THE LAW OF PUBLIC LIBRARIES IN INDIA

(CENTRAL & STATES)

CONTAINING

THE ANDHRA PRADESH PUBLIC LIBRARIES ACT, 1960 AND THE
RULES ISSUED THEREUNDER; THE MADRAS PUBLIC
LIBRARIES ACT, 1948, WITH RULES ISSUED THEREUNDER;
THE HYDERABAD PUBLIC LIBRARIES ACT, 1955; THE
IMPERIAL LIBRARY ACT; THE DELIVERY OF BOOKS
ACT; SECTION 9 OF PRESS AND REGISTRATION
OF BOOKS AND NEWSPAPERS ACT; AND RECOMMEN-
DATIONS OF THE ADVISORY COMMITTEE FOR
LIBRARIES, ETC., EXHAUSTIVE
INTRODUCTION; DELIVERY OF
BOOKS (PUBLIC LIBRARIES)
RULES, 1955 AND CASE-LAW
ETC.

BY

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WITH A FOREWORD

BY

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FOREWORD

With the growing needs of the reading public, it has become necessary to provide a perfect and well-established library system throughout the country. By way of statutory recognition of this need, apart from a few Central enactments, three of the States in India have so far brought out legislative measures and also issued rules thereunder to establish and maintain public libraries in their respective States. The provisions of these Acts and Rules made thereunder require the election of members to Local Library Authorities from among the local bodies. The recent trends in Library Science has induced almost every University to start either a Diploma course or a Degree course in Library Science and the subject 'Library Legislation' is compulsory in both these courses.

Hence the need for a comprehensive book incorporating all these Acts, Rules, etc. with necessary notes has long been felt by the Local Library Authorities, Local Bodies and the teacher and the taught of Library Science. As one who has obtained a merit certificate in Library Science course, the author has fulfilled this long-felt need by bringing out this compendious volume and a useful publication which contains all the Acts, Rules, exhaustive introduction, annotated by Case-law and commentary with relevant provisions of other enactments.

I feel the publication will be of much use both to the Local Bodies and Libraries and to the teachers and students of Library Science all over the country. I congratulate the author for the successful attempt and wish him all success in his future works.

P. J. REDDY.

Hyderabad:
PREFACE

The object of the present Book is to set out in detail the Acts, Rules and the relevant provisions of other enactments, with short notes and commentary, relating to Indian Library Legislation and to provide for all practical purposes, a volume of easy reference for all those concerned. Besides the text of the Acts and Rules with commentaries thereon, a brief introduction with a short history of the Indian Library Movement as reported by the Advisory Committee, is also incorporated in the book. A summary of the recommendations made by the Advisory Committee is included in the appendix. So far as library legislation is concerned, we are still in infant stage and hence there have been no major legislative changes or judicial decisions on the subject. Yet a few relevant English cases are referred under various sections. Thus the book is complete in every respect and is sure to prove of great use to Librarians, Local Bodies, and the students and teachers of Library Science.

The author gratefully acknowledges his great debt to Hon’ble Sri Justice P. Jaganmohan Reddy for having kindly written a valuable foreword to the book and is highly thankful to his Lordship.

It is also the pleasant duty of the author to express his deep sense of gratitude to Hon’ble Sri P. Chandra Reddy, Chief Justice and Sri Y. Venkateswara Rao, Registrar, High Court of Andhra Pradesh, for having kindly permitted him to get the book published.

Further, the author is also happy to express his gratitude to Hon’ble Sri Justice Sharfuddin Ahmed, Sri O. Chinnappa Reddy, Public Prosecutor of Andhra Pradesh, Shri Gopala Rao Ekbote, M. L. A., and Member of Law Commission of Andhra Pradesh,
Shri K. H. Bendegeri, Librarian of U. S. I. S. and Shri Abdul Mahmood, Assistant Secretary to Government, who have expressed their valuable opinions on this work. The Author's thanks are also due to all the members of the Teaching Board of Institute of Library Science, Hyderabad, for having readily met all his demands at every stage of writing this book.

Last, but not the least, it is also the pleasant duty of the author to thank the publishers for getting this book published in such a nice form and with a fine get-up.

K. BALA SATYANARAYANA.

1st March, 1962.
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INTRODUCTION

SYNOPSIS

1. General.
2. Library Movement—Historical Background.
4. Third Phase.
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7. Present Public Libraries Act in India.
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1. General—Spirit of inquiry and curiosity for learning have always been the born-gifts of Indians since ancient times. The famous old Universities of Nalanda, Takshasila and Nagarjuna and their huge libraries also have always been necessary appendages of learning and had attracted even foreigners to this country. But however valuable as they were, they had never formed a part of the public library structure of the country as they were never meant for mass education.

2. Library Movement*—Historical Background.—The first significant date in the development of libraries for the public in India is 1808 when the Bombay Government initiated a proposal to register libraries which were to be given copies of books published from the “Funds for the Encouragement of Literature”. By the middle of the 19th century, the three presidency towns of Bombay, Calcutta and Madras had their

"public libraries", founded mostly with the active support and initiative of the Europeans in these towns.

They were, of course, not public libraries in the full sense of the term. Founded in imitation of their western counterparts, the use of these libraries was confined to a thin upper layer of the society. Besides, they were subscription libraries and not free libraries, which alone can, now-a-days, lay claim to the title of public libraries.

The movement spread to the vast "hinterland" beyond the metropolises and grew particularly strong in the last two decades of the 19th century. By the end of the century, all the provincial capitals and even many of the district towns, at least in the three Presidencies, had their "public libraries". Even some of the princely States, like Indore and Travancore-Cochin had the distinction of having public libraries in their capitals.

The shortcomings of the libraries in the three metropolises, mentioned above, chung more or less to the provincial, suburban and "mofussil" libraries as well. Due to apathy and the prevailing illiteracy in the country, the people were not prepared to take advantage of these institutions.

In 1867, the Government enacted the Press and Registration of Books Act (XXV) under which the printer of a book was to deliver free to the State Government concerned a copy of the book and one or two more copies, if the State Government so desired. The additional copies were to be transmitted to the Central Government. The State Government on its part was to enter each book with all the necessary details in a "Catalogue of Books" and the entries thus made in the Catalogues in a quarter, were to be published, "as soon as may be after the end of such quarter...." It seems, however, that the Government of the time was not able to fully utilise the provisions of this Act for the benefit of the people.
3. **Second Phase.**—The second phase in the history of library movement lasted from the beginning of the 20th century to 1937. If the first phase of library movement was remarkable for the official backing and patronage of scattered libraries here and there, the second phase was characterised by the Indian intelligentsia taking up the cause of libraries.

The phase began symbolically, with the throwing open, in 1900, of the reading-room of the Calcutta Library—later known as the Imperial Library and now as the National Library—to the public, and with the realisation of the "dreams" of the Punjab Public Library to act as the central library for district and municipal libraries in the province.

The pride of this period was, of course, the library movement in Baroda. From 1906 to 1911, Sir Sayaji Rao III the Ruler of that State built up an elaborate library system composed of the central library, village libraries and travelling libraries which for many years to come stimulated the imagination of Indian librarians and served as a beacon-light to lovers of libraries all over the country.

Other pioneers worthy of mention during this period were: Amin Sahib in Baroda itself who strove hard to make libraries popular in the Gujerati-speaking areas and the great Manindra Dev Rai *Mahashaya* of Bengal who founded the Bengal Library Association in 1927, and who tried hard to give Bengal a Library Act. Their memories are still cherished by many living librarians. Earlier, the establishment, in 1914, of the Andhra Provincial Library Association was the fruit of many such pioneer workers who gave an impetus to the growth of libraries in Andhra.

There were, again, in all the major provinces and states of India, librarians and public men who devoted themselves wholeheartedly to the cause of libraries in their own regions. Many of them have fallen on the way, but some of them, like...
Dr. Ranganathan, Sant Ram Bhatia and others, are fortunately still available to serve the country.

A notable event of this period was the founding of the India Library Associations in 1933 as a result mainly of the efforts of Khan Bahadur Asadullah. The Association gave the library workers in India, for the first time, a status and a voice which, feeble as it was at first, was in due course bound to be held by political leaders and Government. Many provinces had set up their Library Associations in the latter part of this period. Some of the Library Associations also tried to produce literature for librarians. The quarterly *Modern Librarian* issued from Lahore as the organ of the Punjab Library Association and the work of the Madras Library Associations are worthy of mention here.

4. **Third Phase.**—The third phase of the library movement began in 1937 when the Congress came to power in many provinces. This phase was really a synthesis of the previous two phases. For in this phase, as in the first phase, Government played a dominant role in setting up libraries for which there was a strong popular demand. Though the main trend of this phase, the setting up of village libraries through Government effort, was anticipated in some places—for example in Travancore, where the State Education Department had set up 80 rural libraries in 1955—it was in this period, and particularly during 1937 to 1942, that it developed into a vigorous movement. Assam, Bihar, Bombay, Orissa, Punjab, Cochin and some other provinces and States set up village libraries, and, in some cases, even travelling libraries. It is estimated that in 1942 there were 13,000 village libraries in India.

The encouragement of village libraries continued beyond 1942, though not with the same degree of enthusiasm as before. These libraries were the product of the Indian Adult Education Movement which swayed the country at that time. This was signified
by the recommendation of the Central Advisory Board of Education in 1940 that libraries were essential to the progress of Adult Education in the country.

We have already mentioned the flow of library literature which, starting in the beginning of the 20th century, increased in volume and substance during this period. The name of Dr. Ranganathan, at the time Librarian of the Madras University, shone in its unique lustre. Many Library Associations and Universities started training librarians and the Indian Library Association grew both in prestige and influence.

An important landmark of this period is the Report of the Library Development Committee, Bombay, 1939-40, headed by Sri A. A. A. Fyze. Though the terms of reference of the Committee were strangely myopic, being confined to questions relating to the setting up of the Central and Regional Libraries only, the Committee happily felt no qualms in ranging over a wider field. It put forth a scheme of developing libraries in the province in six stages: stage 1, the setting up of the Central and three Regional Libraries; stage 2, add 15 District Libraries (all districts of the then Bombay Province); stage 3, add 167 taluka or peta libraries and 100 libraries in towns of the size of the taluka towns; stage 4, add 979 libraries for villages of population of 2,000 and more; stage 5, add 2,696 libraries for villages of 1,000—2,000 population; and stage 6, add 17,753 libraries for villages below 1,000 population. The Government of Bombay naturally fought shy of the financial implications of the scheme involving an annual expenditure of a little less than Rs. 15 lakhs at the final stage. The latter four stages were, therefore, implemented only partially.

