been enacted and shall continue to do so unless and until his employment under the State Library Council is terminated or until his remuneration, terms and conditions are duly altered by the State Library Council:

Provided that if the alteration so made is not acceptable to any officer or other employee, his employment shall be terminated on payment to him by the State Library Council of an amount equivalent to three months' remuneration in the case of permanent employees and one month's remuneration in the case of other employees.

Provided further that nothing contained in this sub-section shall apply to any officer or other employee who has, by notice in writing given to the State Library Council within thirty days from the commencement of this section, intimated his intention of not becoming an officer or other employee of the said Council.

(4) Notwithstanding anything contained in the Industrial Disputes Act, 1947 (Central Act 14 of 1947), or in any other law for the time being in force, the transfer of the services of any officer or other employee of the Granthasala Sanghom to the State Library Council under sub-section (3) shall not entitle any such officer or other employee to any compensation under that Act or other law, and no such claim shall be entertained by any Court, Tribunal or Authority.

CHAPTER IX

Transitory Provision

39 *Board of control to remain in office for certain period*—Till the State Library, Council, District Library Councils and Taluk Library Unions are constituted and the Councils and the Unions assume charge, the Board of Control of the Kerala Granthasala Sanghom constituted by notified order made under the Kerala Granthasala Sanghom (Taking over of Management) Act, 1977, shall continue to be in charge and the Board of Control shall arrange for conducting first election to the State Library Council, District Library Councils and Taluk Library Unions in such manner and subject to such conditions as may be prescribed.

CHAPTER X

Miscellaneous

40 Power to make rules—(1) The Government may, after previous publication, make rules, either prospectively or retrospectively, to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) all matters connected with election or nomination of members to the State Library Council, the District Library Councils and the Taluk Library Unions;

(b) the administration, inspection and management of State Libraries, District Libraries and Taluk Libraries;

(c) the maintenance of accounts by the State Library Council, the District Library Councils and the Taluk Library Unions and the publication of audited statement of accounts and the reports of auditors;

(d) the grading of libraries, the grants to libraries and the standards to be maintained by such libraries;

(e) the maintenance of State Registers of Libraries and of Librarians;

(f) the restrictions and conditions subject to which the State Library Council or a District Library Council or a Taluk Library Union may enter into contract or hold or dispose of property;

(g) conditions of service of the officers and servants of the State Library Council, the District Library Councils and the Taluk Library Unions and of the persons employed in the Libraries established or maintained by them;

(h) the powers, duties and functions of the Executive Committee of the State Library Council and the Executive Committees of District Library Council and Taluk Library Unions;

(i) any other matter which has to be, or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should 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.

41 Powers of the State Library Council to make bye-laws—(1) The State Library Council may, subject to the provisions of this Act and the rules made thereunder and

with the previous approval of the Government, by notification, make bye-laws generally to carry out the purposes of this Act.

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

(a) the admission as members of the libraries under the control of the State Library Council or the District Library Councils or the Taluk Library Unions;

(b) the guarantee or security to be furnished by the persons desiring to use such libraries, against injury to, or misuse, destruction or loss of the property of such libraries;

(c) the manner in which the properties of such libraries may be used and the protection of such properties from injury, misuse, destruction or loss;

(d) the powers to be exercised by the officers and servants of the State Library Council or the District Library Councils or the Taluk Library Unions for the purpose of exclusion or removal from any such library of any person who contravenes any provision of this Act or any rule or bye-law made thereunder.

(3) The power to make bye-laws under this section shall be subject to the condition of previous publication of the bye-laws in the Gazette for a period of not less than forty-five days.

42 Supersession of the State Library Council or a District Library Council or a Taluk Library Union by the Government—(1) If at any time, it appears to the Government that the State Library Council or a District Library Council or a Taluk Library Union has failed to perform any of its functions or has exceeded or abused any of the powers conferred upon it by or under this Act, the Government may communicate the particulars thereof to the State Library Council or to the District Library Council or to the Taluk Library Union, as the case may be, and if the State Library Council or the District Library Council or the Taluk Library Union omits to remedy such failure, excess or abuse or gives an explanation which in the opinion of the Government is unsatisfactory, the Government may supersede the State Library Council or the District Library Council or the Taluk Library Union, as the case may be, for such period as the Government may direct.

(2) On the supersession of the State Library Council or a District Library Council or a Taluk Library Union under sub-section (1)—

(a) all the powers and duties of that Council or Union shall, during the period of supersession, be exercised and performed by such body or officer or officers of the Government, as the Government may, from time to time, appoint in this behalf.

(b) all properties vested in that Council or Union shall, during the period of supersession, vest in the Government; and

(c) on the expiry of the period of supersession, the Council or Union shall be reconstituted in the manner provided in this Act.

43 Removal of members—(1) Where the State Library Council or a District Library Council or a Taluk Library Union is satisfied on a complaint or otherwise that a member of the respective council or union has acted in contravention of the provisions of this Act or the rules made thereunder or has acted adversely against the interest of the Council or the Union, such member may, by a resolution passed in such manner as may be prescribed, be removed from membership—

- (a) by the State Library Council, in the case of membership in that Council;
- (b) by the District Library Council, in the case of membership in that Council; and

(c) by the Taluk Library Union, in the case of membership in that Union.

(2) No member shall be removed under sub-section (1) unless he has been given an opportunity of being heard.

(3) A copy of the resolution passed under sub-section (1) shall be communicated to the member removed either in person or by registered post.

(4) A member removed under sub-section (1) shall not be eligible for re-election or renomination, until he is declared by a resolution passed by the respective Council or the Union, as the case may be, to be no longer ineligible.