4.5. Present Phase.—The fourth phase of the Indian Library Movement, through which the country is passing today may be described as one of consolidation—consolidation with a view to husbanding our resources so as to yield a library service to the:
maximum number of our people. There have been two milestones during this phase. The first is the Library Act of Madras, 1948, which may be said to have ushered in this phase. This was the first legislation of its kind in India. While a few other States also played with the idea of library legislation, only Hyderabad dared follow suit after a lapse of eight long years. Even in Madras, the Act was practically still-born until the Central Education Ministry started giving grants for “Improvement of Library Service” in 1952-53.

The second milestone is the inclusion of the scheme of “Improvement of Library Service” in the First Five-Year Plan of Educational Development 1951—56. This scheme envisaged a network of libraries spread all over the country.

6. Legislation.—To provide better library services to the reading-needs of the people on State level, sufficient funds are necessary. The acquiring of funds for library service by levying a cess, necessarily implies taxation and no taxation can be levied without a law. Any such legislation intended to provide good library service must unambiguously state how the funds are to be collected and how they are to be spent, who will collect them and who will spend them. In its comprehensive report, the Advisory Committee for libraries appointed by the Government of India state that such a law should provide for the following:—

(a) Free public library service with the following objectives—
(1) to house materials giving reliable information and wholesome recreation,
(2) to organise them so as to promote their use,
(3) to stimulate non-readers to be readers and readers to be purposive students.

(b) A Library rate of 6 naye paise in a rupee of property tax to be levied by local bodies and Panchayats.
(c) The State Government will aid the local bodies by a matching formula. The law may be brought into operation gradually within a period of twenty years.

(d) There will be Block Library Funds and the Municipal Library Funds, but the District should be regarded as a unit of Library service.

(e) The various units of library service will have their own library committee, as recommended in that Report.

(f) The State will organise a Department of Libraries. The functions of the Department will be generally on lines indicated in this Report.

(g) The State Government will recognise Library Associations and provide for adequate assistance to them.

(h) Books will form the bulk of library stocks, which must also include newer media of mass communication, like audio-visual materials, etc.

7. Present Public Libraries Act in India.—The first to take the lead is the Madras Public Libraries Act of 1948 and it was the first of its kind in India. After a lapse of eight long years, the former Hyderabad State followed suit and enacted a legislation ‘The Hyderabad Public Libraries Act of 1955’ and was in force in Telangana Area of Andhra Pradesh, and the Madras Public Libraries Act of 1948 which was in force in the former Andhra State was to continue in the Andhra Area of the present Andhra Pradesh State. Thus both the Madras and Hyderabad Acts were in force in the Andhra Pradesh State until the new integrated law ‘The Andhra Pradesh Public Libraries Act of 1960’ came into force and both the Madras and Hyderabad Acts have been repealed thereby in their application to the State of Andhra Pradesh.

But it would appear that the former Marathwada and Kannada districts of Hyderabad State, now merged in Bombay
and Mysore respectively, still continue to be governed by the former Hyderabad Act of 1955, as those two States of Bombay, (now Maharashtra) and Mysore have not yet made any uniform integrated library laws or rules to govern the entire States. So, altogether there are three Acts at present in the country and are in force in their respective States or areas as mentioned above. Other States also are expected to follow suit shortly.

Besides the States’ Legislation, a suitable Union legislation is also found necessary by the Advisory Committee to incorporate the right of every citizen to have a free access to educational, scientific and cultural records of the country among his Fundamental Rights. It is hoped that the Union Government will shortly look into the matter.

8. General Purpose and Objects.—“With a view to securing uniformity in regard to the establishment of the libraries throughout the State, the Government have decided to have a single comprehensive enactment applicable to the entire State.” *

9. Case-Law.—Although there have been no major judicial decisions or legislative changes on the subject, a few English cases with reference to the Public Library Acts of England and Wales are worth to be noted.

A public library, if used solely as a free library is exempt from the payment of income-tax, that is to say, relief from tax under the Income-tax Act, granted to a literary and scientific institution. A public library is included in the description ‘literary and scientific institution’ [Manchester Corporation v. McAdam, L. R. (1896) A. C. 500] and the Scottish case of Musgrove v. Magistrates etc. of Dundee, (1897) 24 Rettie, 930. For purposes of taxation, in India too, public libraries will come within the meaning of charitable, educational and public institutions opened to the public and

*(Statement of Objects and Reasons on the Andhra Pradesh Public Libraries Bill).*
therefore considered accordingly. It was held that trusts for providing a town with establishment of public library would be charitable trusts [Abbot v. Fraeser, (1874) L. R. 6 P. C. 96].

But the buildings and land provided and maintained by library authorities are not exempt from the payment of local rates. [Liverpool Corporation v. West Derby Union, (1905) 69 J. P. 277]. In India, under section 83 (1) (c) of the Madras District Municipalities Act, libraries shall be exempted from the property tax, but this exemption shall not extend to residential quarters attached to libraries [Explanation to section 83 (1) of the Madras District Municipalities Act].

For purposes of land acquisition, the Andhra Pradesh Public Libraries Act specifically states that land required by the local library authority shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act, 1894 (Central Act I of 1894) and may be acquired under that Act.

10. Delegated Legislation.—Section 18 of the Andhra Pradesh Public Libraries Act, 1960, enables a Local Library authority constituted under the Act to make bye-laws in respect of the matters specified in that section and generally to carry out the purposes of the Act.

Section 25 of the same Act empowers the Government to make rules, generally to carry out the purposes of the Act. And section 26 authorises the Government to make provision consistent with the purposes of the Act for removing any unexpected difficulties that may arise in giving effect to the provisions of the Act.
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The Andhra Pradesh Public Libraries Act, 1960

(Act VIII of 1960)

[18th February, 1960]

An act to consolidate and amend the Law relating to the establishment and maintenance of Public Libraries in the State of Andhra Pradesh and matters connected therewith.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Eleventh Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. Short title, extent and commencement.—(1) This Act may be called the Andhra Pradesh Public Libraries Act, 1960.¹

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall come into force on such date as the Government may, by notification, appoint.

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

(1) 'aided library' means a library declared by the Director to be eligible for aid either from the Government or from the Library Fund in accordance with the rules made under this Act;

(2) 'committee' means the State Library Committee constituted under section 3;

(3) 'director' means the Director of Public Libraries appointed under section 8;

(4) 'district' means a revenue district;

(5) 'Government' means the State Government;

(6) 'Library cess' means the cess levied under sub-section (1) of section 20;

¹ The Andhra Pradesh Public Libraries Rules, 1961 have been published in Andhra Pradesh Gazette, Rules Supplement to Act II, dated 6th April, 1961.
(7) 'notification' means a notification published in the *Andhra Pradesh Gazette*;

(8) 'prescribed' means prescribed by rules made under this Act;

(9) 'public library' means,—

(a) a library established or maintained by a Local Library Authority, including the branches and delivery stations of such a library;

(b) a library established or maintained by the Government and declared open to the public;

(c) a library established or maintained by any local body or co-operative society and declared open to the public;

(d) a library declared to be eligible for aid and receiving aid from the Government or from the Library Fund;

and includes any other library notified by the Government as a public library for the purposes of this Act;

(10) 'State' means the State of Andhra Pradesh;

(11) 'State Central Library' means a library established by the Government as the State Central Library;

(12) 'State Regional Library' means a Library established by the Government as a State Regional Library;

(13) 'year' means the financial year.

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CHAPTER II

The State Library Committee

3. Constitution and composition of the State Library Committee and its functions.—(1) As soon as may be, after
the commencement of this Act, the Government shall, by notification, constitute for the purposes of this Act a committee to be called the State Library Committee.

(2) The Committee shall consist of—

(a) The Minister in charge of Education, who shall also be the Chairman of the Committee;

(b) the Minister in charge of Local Administration;

(c) the Secretary to the Government in the Education Department;

(d) the Director of Public Libraries;

(e) the Inspector-General of Local Administration;

(f) the Librarian of the State Central Library;

(g) six members of the State Legislature, four to be elected from among themselves by the members of the Legislative Assembly and two from among themselves by members of the Legislative Council;

(h) one person elected by the Syndicate of each of the Universities in the State;

(i) three persons nominated by the Andhra Pradesh Library Association;

(j) seven persons nominated by the Government as follows:—

(i) one from among the members of the Local Library Authority of the twin cities of Hyderabad and Secunderabad;

(ii) two, from among the members of the Local Library Authorities in each University areas in the State;

(k) four persons co-opted by the Committee;
(1) the Deputy Director of Public Libraries, who shall also be the Secretary of the Committee.

(3) The Committee shall advise the Government on all matters arising under this Act and shall exercise and perform such other powers and duties as may be prescribed.

**Commentary**

Analogous law: Section 3 of Hyderabad Act, and section 3 of Madras Act.


4. **Terms of office of certain members of the Committee**—(1) Subject to the provisions of sub-section (2), every member of the Committee other than an ex-officio member shall hold office for a period of three years from the date of his election, nomination or co-option as the case may be:

Provided that such term of a member nominated, or elected shall come to an end as soon as the member ceases to be a member of the body from which he was nominated or elected.

5. **Filling up of casual vacancies of certain vacancies of certain members of the Committee.**—Any vacancies occurring in the office of a nominated, elected or co-opted member of the Committee before the expiration of his term shall be filled by nomination, election or co-option, as the case may be, of another person in the manner provided in section 3 and the person so nominated, elected or co-opted shall held office for the residue of the term of his predecessor.

6. **Meetings of the Committee.**—The Committee shall meet at such times and places and shall observe such rules of procedure at its meetings as may be prescribed.
Commentary


7. **Act of State Library Committee not to be invalidated by informality, etc.—** No act of a State Library Committee shall be deemed to be invalid by reason only of the existence of any vacancy in, or any defect in the constitution of, that Committee.

CHAPTER III

Department of Public Libraries

8. **Constitution of the Department of Public Libraries and appointment of the Director thereof and his duties—** For the purposes of this Act, the Government shall constitute a separate Department of Public Libraries and either appoint a separate Director for that Department or appoint the Director of Public Instruction to be the Director of Public Libraries in charge of the Department. The Director so appointed shall, subject to the control of the Government,—

   (a) supervise the State Central Library and the branches of such library;

   (b) superintend and direct all matters relating to public libraries;

   (c) declare, in accordance with the rules made under this Act, what libraries are eligible for aid from the Government and supervise and direct all matters relating to such libraries;

   (d) direct and control the work of all Local Library Authorities under this Act in the manner prescribed;

   (e) Submit to the Government, through the State Library Committee every year, a report on the working of the libraries under this Act in the preceding year;
(f) submit reports to the Committee on the working of libraries, whenever necessary;

(g) publish annually a bibliography of all the books published in the State in any language other than English or Sanskrit;

(h) perform such other duties and exercise such other powers as are imposed or conferred on him by this Act or the rules made thereunder.

(i) arrange for centralised classification cataloguing, inter-library loan, co-ordination of book selection and maintenance of copyright registry.

CHAPTER IV

The Local Library Authorities

9. Constitution and incorporation of Local Library Authorities.—(1) For the purposes of organising and administering public libraries in the State, there shall be constituted Local Library Authorities, one for the twin cities of Hyderabad and Secunderabad, one for the district of Hyderabad excluding the said twin cities and one for each of the other districts.

(2) Every Local Library Authority shall, by the name of the area for which it is constituted, be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of property, and to enter into contracts and may, by the said name, sue and be sued.

(3) It shall be the duty of every Local Library Authority to provide library service in the area of its jurisdiction.

10. Composition of Local Library Authorities.—

(1) The Local Library Authority for the twin cities of Hyderabad
Secunderabad shall consist of the following members, namely:

(a) four members nominated by the Government from among the citizens of the twin cities of Hyderabad and Secunderabad who have rendered eminent service to the cause of education or public libraries;

(b) six members elected from among themselves by the members of the governing bodies of the public libraries (other than those referred to in sub-clauses (a) and (b) of clause (9) of section (2) in the twin cities of Hyderabad and Secunderabad;

(c) one member elected by the councillors of each of the Municipal Corporations of Hyderabad and Secunderabad;

(d) two members nominated by the Andhra Pradesh Library Association from among the members of the branches of the said association in the cities of Hyderabad and Secunderabad;

(e) the Librarian, City Central Library, Hyderabad who shall be the Secretary of the Local Library Authority;

(2) The Local Library Authority for each district shall consist of the following members, namely:

(a) four members nominated by the Government from among the citizens of the district who have rendered eminent service to the cause of education or public libraries;

(b) two members elected among themselves by the members of the governing bodies of the public libraries (other than those referred to in sub-clauses (a) and (b) of clause (9) of section (2) in each revenue division in the district;
(c) one member elected by the Presidents or Sar Panchas of Village or Gram Panchayats in each taluk in the district;

(d) two members elected from among themselves by the Councils or Committees of Municipalities in the district;

(e) two members nominated by the district branch of the Andhra Pradesh Library Association;

(f) the Librarian, District Central Library who shall be the Secretary of the Local Library Authority;

(3) Every Local Library Authority shall elect one of its members to be its Chairman.

Commentary


11. Term of office of members of a Local Library Authority.—(1) Every member of a Local Library Authority, not being the Librarian of the City Central Library or the Librarian of the District Central Library, shall hold office for a period of three years from the date of his nomination or election, as the case may be.

(2) A member nominated or elected in his capacity as the holder of a particular office shall, if he ceases to be the holder of that office, cease to be a member of the Local Library Authority.

12. Filling up of casual vacancies of the members of the Local Library Authority.—A vacancy occurring in the office of a nominated or elected member of a Local Library Authority before the expiration of his term shall be filled by nomination or election, as the case may be, of another person in the
manner provided in section 10, and the person so nominated or elected shall hold office for the residue of the term of his predecessor.

13. Powers and Functions of Local Library Authorities. — A Local Library Authority may—

(a) provide suitable lands and buildings for public libraries and also the furniture, fittings, materials and conveniences requisite therefor;

(b) stock such libraries with books, periodicals, newspapers, manuscripts, maps, works and specimens of art and science, lantern slides, films, cinema projectors, recorders and the like;

(c) employ from time to time, such staff as it considers necessary for such libraries.

(d) with the previous sanction of the Government, shift or close, any public library mentioned in sub-clause (a) of clause (9) of section 2, or discontinue aid to any other public library, the payment of which is regulated by the prescribed Library Grant-in-Aid Code;

(e) accept any gift or endowment for any purpose connected with its activities: Provided that no gift or endowment of an immovable property shall be accepted without the previous sanction of the Government;

(f) provide for lectures and the holding of classes and conduct other activities connected with public library service including social education;

(g) with the consent of the management and the previous sanction of the Government acquire any library on such conditions as may be approved by the Government;
(b) distribute grants for public libraries and social educational purposes;

(i) in general, do everything necessary to carry out the provisions of this Act.

14. Schemes to be submitted by Local Library Authorities.—(1) As soon as possible after a Local Library Authority is constituted, and thereafter as often as may be required by the Director, every Local Library authority shall, and whenever it considers it necessary so to do, a Local Library Authority may prepare a scheme for establishing libraries and for spreading library service within its area in such form and manner as may be prescribed, and submit it to the Director for sanction. The Director may sanction it with such alteration, if any, as he may think fit after giving the Local Library Authority an opportunity to make its representations, if any, in respect of such alterations and the Local Library Authority shall thereupon give effect to the scheme so sanctioned by him.

(2) The Director may on application by the Local Library Authority concerned, modify and scheme sanctioned under sub-section (1) or replace it by a new scheme.

Commentary

Analogous law: Section 8 of Hyderabad Act, and Section 8 of Madras Act.


15. Executive Committees and Sub-Committees of Local Library Authorities.—(1) A Local Library Authority may appoint an executive committee consisting of such of its members as it may deem fit and delegate to such committee any of its powers or functions under this Act except the power to levy library cess, to borrow money, to dispose of immovable property,
and to pass the budget, accounts and the audit and annual reports.

(2) A Local Library Authority may also, from time to time, appoint sub-committees to inquire into and report or advise on any matters which it may refer to them.

**Commentary**

*Analogous law:* Section 7 of Madras Act, and Section 7 of Hyderabad Act.

This section gives a statutory status for the executive committees and sub-committees appointed by a Local Library Authority.

In England also, although there is no specific statutory authority for the appointment of sub-committees of a library committee, sub-committees are frequently appointed.

Delegation of library powers by a local authority to a committee does not relieve the authority of liability for the acts of the committee [*Bungary v. Wellingborough U. D. C.*, (1903) 67 J. P. News p. 304.]

16. **Act of Local Library Authorities not to be invalidated by informality, etc.**—No act of a Local Library Authority shall be deemed to be invalid by reason only of the existence of any vacancy in, or any defect in the constitution of, that authority.

17. **Vesting of properties in Local Library Authorities.**—

(1) All property acquired or held in any area by the Local Library Authority for the purpose of any public library defined in sub-clause (a) of clause (9) of section 2 shall vest in the Local Library Authority of that area.

(2) Any immovable property required by the Local Library Authority shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act, 1894 (Central Act 1 of 1894) and may be acquired under that Act.
Commentary

*Analogous law*: Section 10 of the Hyderabad Act, and Section 10 of the Madras Act.

It was held that trusts for providing a town with establishment of public library would be charitable trust [*Abbott v. Frazer*, (1874) L. R. 6 P. C. 96]. And therefore libraries should be considered accordingly for purposes of taxation under section 4 of the Indian Income-tax Act.

Under section 83 (1) (c) of the Madras District Municipalities Act, libraries shall be exempted from the property tax. But the exemption shall not extend to residential quarters attached to libraries [*Explanation under section 83(i) of the Madras District Municipalities Act*].

*English law*: A public library if used solely as a free library, is exempt from the payment of Income-tax, that is to say, relief from tax under the income-tax Act of 1918, granted to a literary and scientific institution. A public library is included in the description “literary and scientific institution” [*Manchester Corporation v. McAdam*, L. R. (1896) A. C. 500 and Scottish case of *Musgrove v. Magistrates etc.*, of Dundee, (1897) 24 Rent, 930.]

But, buildings and lands provided and maintained by library authorities are not exempt from the payment of local rates [*Liverpool Corp. v. West Derby Union*, (1905) 69 J. P. 277.]

18. **Power of Local Library Authorities to make bye-laws.**—(1) Subject to the provisions of this Act and the rules made thereunder, a Local Library Authority may 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 of the public to the public libraries in its area on such conditions as it may specify:

Provided that no fees shall be charged for such admission;

(b) the guarantee or security to be furnished by 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 property of such libraries may be used and the protection of such property from injury, misuse, destruction or loss;

(d) the authority to be exercised by its officers and servants in the matter of exclusion or removal from any such library, of any person who contravenes or does not comply with the provisions of this Act or the rules or bye-laws made thereunder;

(e) the conduct of meetings of the Local Library Authority and the procedure to be followed in regard to the transaction of business at such meetings and the quorum for the transaction of such business at a meeting:

Provided that a Local Library Authority shall not have power to make any bye-laws affecting a public library mentioned in sub-clause (11) or sub-clause (12) of section 2.

(3) The Director may modify or cancel any bye-law made by a Local Library Authority under sub-section (2):

Provided that before modifying or cancelling any bye-law, the Director shall give the Local Library Authority concerned a reasonable opportunity to make its representations in the matter.
Commentary

Analogous law: Sub-sections (1) and (2) of section 11 of Hyderabad Act No. III of 1955 and sub-section (1) of section 11 of Madras Act (No. 24) of 1948.

This section enables a Local Library Authority constituted under the Act to make bye-laws in respect of the matters specified in sub-section (2) and generally to carry out the purposes of the Act.

Rules and Regulations differ from bye-laws inasmuch as they are not enforceable in a court of law as are bye-laws. A breach of a regulation is not in itself an offence at law. Hence, in England, proposed bye-laws must be open for inspection at the offices of the local authority without charge, and copies or extracts may be made thereof by payment of a reasonable charge and the bye-laws may impose an offenders reasonable penalties also.

But sub-section (2) (a) of this section provides that no fees shall be charged for admission of the public to the public libraries. While this provision was also made in the former Hyderabad Act, no such provision is found in the Madras Act.

English law under sub-section (2) (c) of this section: It was held that it was ultra vires for the council to use the library premises other than that of public library; such uses not being authorised by the Public Libraries Act of 1892 of England and Wales [Attorney-General v. Westminster City Council, Law Reports (1924) 1 Chancery, 437.]

19. Control of the Local Library Authorities by the Government.—If, at any time, it appears to the Government that a Local Library Authority has failed to perform 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 Local Library Authority, and if the Local Library Authority omits to remedy such failure, excess or abuse or to give a satisfactory explanation therefor within such time as the Government may fix in this behalf, the Government may suspend, dissolve or supersede the Local Library Authority and cause all or any of the powers and functions of such
Authority to be exercised and performed by any person or agency for such period as they may think fit or direct that it be reconstituted.

CHAPTER V

Finance and Accounts

20. Library cess.—(1) (a) Every Local Library Authority shall levy in its area a library cess in the form of a surcharge on the property tax or house tax levied in such area under the relevant laws providing for the levy of such property tax or house tax, at the rate of four naya paise for every rupee in the property tax or house tax so levied.

(b) A Local Library Authority may, with the previous sanction of the Government and shall if so directed by them, increase the rate specified in clause (a) so as not to exceed eight naya paise for every rupee.

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

(a) in the City of Hyderabad, by the Municipal Corporation of Hyderabad;

(b) in the city of Secunderabad, by the Municipal Corporation of Secunderabad;

(c) in an area within the jurisdiction of a Municipal committee or municipal council, by such committee or council;

(d) in an area within the jurisdiction of a panchayat, by the panchayat, and

(e) in an area in a district not included within the jurisdiction of municipal council or municipal committee or
a panchayat; by the local body having jurisdiction in such area,

as if the cess were a property tax or house tax payable under the relevant laws for the time being in force in the area, and all the provisions of the said laws relating to collection of property tax or house tax shall apply subject to such modifications as may be specified by the Government in the notification issued in this behalf.