44 Validity of acts and proceedings—No act done, or proceedings taken, under this Act, shall be questioned merely on the ground—

- (a) of any vacancy or defect in the constitution of any Council or Union or any committee thereof; or
- (b) of any defect or irregularity in such act or proceedings not affecting the merits of the case.

45 Affiliation of existing libraries—On and from such date as the Government may fix, all the libraries affiliated to the Granthasala Sanghom and the Public Libraries established or maintained by a Local Library Authority in erstwhile Malabar area, under the provisions of the Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948) and the libraries which are not affiliated to the Granthasala Sanghom but which receive grant direct from the Government as well as the State Libraries shall be deemed to be affiliated to the State Library Council and the provisions of this Act and the rules and bye-laws made thereunder shall apply to those libraries.

46 Transfer of Public Libraries established or maintained by a Local Library Authority under the Madras Public Libraries Act, 1948—(1) On and from such date as the Government may fix for each district after the constitution of the District Library Council for that district all properties movable and immovable and all assets and liabilities in existence of all Local Library Authorities constituted under the Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948) in the Malabar District referred to in sub-section (2) of section 5 of the States Re-organisation Act, 1956 (Central Act 37 of 1956) and all the public libraries in that district established or maintained by a

Local Library Authority under the Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948) along with their services, delivery centres and other matters and things connected therewith shall stand transferred to, and vested in, the District Library Council of that district.

(2) All properties movable or immovable and all assets and liabilities of such Local Library Authority and public libraries in existence immediately before the date fixed under sub-section (1) for the purposes of the libraries shall vest in, and be deemed to be the properties, assets and liabilities of the District Library Council of that district.

(3) All persons employed for the purposes of the libraries referred to in sub-section (1) and in service immediately before the date fixed under that sub-section shall, as from that date, stand transferred to the control and supervision of the District Library Council concerned and be in the service of that District Library Council.

(4) The persons referred to in sub-section (3) shall be subject to the conditions of service which were applicable to them immediately before the date of the transfer by that sub-section until they are altered in accordance with law.

Explanation:—For the purposes of this section, “Public Library” includes a library established or maintained by a Local Library Authority under the Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948) and includes the branches and delivery stations of such a library.

47 Categorisation of Libraries—The libraries eligible for grant under this Act shall be categorised as follows:

(a) libraries which were in existence before the commencement of this Act,—
 (i) affiliated to the Kerala Granthasala Sanghom,

(ii) established or maintained by the Local Library Authorities of the erstwhile Malabar District referred to in sub-section (2) of section 5 of the States Re-organisation Act, 1956 (Central Act 37 of 1956), and

(iii) not affiliated to the Granthasala Sanghom or established or maintained by the Local Library Authorities of the erstwhile Malabar area, but receiving grant direct from the Government,

(b) Public Libraries,
 (c) The State Library, and
 (d) Children’s Library.

48 Library Cess—(1) The State Library Council shall levy a library cess in the form of surcharge on the building tax levied under the Kerala Panchayats Act, 1960 (32 of 1960) or the property tax levied under the Kerala Municipalities Act, 1960 (14 of 1961) or the Kerala Municipal Corporations Act, 1961 (30 of 1961) at the rate of five paise for the whole rupee in the building tax or property tax, as the case may be, so levied.

(2) The cess levied under sub-section (1) shall be collected,—

(a) in an area within the jurisdiction of a Panchayat, by the Panchayat;

(b) in an area within the jurisdiction of a Municipal Council, by the Municipal Council; and

(c) in an area within the jurisdiction of a Municipal Corporation, by the Municipal Corporation,

as if the cess were a building tax payable under the Kerala Panchayats Act, 1960 (32 of 1960) or a property tax payable under the Kerala Municipalities Act, 1960 (14 of 1961) or the Kerala Municipal Corporation Act, 1961 (30 of 1961) as the case may be, and all the provisions of the said Acts shall apply accordingly:

Provided that the Government may, by notification, direct that for the purposes of the collection of the cess, the provisions of the Kerala Panchayats Act, 1960, the Kerala Municipalities Act, 1960 and the Kerala Municipal Corporation Act, 1961, as the case may be, shall apply subject to such modifications as may be specified in the notification.

(3) The cess collected under sub-section (2) shall be paid to the State Library Council by the Panchayat, Municipal Council or the Municipal Corporation, as the case may be.

49 Removal of difficulties—(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may by order, do anything not inconsistent with such provisions which appear to them to be necessary or expedient for the purpose of removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the commencement of this Act.

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

50 Repeal and saving—(1) The Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948), as in force in the Malabar District referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), and the Kerala Granthasala Sanghom (Taking over of Management) Act, 1977 (19 of 1977) are hereby repealed.

(2) Notwithstanding such repeal, the Board of Control constituted by notified order made under the Kerala Granthasala Sanghom (Taking over of Management) Act, 1977 shall remain in office till the State Library Council, District Library Councils and Taluk Library Unions are constituted by Government and those bodies assume office.

SCHEDULE

[See Section 38(2)]

Liabilities of the Kerala Granthasala Sanghom

Order of priority:

- 1 Liabilities to employees of the Granthasala Sanghom, namely, arrears of pay and allowances, provident fund contribution, gratuity etc.
- 2 Arrears of pay and allowances etc, of the Harijan Welfare Libraries on the pay rolls of the Granthasala Sanghom.
- 3 Amount of security deposit of Librarians.
- 4 Endowment Fund (Jayasanakar Smarak Nidhi).
- 5 Unspent balance of grant received from Government (to be refunded).
- 6 Receipts from member libraries for purchase of books.
- 7 Other outstanding expenses.