(3) The cess collected under sub-section (2) shall be paid to the Local Library Authority concerned.

**Commentary**

*Analogous law*: Section 12 of Hyderabad Act, and Section 12 of Madras Act.

This section empowers a Local Library Authority to levy in its area a library cess in the form of a surcharge on the property tax or house tax under the relevant laws, at the rate of four naya paisa for every rupee in the property tax or house tax. The corresponding provisions in the Madras and Hyderabad Acts empower the Local Library Authorities to levy a cess of only six paisa for every rupee. Provision is also made in this section, empowering a Local Library Authority to increase the rate of four naya paisa so as not to exceed eight naya paisa for every rupee, but may be so increased, only with the previous sanction of the Government.

21. **Library Fund.**—(1) Every Local Library Authority shall maintain a fund called the ‘Library Fund’ from which all its payments under this Act shall be met.

(2) There shall be credited to the Library Fund the following sums, namely—

(a) the cess collected under sub-section (2) of section 20;

(b) contributions, gifts and income from endowments made to the Local Library Authority for the benefit of public libraries;
(c) special grants which the Government may make for any specified purpose connected with libraries and social education;

(d) funds and other amounts collected by Local Library Authority under any rules or bye-laws made under this Act.

(3) The Government shall contribute annually to the Library Fund maintained by every Local Library Authority a sum not less than the amount of the cess collected under sub-section (2) of section 20.

22. Maintenance of accounts.—(1) An account shall be kept of the receipts and expenses of each Local Library Authority.

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

CHAPTER VI
Reports, Returns and Inspection

23. Reports and returns.—Every Local Library Authority and every person in charge of a public library shall submit such reports and returns and furnish such information to the Director or any person authorised by him in this behalf as the Director or the person authorised may, from time to time, require.

24. Inspection of Libraries.—The Director or any person authorised by him in this behalf may inspect any public library or any institution attached thereto for the purpose of satisfying himself that the provisions of this Act and the rules and bye-laws made thereunder are duly carried out.
CHAPTER VII

Miscellaneous

25. Power to make rules.—(1) The Government may, by notification, make rules 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) the method of appointment, nomination, co-option, or election of members to the State Library Committee and Local Library Authorities;

(b) the publication of audited statements of the accounts of Local Library Authorities and of the reports of the auditors;

(c) the publication of a Library Grant-in-aid Code, regulating the grant of aid to aided libraries and the standards to be maintained by such libraries;

(d) the maintenance of State Registers of Libraries, and librarians;

(3) All rules made under this section shall, as soon as may be after they are made, be laid on the Table of both the Houses of the State Legislature for fourteen days and shall be subject to such modification, whether by way of repeal or amendment, as the State Legislature may make during the session in which they are so laid.

Commentary

Analogous law: Section 18 of the Hyderabad Act, and Section 18 of the Madras Act.

Under this section, the Government have made the rules in its G. O. Ps. No. 841, Education, 27th March, 1961, called Andhra Pradesh Public Libraries Rules, 1961; and published in the Andhra Pradesh Gazette Rules Supplement to Part II, dated 6th April, 1961.

26. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Government may
by order make such provisions as appear to them to be necessary or expedient for removing the difficulty.

27. Amendment to the Press and Registration of Books Act, 1867, in its application to the State of Andhra Pradesh.—The Press and Registration of Books Act, 1867 (Central Act XXV of 1867) shall, in its application to the State of Andhra Pradesh, be amended as follows:—

(i) in the first paragraph of section 9, for clause (a), the following clause shall be substituted, namely:

“(a) in any case, within one calendar month after the day on which any such book shall first be delivered out of the press, three such copies, and ”;

(ii) in the last paragraph of the same section, for clause (i) the following clause shall be substituted, namely:

“(i) any second or subsequent edition of a book in which edition no additions or alterations either in the letterpress or in the maps, book prints or other engravings belonging to the book have been made, and three copies of the first or some preceding edition of which books have been delivered under this Act, or ”;

(iii) in section 11, for the first sentence the following sentence shall be substituted, namely:

“Out of the three copies delivered pursuant to clause (a) of the first paragraph of section 9 of this Act, one copy shall be sent to the State Central Library, Hyderabad, referred to in clause (a) of section 8 of the Andhra Pradesh Public Libraries Act, 1960 and the remaining two copies shall be disposed of in such manner as the Government may from time to time, determine.”
Commentary

Analogous law: Section 19 of Hyderabad Act, and section 19 of Madras Act.

Under the Delivery of Books Act, 1954 enacted by the Government of India, every publisher is required to supply four copies of each book free of charge and at his own expense to the libraries at Madras, Calcutta Bombay and Delhi. Under the provisions of the Press and Registration of Books Act, 1867 (Central Act XXV) as substituted by this section, every publisher is required to send three more copies of every book to the Government of Andhra Pradesh. Thus altogether every publisher will have to send seven books in all, free of charge.

In Great Britain, only one copy has compulsorily to be sent to the British Museum and four more copies are required to be sent if demanded by the University Libraries of Oxford and Cambridge and National Libraries of Wales and Scotland. In U. S. A. the Library of Congress asks for only two copies.


(2) Notwithstanding such repeal—

(a) the members of the State Library Committee or the State Library Council, as the case may be, and the Local Library Authorities constituted under the said Acts and holding office immediately before the commencement of this Act shall be deemed to be respectively the members of the State Library Committee and the Local Library Authorities constituted under this Act, and shall exercise all powers and perform all duties conferred on such committee or Authorities in the respective areas in which they are functioning at such commencement until their present term expires or until a new committee or Authorities are constituted under this Act, whichever is later.
(b) all rules, bye-laws and regulations made under the said Acts and in force at the commencement of this Act, shall, so far as new rules, bye-laws and regulations are not inconsistent with the provisions of this Act, continue to be in force in the respective areas in which they are in force at much commencement, and such rules shall be deemed to be rules, and such bye-laws and regulations shall be deemed to be bye-laws, made under the provisions of this Act until they are superseded or modified by rules and bye-laws made under this Act.

ANDHRA PRADESH PUBLIC LIBRARIES
RULES, 1961*

(G.O. Ps. No. 841, Education, 27th March 1961)

I.—Under clause (11) of section 2 of the Andhra Pradesh Public Libraries Act, 1960 (Andhra Pradesh Act No. VIII of 1960), the Governor of Andhra Pradesh hereby declares that with effect on and from 1st April 1960, the Asafia Library, Hyderabad, be known as the State Central Library, Hyderabad.

II.—In exercise of the powers conferred by sub-section (1) and clause (a) of sub-section (2) of section 25 read with section 6 of the Andhra Pradesh Public Libraries Act, 1960 (Andhra Pradesh Act VIII of 1960) the Governor of Andhra Pradesh hereby makes the following rules:

RULES

1. Short title, extent and commencement.—(1) These rules shall be called the Andhra Pradesh Public Libraries Rules, 1961.

* Published in the Andhra Pradesh Gazette, Supplement to Part II, dated 6th April, 1961.
(2) They extend to the whole of the State of Andhra Pradesh.

(3) They shall come into force from the date of publication in the Andhra Pradesh Gazette.

2. Definitions.—In these rules unless the context otherwise requires,—


(ii) 'Section' means a section of the Act.

(iii) Words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. Constitution of the State Library Committee.—(1) The Director shall address the Government to move the State Legislature for the election of members to be elected by the Legislature to the Committee. The members shall be elected upon a motion to be made in the House concerned by the Minister in charge of Education.

(2) In respect of the person to be elected by the Syndicates of the Universities in the State, the Director shall address the Registrar of each University for electing a member.

(3) The Director shall address the Andhra Pradesh Library Association for the nomination of three persons. The nominations shall be made by the Executive Committee of the Association.

(4) In respect of the persons to be nominated by the Government from among the members of the Local Library Authority of the twin cities of Hyderabad and Secunderabad and from among the members of the Local Library Authorities in each University area in the State, the Director shall address the Government.
(5) (a) When a vacancy in the Committee occurs otherwise than by efflux of time, the Director shall at once address the appropriate authority with a view to having the vacancy filled up.

(b) When a vacancy in the Committee is due to occur by efflux of time, the Director shall address the appropriate authority one month in advance with a view to having the vacancy filled up as soon as it occurs.

4. Meetings of the Committee.—(1) The Committee shall meet at such times and in such places as may be determined by the Minister in charge of Education.

(2) Five members will form a quorum.

(3) In the absence of the Minister (in charge of Education), the members present at a meeting of the Committee shall elect a Chairman from among themselves.

(4) The Secretary of the Committee shall submit the minutes of the meeting within five days to the Chairman for confirmation, after which the minutes shall be communicated to the members. Thereupon the Director shall submit necessary proposals on each of the items to the Government with his recommendations.

5. Constitution of Local Library Authority for the twin cities of Hyderabad and Secunderabad.—(1) The Director shall address the Government for nominating four members under section 10(1) (a) to the Local Library Authority.

(2) (a) When an election is to be held under section 10 (1) (b) the District Educational Officer, Hyderabad City, shall convene a meeting of the members of the governing bodies of the public libraries concerned after giving not less than 15 days’ notice of
the meeting specifying the time and the place at which the meeting will be held for electing members to the Local Library Authority;

(b) Copies of the notice referred to in clause (a) shall be served on the members of the governing bodies either in person or by registered post at the address furnished in the register referred to in rule 9 (4).

(c) The meeting shall be held at the office of the Local Library Authority.

(d) The election of the members shall be conducted in the manner indicated in rule 7.

3(a) The Secretary of the Local Library Authority shall address the Commissioner of Hyderabad Municipal Corporation for the election of two members by the Councillors of the Municipal Corporation.

(b) The election shall be held at a meeting presided over by the Mayor and the procedure to be followed shall be as indicated in rule 7.

4 The Secretary of the Local Library Authority shall address the Secretary of the Andhra Pradesh Library Association for nominating two members from among the members of the branches of the said Association in the twin cities of Hyderabad and Secunderabad to the Local Library Authority. The nominations shall be made by the President of the Association.

5 When vacancies are due to occur under clauses (a), (b), (c) or (d) of sub-section (1) of section 10 owing to efflux of time, the Secretary of the Local Library Authority shall report the matter one month in advance to the Director, the District Educational Officer, Hyderabad City, the Commissioner of Hyderabad Municipal Corporation or the Secretary of the Andhra Pradesh Library
Association, as the case may be, with a view to having them filled up as soon as they occur. When vacancies occur for other reasons, he shall report them at once to the appropriate authority specified above for having them filled up.

6. Constitution of Local Library Authorities for districts.—(1) The Director shall address the Government for nominating four members under section 10 (2) (a) from among the citizens of each district who have rendered eminent service to the cause of education or public libraries to the Local Library Authority of the district concerned.

(2) (a) When an election is due to be held under section 10 (2) (b) the District Educational Officer having jurisdiction over the headquarters of each Revenue Division shall convene a meeting of the members of the governing bodies of the public libraries at the headquarters of the Revenue Division in which they are situated. He shall give not less than fifteen days' notice of the meeting specifying the time and place at which the meeting will be held for electing members to the Local Library Authority of the district.

(b) Copies of the notice referred to in clause (a) shall be served on the members of the governing bodies either in person or by registered post at the addresses furnished in the register referred to in rule 9 (4).

(3) (a) When an election is due to be held under section 10 (2) (c) of the Act, the District Panchayat Officer concerned or a Deputy Panchayat Officer authorised by him shall convene a meeting of the Presidents or Surpanchas of village or Gram Panchayats of each taluk concerned, after giving not less than fifteen days' notice of the
meeting specifying the time and place at which it will be held for electing a member from the taluk concerned to the Local Library Authority of the district.

(b) Copies of the notice referred to in clause (a) shall be served on the members of the governing bodies either in person or by registered post at the addresses furnished in the register referred to in rule 9 (4).

(4) An election under section 10 (2) (b) or section 10 (2) (c) shall be held at a meeting presided over by the District Educational Officer, District Panchayat Officer or Deputy Panchayat Officer who has convened the meeting. The election shall be conducted in the manner indicated in rule 7.

(5) When an election is due to be held under section 10 (2) (d) of the Act, the following procedure shall be observed:

(i) If there is only one Municipal Council or Committee in a district it shall elect both members of the Local Library Authority of that district.

(ii) If there are two Municipal Councils or Committees in a district, each Council or Committee shall elect one member of the Local Library Authority of that district.

(iii) If there are more than two Municipal Councils or Committees in a district, each Council or Committee shall elect five representatives from among its members. The names of the representatives shall be reported to the Chairman of the headquarters municipality of the district who shall
convene and preside over a meeting of the representatives at his office. At this meeting two members for the Local Library Authority of the district shall be elected from among all the Municipal Councillors in the district.

*Note—For the purposes of this sub-rule, Tandur shall be deemed to be the Headquarters Municipality of Hyderabad district.*

(iv) The election shall be conducted in the manner indicated in rule 7.

(6) The Secretary of the Local Library Authority of each district shall address the President of the District Branch of the Andhra Pradesh Library Association for nominating under section 10 (2) (c) two members to the Local Library Authority concerned. The nominations shall be made by the President of the District Branch.

(7) When vacancies are due to occur under clauses (a), (b), (c), (d) or (e) of sub-section (2) of section 10 owing to efflux of time the Secretary of the Local Library Authority concerned shall report the matter one month in advance to the Director, the District Educational Officer, the District Panchayat Officer or the Municipal Commissioners concerned, as the case may be, with a view to having them filled up as soon as they occur. When vacancies occur for other reasons he shall report them at once to the appropriate authority specified above for having them filled up.

7. **Election of members.**—(1) The quorum for a meeting convened for the election of a member or members of a Local Library Authority shall be one-third of the number of members who are eligible to attend the meeting, excluding the President of the meeting.
(2) Every candidate for election shall be proposed by one elector, and seconded by another.

(3) The names of all the candidates who have been proposed and seconded at the election and who have not withdrawn their candidature, shall be read out by the President of the meeting.

(4) If the number of candidates whose names so read out is equal to the number of vacancies, the President shall declare all such candidates duly elected.

(5) If the number of such candidates is less than the number of vacancies the President shall declare all such candidates duly elected and shall either call for fresh nominations or adjourn the election to fill up the remaining vacancy or vacancies at a subsequent meeting.

(6) If the number of such candidates exceeds the number of vacancies, the votes of electors present at the meeting shall be taken by ballot.

(7) The President shall make adequate arrangements to secure the secrecy of the ballot. He shall not be entitled to vote at the meeting.

(8) Every member wishing to vote shall be supplied with a voting paper which shall be stamped with the official stamp of the President of the meeting and on which the names of all such candidates shall be typed or legibly written in the following form in English and in any other language considered necessary by the President of the meeting.

Names of candidates.

Sl. No.

1.
2.
3.
(9) Each elector shall be intimated of the number of votes he is to cast. He shall then proceed to the place set apart for the purpose and there place a mark on the voting paper against the name of the candidate or the names of the candidates for whom he wishes to vote. He shall then fold up the voting paper so as to maintain the secrecy and deposit the same in a ballot box placed in the view of the President.

(10) The ballot box shall be so constructed that the voting paper may be placed therein but not extracted therefrom without the box being opened.

(11) Immediately after the voting is over the President shall open the ballot box and count the votes in the presence of the electors.

(12) The candidate who obtained the largest number of votes, or if there is more than one vacancy, as many of the candidates at the top of the poll as there are vacancies to be filled, shall be declared to have been duly elected. If there be an equality of votes between any two or more candidates and the addition of one vote to any one or more of such candidates will entitle him or them to be declared duly elected, the President shall decide by drawing lots in the presence of the members to which one or more of such candidates such additional vote shall be deemed to have been given.

(13) No candidate shall take part in a ballot, but a candidate may withdraw at any stage, and after so withdrawing may take part in any ballot. Similarly a candidate who has been eliminated at any stage may take part in any ballot at subsequent stage.
(14) A voting paper shall be invalid—

(a) if it bears the signature of the voter, or contains any word, sign or visible representation by which he can be identified, or

(b) if marks are placed thereon against more names of the candidates than there are vacancies to be filled, or

(c) if it is uncertain to which candidate the mark is intended to apply, or

(d) if no mark is placed thereon.

(15) (a) Immediately after the meeting, the President shall announce the names of persons elected as members of the Local Library Authority.

(b) The President shall also draw up a record of the proceedings and sign it, attesting with his initials every correction made therein and also permit any elector present at the meeting to affix his signature if he desires to do so.

(16) (i) The President of the meeting shall then make up into separate packets the voting papers relating to each candidate, whether counted or rejected, seal each such packet and note thereon a description of its contents, the number of the voting papers it contains, the election to which it relates, and the date thereof.

(ii) (a) The packets referred to above shall be kept by the Secretary of the Local Library Authority in his own custody for a period of one calendar year and shall, thereafter, unless otherwise directed by the Director, be destroyed.

(b) While in the custody of the Secretary, they shall not be opened and their contents shall not be inspected
by, or produced before any person or authority, except under the orders of the Director.

(17) The Secretary of the Local Library Authority shall, immediately after the election of the Chairman, report to the Director the names of the persons elected as members.

8. Election of Chairman.—(1) (i) The election of the Chairman of a Local Library Authority by the members thereof shall be held in the office of the Local Library Authority at a meeting specially convened for the purpose.

(ii) Such meeting shall be convened by the District Educational Officer having jurisdiction over the place where the office of the Local Library Authority is situated as soon as possible after its constitution or the occurrence of a vacancy.

(iii) Notice of the day and hour of the meeting for the election of the Chairman shall be given to the members of the Local Library Authority at least ten clear days before the day of the meeting.

(iv) Such meeting shall be presided over by the District Educational Officer referred to in clause (ii).

(2) The quorum for the meeting shall be six members; but if the number of members of the Local Library Authority exceeds sixteen, one-third of that number shall be the quorum.

(3) A candidate for election to the office of the Chairman shall be proposed by one of the members of the Local Library Authority and seconded by another. The names of all the candidates who have been proposed and seconded at the election and who have not withdrawn their candidature shall be read out at the meeting by the President of the meeting.
(4) (i) If there is only one duly nominated candidate there shall be no ballot and he shall be declared to have been elected.

(ii) If there are two or more such candidates, the votes of the members of the Local Library Authority present at the meeting shall be taken by ballot.

(iii) The President of the meeting shall make adequate arrangements to secure the secrecy of the ballot. He shall not be entitled to vote at the meeting.

(5) Every member entitled and wishing to vote shall be supplied with a voting paper which shall be stamped with the official stamp of the President of the meeting and on which the names of all the candidates shall be printed, typed, cyclostyled, or legibly written in the following form in English and in any other language considered necessary by the President of the meeting:

Names of candidates.

3. No.
   1.
   2.
   3.

The voter shall then proceed to the place set apart for the purpose and there place a mark on the voting paper against the name of the candidate for whom he wishes to vote. He shall then fold up the voting paper so as to maintain the secrecy and deposit the same in a ballot box placed in the view of the President of the meeting, which is so constructed that the voting paper may be placed therein but not extracted therefrom without the box being opened.

(6) Immediately after the voting is over the President of the meeting shall open the ballot box and count the votes
in the presence of the members and declare the result of the election in accordance with the following instructions:

(i) If there are only two candidates, the one who secures the larger number of votes shall be declared to have been duly elected. In the event of there being an equality of votes between the candidates the President of the meeting shall draw lots in the presence of the members and the candidate whose name is first drawn shall be declared to have been duly elected.

(ii) If there are more than two candidates, the one who obtains the smallest number of votes shall be eliminated and the votes taken again. If there is an equality of votes among all the candidates, or if two or more candidates lowest on the list obtain an equal number of votes, the President of the meeting shall ascertain by casting lots in the presence of the members which of such candidates shall be eliminated. The elimination shall be repeated until only two candidates are left, when votes shall be taken for the last time and the candidate who secures the larger number of votes shall be declared to have been duly elected. In the event of there being an equality of votes at the final stage between the two remaining candidates the President of the meeting shall draw lots in the presence of the members and the person whose name is first drawn shall be declared to have been duly elected.

(7) No candidate shall take part in a ballot, but a candidate may withdraw at any stage and after so withdrawing, may take part in any ballot. Similarly a candidate
who has been eliminated at any stage under clause (ii) of rule (4) may take part in any ballot at subsequent stages.

(8) A voting paper shall be invalid—

(a) If it bears the signature of the voter, or contains any word, sign or visible representation by which he can be identified, or

(b) If marks are placed thereon against more than one name, or

(c) If the mark is so placed thereon as to make it doubtful for which one of two or more candidates the vote was intended to be given, or

(d) If no mark is placed thereon.

(9) (a) Immediately after the meeting, the President shall announce the name of the person elected as Chairman of the Local Library Authority.

(b) The President shall also record the proceedings in the Minutes Book and sign it, attesting with his initials every correction made thereon and also permit any member of the Local Library Authority present at the meeting to affix his signature in the Minutes Book, if the member desires to do so.

(10) (i) The President of the meeting shall then make up into separate packets the voting papers relating to each candidate, whether counted or rejected, seal up each such packet and note thereon a description of its contents, the number of the ballot papers it contains, the election to which it relates, and the date thereon.

(ii) (a) The packets referred to above shall be kept by the Secretary of the Local Library Authority in his
own custody for a period of one calendar year and shall thereafter, unless otherwise directed by the Director, be destroyed.

(b) While in the custody of the Secretary of the Local Library Authority the packets shall not be opened and their contents shall not be inspected by or produced before any person or authority, except under the orders of the Director.

(iii) The Secretary of the Local Library Authority shall, immediately after the election of the Chairman, report to the Director the name of the member elected as Chairman.

9. **Public Libraries.**—(1) The Director shall maintain a register of all public libraries in the State and Local Library Authorities shall maintain registers of all public libraries within their jurisdiction.

(2) The Secretary of every public library other than those referred to in clauses (a) and (b) of sub-section (9) of section 2 of the Act shall within thirty days of the establishment of the library or, if the library is already in existence, within thirty days of the coming into force of these rules, send to the Local Library Authority, in whose jurisdiction the library is situated, a statement showing the name of the library and the names and addresses of the members of that governing body.

(3) Whenever there is a change in the name and address of any member of the governing body, the Secretary of the Library shall report the same to the Local Library Authority within a period of thirty days.

(4) The Secretary of the Local Library Authority shall record these particulars in a register and maintain it up to date.
10. **Aided libraries**.—(1) Libraries shall be declared eligible for aid by the Director after consulting the Local Library Authority concerned.

(2) The following shall be the conditions determining eligibility for aid—

(i) The Library shall be kept open to the public for consultation of reading and kindred materials within the premises and without any restrictions except those relating to proper behaviour, public health and conformity to the bye-laws of the Local Library Authority.

(ii) The Library shall have minimum working hours to be fixed by the Director. It shall be located in a place accessible to all communities.

(iii) The Library shall have books and not merely newspapers and periodicals.

(iv) The books to be purchased shall conform to the requirements mentioned below:

   (a) They shall be of general interest and of cultural value.

   (b) Books abusing communities or religions shall not be purchased.

   (c) Books or magazines which are in doubtful taste or which contain undesirable pictures shall not be purchased.

   (d) The industries and trades of the locality shall be taken into consideration at the time of purchasing books.

(v) The registers prescribed by the Director shall be maintained in the library.
(vi) The management of the library shall be registered under the Societies Registration Act, 1860 or the Andhra Pradesh (Telangana Area) Public Societies Registration Act, 1350 F. (Act I of 1350 F.) provided that this clause shall not apply to a library maintained by the Government, a Local Body or a Co-operative Society.

(vii) The Director or any officer nominated by him shall be allowed to inspect the library on any day during working hours in order to satisfy himself that the standards and conditions of eligibility are being maintained.

(viii) Periodicals and ad hoc returns and reports shall be submitted at such times and incorporating such information as may be required by the Director.

(ix) Each year the annual accounts of the library duly audited shall be submitted to the Local Library Authority concerned.

(3) If the Director has reason to believe that any of the conditions prescribed in sub-rule (2) are not fulfilled in respect of a library which has been declared eligible for aid under sub-rule (1), he may call on the Secretary of the Library concerned to show cause against withdrawal of aid and removal of the name of the library from the list of aided libraries, and after considering the replies received if any and after consulting the Local Library Authority concerned, pass such orders as he may deem fit.

11. A Local Library Authority may sanction aid to an aided library from out of the library fund. The aid to be given by the Local Library Authority may be—

(1) non-recurring to meet capital expenditure on buildings, furniture and fittings, or
(2) recurring to meet current expenditure on all or any of the following, namely,—

(a) the purchase of reading and kindred materials;

(b) binding and preservation of reading and kindred materials;

(c) the payment to the staff;

(d) deputation allowance for staff deputed for professional training at institutions approved by the Local Library Authority for the purpose;

(e) other office expenses.

(3) The aid may be both recurring and non-recurring.

12. (1) Non-recurring grant shall be made on such capital expenditure as is made on buildings whose plans and specifications are approved by the Local Library Authority and are erected in accordance with the estimates approved by it.

(2) The non-recurring grant shall bear such proportion to the actual expenditure as is fixed by the Director from time to time, subject to a maximum amount determined by the Director in relation to the approved estimate.

13. (1) The recurring grant for a financial year shall be sanctioned by the Local Library Authority on the basis of the expenditure for the preceding financial year as shown in the accounts and balance sheet in the report of the approved auditor:

Provided that the estimated expenditure of the current year approved by the Local Library Authority may form the basis for the first year in which a Library is given aid. Any adjustment in the amount of recurring grant for the first year may be made in the next year.
(2) The recurring grant shall bear such proportion to the actual expenditure as is fixed by the Director from time to time.

14. Duties of the Chairman and Secretary—

(1) The duties of the Chairman of the Local Library Authority shall be as follows:

(a) He shall preside over all the meetings of the Local Library Authority provided that if the Chairman is unable to attend a meeting of the members present shall elect one of themselves to preside over the meeting during the Chairman's absence.

(b) He shall exercise general control over the Local Library Authority.

(c) He shall appoint the staff employed by the Local Library Authority provided that for the appointment of District Central Librarians, Upper Division Clerks, technical staff such as Children’s Librarians, Branch Librarians and Assistant Librarians, the approval of the Secretary, State Library Committee, shall be obtained.

(2) The duties of the Secretary of the Local Library Authority shall be as follows:

(a) He shall convene the meetings of the Local Library Authority and shall be subordinate to the Chairman.

(b) He shall be responsible for the proper control and supervision of the office of the Local Library Authority and Librarians appointed by the Local Library Authority.
(e) He shall submit his recommendations to the Chairman for filling up a vacancy or vacancies in the office of the Local Library Authority and in the Libraries under the control of the Local Library Authority.

(d) He shall post the Chairman with all rules, etc., and up-to-date information regarding the working of the Libraries in the district.

(g) He shall submit to the Director through the Chairman not later than the 30th April every year, a report on the working of the public libraries in the district during the preceding year.

(f) He shall be responsible in all administrative matters and for the prompt submission of all replies and returns as and when called for by the Director.

(g) He shall be responsible for implementing the resolutions passed by the Local Library Authority or its sub-committees provided that such resolutions are in conformity with the Act and with the terms and conditions laid down by the Director.

(h) He shall draw up the schemes to be submitted by the Local Library Authority to the Director.

(i) He shall correspond with the Director; but in all policy matters, the prior approval of the Chairman shall be obtained.

(j) He shall be responsible for the proper administration of the library fund.

(3) The cheque book shall be under the custody of the Secretary in the office of the Local Library Authority.
15. Schemes to be submitted by the Local Library Authorities—

(1) In this rule and rule 16 "Local Body" shall mean—

(i) A Municipality (i.e., a Municipal town or Corporation).

(ii) A Panchayat Samiti.

(iii) A Zilla Parishad in respect of those areas within its jurisdiction for which Panchayat Samitis are not functioning.

(2) Each Local Library Authority shall first prepare and submit to the Director a tentative outline scheme giving in skeleton form, a picture of the number of main and branch libraries and delivery stations which its area should have ultimately, i.e., when the spread of library service reaches its fullness.

(3) When preparing the tentative outline scheme the Local Library Authority shall consult the local bodies within its jurisdiction regarding the needs of their respective areas and their willingness to fulfil their needs.

16. A tentative outline scheme shall give the following and any other relevant information:

(1) A map of each municipality lying within the area with the positions of the main library and branch libraries, if any (existing and proposed), shown by distinctive marks.

(2) The basis for the map of each municipality shall be as follows:

(a) if the population does not exceed 50,000, one main library;
(b) if the population exceeds 50,000, one main library and in addition, a branch library for every 25,000 people in excess of 50,000.

(3) A map of the area of each district with the position of each municipality, and of the main and branch libraries and delivery stations (existing and proposed) to serve the whole of the district shown by distinctive marks.

(4) The basis for the map of a rural area, i.e., the jurisdiction of the Local Library Authority excluding the municipalities lying within it, shall be as follows:

(a) one District Central Library, i.e., the main library of the district headquarters town in all districts except Hyderabad, where the District Central Library shall be located at Vikarabad;

(b) one branch library for each panchayat with a population of more than 5,000; and

(c) one delivery station for each village or group of villages with a population between 1,000 and 5,000 and if possible, one delivery station for each village or group of villages, with a population below 1,000.

(5) A tabular statement of the material given in the map under the following heads:

(a) for each municipality—

(i) Area.

(ii) Population.

(iii) Number of main and branch libraries (existing and proposed).
(b) for each district—

(i) Area.

(ii) Population.

(iii) Number of Municipalities—

(a) Total population of the municipalities.

(b) Number of main and branch libraries in municipalities (existing and proposed).

(iv) Number of panchayats with a population of more than 5,000 and their total population.

(v) Number of branch libraries in each Panchayat (existing and proposed).

(vi) Balance of population.

(vii) Number of villages or groups of villages with a population between 5,000 and 1,000 and their total.

(viii) Number of delivery stations in such villages or groups of villages (existing and proposed).

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MADRAS PUBLIC LIBRARIES ACT, 1948

(Madras Act XXIV of 1948)

AND RULES MADE THEREUNDER

(As modified up to the 15th November, 1955)

Received the assent of the Governor-General on the 29th January, 1949, first published in the Fort St. George Gazette on the 8th February, 1949).
References to papers connected with the Act


(For statement of Objects and Reasons, see Fort St. George Gazette, Part IV-A, dated 9th December, 1947, page 572; for Proceedings in the Assembly, see Madras Legislative Assembly Debates, Volume IX, pages 599, 607, 619 to 642, Volume XVI, pages 686 to 719; for Report of the Select Committee, see Appendix at pages 749–757 of the Madras Legislative Assembly Debates, Volume XVI; for Proceedings in the Council, see Madras Legislative Council Debates, Volume XIX, pages 619–630; for Act, see Fort St. George Gazette, Part IV-B, dated 8th February, 1949, pages 21 to 28.)


(For Statement of Objects and Reasons, see Fort St. George Gazette, Part IV-A, dated 19th May, 1954, page 213; for Act, see Fort St. George Gazette, Part IV-B, dated 25th August, 1954, page 121)


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MADRAS PUBLIC LIBRARIES ACT

MADRAS ACT XXIV OF 1948

(Madras Public Libraries Act, 1948)

[8th February, 1949]

(As modified up to the 15th November, 1955)

An Act to provide for the establishment of public libraries in the Province of Madras and the organisation of a comprehensive rural and urban library service therein.

Whereas it is expedient to provide for the establishment of public libraries, and the organisation of a comprehensive rural and urban library service, in the Province of Madras; It is hereby enacted as follows:

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Madras Public Libraries Act, 1948.

(2) It extends to the whole of the [State] of Madras.

(3) This section shall come into force at once; and the rest of this Act shall come into force on such date as the Government may, by notification, appoint.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(1) 'Aided library' means a library declared by the Director to be eligible for aid from the Government;

(2) 'Director' means the Director of Public Libraries appointed under section 4;

1. This word was substituted for the word "Province" by the Adaption Order of 1950.
(3) 'district' means a revenue district;

(4) 'Government' means the 1[State] Government;

(5) 'notification' means a notification published in the Fort St. George Gazette;

(6) 'prescribed' means prescribed by rules made under this Act;

(7) 1[State] means the 1[State] of Madras;

(8) 'Public Library' means a library established or maintained by a Local Library Authority, and includes the branches and delivery stations of such library; and

(9) 'year' means the financial year.

THE 1[STATE LIBRARY COMMITTEE]

3. State Library Committee and its functions.—(1) A 1[State Library Committee shall be constituted by the Government for the purpose of advising them on such matters relating to libraries as they may refer to it.

(2) The Committee shall be constituted in such manner, and shall exercise and perform such other powers and duties as may be prescribed.

THE DIRECTOR AND HIS DUTIES

4. Appointment and duties of Director.—The Government shall appoint a Director of Public Libraries for the 1[State] and he shall, subject to their control—

1. This word was substituted for the word "Province" by the Adaptation Order of 195—.
(a) manage the central library, being a library constituted by the Government as the central library or an existing Government library recognized by them as the central library, together with the branches of such library;

(b) superintend and direct all matters relating to public libraries;

(c) declare in accordance with the rules made under this Act, what libraries are eligible for aid from the Government and superintend and direct all matters relating to such libraries;

(d) superintend and control the work of all Local Library Authorities under this Act;

(e) submit to the Government every year a report on the work of libraries under this Act in the previous year; and

(f) perform such other duties and exercise such other powers as are imposed or conferred by this Act or the rules made thereunder.

LOCAL LIBRARY AUTHORITIES

5. Constitution of Local Library Authorities.—(1) For the purpose of organizing and administering public libraries in the State, there shall be constituted Local Library Authorities, one for the City of Madras and one for each district.

(2) The Local Library Authority for the City of Madras shall consist of—

(a) three members elected by the Corporation of Madras;

1. This word was substituted for the word “Province” by the Adaptation Order of 1950.
(b) eight members nominated by the Government, of whom—

(i) there shall be office-bearers of libraries situated in the City of Madras and recognized in this behalf by the Government,

(ii) two shall be headmasters or headmistresses of high schools in the City of Madras, and

(iii) one shall be the principal of a college in the City of Madras;

(c) the holder for the time being of an office, which the Government may, from time to time, specify in this behalf.

(3) The Local Library Authority for each district shall consist of—

(a) ten members nominated by the Director, of whom—

(i) three shall be office-bearers of libraries situated in the district and recognised in this behalf by the Government, and

(ii) five shall be headmasters or headmistresses of high schools or principals of colleges in the district;

(b) one member elected by the district board, and where there are two or more district boards in the district, one member elected by each such district board;

(c) such number of members as may be elected by the presidents of the panchayats in the district, the presidents of the panchayats in each taluk electing one member;
(d) such number of members as may be elected by the municipal councils in the district, each municipal council electing one or more members in accordance with the following scale:

Number of members.

Municipalities with a population—

Not exceeding one lakh: One.
Exceeding one lakh but not exceeding two lakhs: Two.
Exceeding two lakhs: Three.

(e) the holder for the time being of an office which the Government may, from time to time, specify in this behalf.

(4) The member referred to in clause (e) of sub-section (2) or in clause (e) of sub-section (3), as the case may be, shall be the Secretary of the Local Library Authority concerned.

(5) Every Local Library Authority shall elect one of its members to be its Chairman.

(6) Subject to the provisions of sub-section (8), the term of office of a nominated or elected member of a Local Library Authority shall be three years from the date of his nomination or election, as the case may be.

(7) A vacancy in the office of a nominated or elected member of a Local Library Authority occurring otherwise than by efflux of time shall be filled by nomination or election in accordance with the provisions of sub-section (2) of sub-section (3), as the case may be, and the
person nominated or elected to fill the vacancy shall, subject to the provisions of sub-section (8), hold office only for the remainder of the term for which the member whose place he takes was nominated or elected.

(8) A member nominated in his capacity as the holder of a particular office, shall, if he ceases to be the holder of that office, cease to be a member of the Local Library Authority.

(9) No act of a Local Library Authority shall be deemed to be invalid by reason only of the existence of any vacancy in, or any defect in the constitution of, that Authority.

(10) Members of Local Library Authorities shall be eligible for re-nomination or re-election.

6. Incorporation of Local Library Authorities.—Every Local Library Authority shall be a body corporate, by the name of the area for which it is constituted, shall have perpetual succession and a common seal and shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding or transferring property, movable or immovable, of entering into contracts and of doing all things necessary, proper or expedient for the purposes for which it is constituted.

7. Executive Committees and Sub-committees of Local Library Authorities.—(1) A Local Library Authority may appoint an executive committee consisting of such number of its members, not exceeding seven, as it may deem fit, and delegate to such committee all or any of its powers or duties under this Act.

(2) A Local Library Authority may also from time to time appoint sub-committee to enquire into and report or advise on any matters which it may refer to them.
8. Schemes to be submitted by Local Library Authorities.—(1) As soon as possible after a Local Library Authority is constituted, and thereafter as often as may be required by the Director, every Local Library Authority shall, and whenever it considers it necessary so to do, a Local Library Authority may prepare a scheme for establishing libraries and for spreading library service within its area and submit it to the Director for sanction. The Director may sanction it with such modifications and additions, if any, as he may think fit and the Local Library Authority shall give effect to the scheme as so sanctioned by him.

(2) The Director may suo motu or on application by the Local Library Authority concerned modify any scheme sanctioned under sub-section (1) or replace it by a new scheme.

9. Powers of Local Library Authorities.—A Local Library Authority may—

(a) provide suitable lands and buildings for public libraries and also the furniture, fittings, materials and conveniences requisite therefor;

(b) stock such libraries with books, periodicals, newspapers, maps, works and specimens of art and science, lantern slides, cinema reels and any other thing suitable for their purpose;

(c) employ from time to time such staff as it considers necessary, for such libraries;

(d) with the previous sanction of the Government, close or discontinue any public library or change the site thereof;
(e) [accept, with the previous sanction of the Director or the Government, any gift or books, or with the previous sanction of the Government, any other gift or endowment for any purpose connected with its activities;]

(f) provide for lectures and the holding of classes; and

(g) in general, do everything necessary to carry out the provisions of this Act.

10. Vesting of properties in Local Library Authorities.
—All property, movable and immovable, acquired or held for the purpose of any public library in any area shall vest in the Local Library Authority of that area.

Commentary


11. Regulations by Local Library Authorities.—(1) Subject to the provisions of this Act and the rules made thereunder, a Local Library Authority may make regulations generally to carry out the purposes of this Act and, without prejudice to the generality of this power, such regulations may provide for—

(a) the admission of the public to public libraries in its area on such conditions and on payment of such fees as it may specify;

(b) requiring from persons desiring to use such libraries any guarantee or security against injury to, or misuse, destruction or loss of the property of such libraries;

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

(d) authorizing its officers and servants to exclude or remove from any such library any person who contravenes or fails to comply with the provisions of this Act or the rules or regulations made thereunder.

(2) The Government may, in their discretion, modify or cancel any regulation made by a Local Library Authority under sub-section (1):

Provided that before modifying or cancelling any regulation the Government shall give the Local Library Authority concerned a reasonable opportunity to make its representations in the matter.

Commentary


FINANCE AND ACCOUNTS

12. Library cess.—(1) (a) Every Local Library Authority shall levy in the area a library cess in the form of a surcharge on the property tax or house tax levied in such area under the Madras City Municipalities Act, 1919, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as the case may be, at the rate of six pies for every whole rupee in the property tax or house tax so levied.

(b) A Local Library Authority may, with the previous sanction of the Government and shall, if so directed by them, increase the rate specified in clause (a).
(2) The cess levied under sub-section (1) shall be collected—

(a) in the City of Madras, by the Corporation of Madras;

(b) in an area within the jurisdiction of a municipal council, by the municipal council;

(c) in an area within the jurisdiction of a panchayat, by the panchayat; and

(d) in an area in a district not included within the jurisdiction of a municipal council or a panchayat, by the district board,

as if the cess were a property tax or house tax payable under the Madras City Municipal Act, 1919, or the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as the case may be, and all the relevant 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 aforesaid, the provisions of the Madras City Municipal Act, 1919, or the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, 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 Local Library Authority concerned by the Corporation of Madras, the municipal council, the panchayat or the district board, as the case may be.

**Commentary**

*See* under section 20 of Andhra Pradesh Public Libraries Act, 1960.

13. **Library Fund.**—(1) Every Local Library Authority shall maintain a fund called the 'Library Fund' from which all its expenses under this Act shall be met.
(2) There shall be credited to the Library Fund the following sums, namely,—

(a) the cess collected under section 12, sub-section (2);

(b) contributions, gifts, and income from endowments made for the benefit of public libraries;

(c) special grants which the Government may make for any specific purpose connected with libraries;

(d) fees, fines and other amounts collected by the Local Library Authority under any rules or regulations made under this Act.

(3) The Government shall contribute to the Library Fund maintained by every Local Library Authority other than the Local Library Authority for the City of Madras, a sum not less than the cess collected under section 12, sub-section (2).

14. Maintenance of accounts.—(1) An account shall be kept of the receipts and expenses of each Local Library Authority.

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

15. Supersession or reconstitution of Library Authorities.—Notwithstanding any provision in the Act, the Government may, in cases where they think it necessary to do so, supersede or reconstitute any Library Authorities constituted under the Act:

Provided, however, the Government shall give notice to the Authority concerned together with the grounds on which they propose to supersede or reconstitute and shall consider any explanations that may be offered by such Authority.
REPORTS, RETURNS AND INSPECTION

16. Reports and returns.—Every Local Library Authority and every person in charge of a public or aided library shall submit such reports and returns and furnish such information to the Director or any person authorised by him as the Director or the person authorised may, from time to time, require.

17. Inspection of libraries.—The Director, or any person authorised by him may inspect any public or aided library or any institution attached thereto for the purpose of satisfying himself that the provisions of this Act and the rules and regulations thereunder are duly carried out.

RULES

18. Power to make rules.—(1) The Government may, by notification, make rules consistent with this Act to carry out the purposes thereof.

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

(a) all matters required or allowed to be prescribed under the Act;

(b) the method of conducting the election of members to Local Library Authorities and all matters connected therewith;

(c) the matters to be included in the scheme referred to in section 8;

(d) The maintenance of the minutes of the proceedings of Local Library Authorities;

(e) the publication of audited statements of the accounts of such Authorities and of the reports of the auditors; and
(f) a Library Grant-in-aid Code, regulating the Government's aid to, and the declaration, inspection and co-ordination by the Director of aided libraries and the standards to be maintained by such libraries.

Commentary


MISCELLANEOUS

19. Amendment of the Press and Registration of Books Act, 1867, in its application to the 1[State].—The Press and Registration of Books Act, 1867, shall, in its application to the 1[State] be amended as follows:

(i) In section 9, first paragraph, clause (a) (which relates to the delivery to the Government of copies of books by the printer of a press), for the words "one such copy", the words "five such copies" shall be substituted.

(ii) In the same section, in the last paragraph, clause (i) for the words "a copy of the first or some preceding edition of which book has been delivered" the words "five copies of the first or some preceding edition of which book have been delivered" shall be substituted.

(iii) In section 11, for the first sentence, the following sentence shall be substituted, namely:

"Out of the five copies delivered pursuant to clause (a) of the first paragraph of section 9 of this Act, four

1. This word was substituted for the word "Province" by the Adaptation Order of 1950.
copies shall be sent to the Central Library referred to in section 4, clause (a) of the Madras Public Libraries Act, 1948, and the fifth copy shall be disposed of in such manner as the 1[State] Government may, from time to time, determine."

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1. This word was substituted for the word "Provincial" by the Adaptation Order of 1950.
*MADRAS PUBLIC LIBRARIES RULES,
1950

(G.O. No. 627-Education, 28th February, 1950)

(As modified up to the 15th November, 1955)

In exercise of the powers conferred by section 18 (1) of the
Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948),
His Excellency the Governor of Madras hereby makes the follow-
ing rules:

RULES

CHAPTER I

The State Library Committees—Constitution, Powers
and Duties

1. (1) These rules may be called the Madras Public Libra-
ries Rules, 1950.

(2) They shall come into force on the 1st April, 1950.

2. (1) The State Library Committee (hereinafter referred to as
the Committee), shall consist of—

(i) the Minister in charge of Education (hereinafter refer-
red to as the Minister);

(ii) the Minister in charge of Local Administration;

*Published in the Rules Supplement to Part I-B, page 19, of the Fort
St. George Gazette, dated 14th March, 1950*
(ii-a) the Secretary to Government, Health, Education and Local Administration Department;

(iii) the Director of Public Instruction (ex-officio Director of Public Libraries, hereinafter referred to as the Director);

(iv) the Special Officer assisting the Director in the administration of the Act (hereinafter referred to as the Special Officer);

(v) two persons elected by the State Legislature, one by the members of the Legislative Assembly and the other by the members of the Legislative Council;

(vi) one person nominated by each of the Syndicates of (i) the Madras University, (ii) Andhra University, and (iii) the Annamalai University;

(vii) one person nominated by each of the executives of (i) the Madras Library Association, (ii) the Kerala Library Association; and (iii) the Kannada Library Association;

(viii) one person with special knowledge of matters relating to libraries nominated by the Minister;

(ix) one person nominated by the Minister from among the members of the Local Library Authority of the City of Madras;

(x) two persons nominated by the Minister from among the members of the Local Library Authorities in the districts.

(2) The Minister shall be the President and the Special Officer shall be the Secretary of the Committee.

(3) The Director shall address the Secretary to the Madras Legislature for the election of the members to be elected by
the Legislature to the Committee. The members shall be elected upon a motion to be made in the House concerned by the Minister.

3. (1) Subject to the provisions of sub-rule (3) the term of the office of a nominated or elected member of the Committee, other than an ex-officio member, shall be three years from the date of his nomination or election, as the case may be.

(2) A vacancy in the office of a nominated or elected member of the Committee occurring otherwise than by efflux of time shall be filled by nomination or election, as the case may be, and the person nominated or elected to fill the vacancy shall hold office only for the remainder of the term for which the member whose place he takes was nominated or elected.

(3) A member nominated in his capacity as the holder of a particular office shall, if he ceases to be the holder of that office, cease to be a member of the Committee.

(4) Members of the Committee shall be eligible for re-nomination or re-election.

4. The members of the Committee and its sub-committees shall receive no remuneration.

The Committee or its sub-committee shall be treated of the first class (as distinct from committees of the State Legislature) and members of the State Legislature and non-official members (including pensioners and those paid from non-government sources) shall draw travelling allowance at the following rates and on the following conditions:

Railway fare: 1st class 12 pies per mile.

Mileage: Six annas a mile.
Daily allowance: Rs. 10 for each day of attendance at the meeting including half of less than 24 hours to attend a meeting.

Rs. 7-8 for each day of attendance at the meeting held at the place of residence of the member or within a radius of five miles of his residence.

No daily allowance for the day previous or subsequent to the meeting of the Committee.

5. The Committee shall commence functioning notwithstanding the fact that Local Library Authorities have not been constituted or representatives of such authorities have not been nominated to the Committee.

6. (1) The Committee shall meet at such times and in such places as may be determined by the Minister.

(2) Five members will form a quorum.

(3) In the absence of the Minister, the members present at a meeting of the Committee shall elect a Chairman from among themselves.

(4) (a) The Committee may appoint sub-committees to examine special problems coming within its purview and to formulate proposals for its consideration and to deal with current administration in respect of matters comprehended in rule 7, clauses (c) (d), (e), (g) and (h).

(b) Such sub-committees may consist solely of members of the Committee or solely of non-members who are
experts in matters relating to libraries or partly of members and partly of such non-members.

7. The matters in regard to which the Committee may advise the Government, exercise powers or perform duties, are the following:

   (a) (i) The constitution of the central library and its branches or the recognition of an existing Government library together with its branches, if any, as such central library and its branches.

   (ii) The laying down of the policy for the management of the central library including its branches.

   (b) The rules to be framed under section 18 of the Act.

   (c) (i) The encouraging of the employment of trained professional staff of different grades for the library system of the State.

   (ii) The maintenance of a register of approved members of the library profession of different grades from among whom the professional staff of the libraries of the State may be appointed.

   (iii) The prescription of qualifications, academic and professional, needed for the different grades of professional staff for inclusion in the register of approved librarians.

   (iv) The suggestion of standard scales of salary and other conditions of service for the different grades of professional staff in libraries.

   (d) The publication of the copyright list of the State bibliography and book selection lists for the benefit of the libraries of the State.
(e) (i) The promotion of co-operative classification and
cataloguing and other forms of co-operation and
co-ordination among the libraries of the State and
of India as a whole.

(ii) The promotion of standards for library buildings,
fittings and furniture and for library technique.

(f) (i) The promotion of production of reference books,
adults' books and children's books suitable for
use in libraries.

(ii) The promotion of production and use of books for
the blind.

(g) The consideration of the schemes submitted by the
Local Library Authorities.

(h) The consideration of the stages in which libraries in
different areas are to be established.

LOCAL LIBRARY AUTHORITIES—FILLING UP OF
VACANCIES IN THE OFFICE OF MEMBERS;

8. The Director or the Chairman of the Local Library
Authority for the City of Madras shall intimate to the Corpora-
tion of Madras the existence or the occurrence of a vacancy or
vacancies in the Local Library Authority aforesaid to be filled by
the Corporation by election and thereupon the Corporation shall
elect the required number of members.

9. Whenever a vacancy occurs in the Local Library
Authority for the City of Madras to be filled by nomination by
the Government, the Chairman of the Local Library Authority
shall address the Director to take the necessary step to fill it up.

10. Any vacancy arising under section 5(2) (e) of the Act
shall be reported to the Director for taking such action as may
be necessary.
11. The Director or the Chairman of the Local Library Authority of the district shall intimate to the President of the district board, the occurrence or the existence of a vacancy in the Library Authority aforesaid to be filled by election by the District Board. Thereupon the District Board shall elect a member to fill up the vacancy.

12. The Director or the Chairman of the Local Library Authority of the district shall intimate to the District Panchayat Officer or the Deputy Panchayat Officer of the district the occurrence or the existence of a vacancy or vacancies in the Library Authority aforesaid to be filled by election by the Presidents of the Panchayats in the district. Thereupon the District Panchayat Officer or the Deputy Panchayat Officer, as the case may be, shall make the arrangements necessary for such election. The District Panchayat Officer or the Deputy Panchayat Officer as the case may be, shall convene a meeting of the Presidents of the Panchayats in the districts after giving a notice of not less than 7 days of the meeting specifying the time and place at which the meeting will be held.

13. The Director or the Chairman of the Local Library Authority of the district shall intimate to the Chairman of the municipal council the occurrence or the existence of a vacancy or vacancies in the Library Authority aforesaid to be filled by election by the municipal council and thereupon the council shall elect the required number of members.

14. Whenever vacancies occur in the Local Library Authority of a district among the ten members nominated by the Director, the Chairman of the Local Library Authority shall address the Director to take the steps necessary to fill them up.

15. Any vacancy arising under section 5(3)(e) of the Act shall be reported by the Chairman of the Local Library Authority to the Director for taking such action as may be necessary.
16. (1) The election of members to the Local Library Authority to be made by the Corporation of Madras or a District Board or municipal council shall be by ballot at a meeting held for the purpose by the body concerned.

(2) The election of one member to the Local Library Authority to be made by the presidents of the panchayats in each taluk in the district shall be by ballot at a meeting of the presidents concerned:

Provided that—

(a) If there is only one panchayat in the taluk, the president of that panchayat shall nominate a candidate and the candidate so nominated shall be deemed to be duly elected;

(b) If there are two or three panchayats in a taluk, a meeting of the presidents of those panchayats shall be convened at which these presidents shall after due deliberation among themselves choose a candidate and the candidate so chosen shall be declared to be duly elected; and

(c) If the presidents are unable to agree among themselves as to the candidate to be chosen, lots shall be drawn in the presence of the District Panchayat Officer or the Deputy Panchayat Officer as the case may be and the candidate whose name is thus drawn shall be declared to be duly elected.

(3) The quorum for the meeting for the election of one member to the Local Library Authority by the Presidents of the Panchayats in a taluk shall be one-third of the total number of presidents.
CHAPTER II

Libraries eligible for aid

17. The Director shall maintain a register of aided libraries.

18. The following are the conditions determining eligibility for entry in the register of aid libraries, namely:

(1) The Library shall be kept open free of charge to the public of the locality for consultation of reading and kindred materials within the premises without any restriction except those relating to proper behaviour, public health and conformity to the rules of the library which have received the approval of the Director.

(2) The library shall be kept open for use by the public for not less than 30 hours, in a week, shall have a minimum average daily attendance to be fixed by the Directors, shall be located in a place accessible to all communities and shall not be removed to any place inaccessible to any community without the previous sanction of the Director.

(3) The library shall have books and not merely newspapers and current periodicals.

(4) The indents for books, magazines and journals to be purchased for libraries shall receive the prior approval of the Local Library Authority. The books, magazines and journals to be purchased shall conform to the requirements mentioned below:

(a) They shall be of general interest and of cultural value.

(b) The books, if they are stories or novels, shall be by standard authors and shall not be in doubtful taste.
(c) Books, magazines and journals abusing communities or religions shall not be purchased.

(d) Books, magazines and journals or magazines which are in doubtful taste or which contain undesirable pictures shall not be purchased.

(5) A separate register for books and for members shall be maintained in each library.

(6) The Library shall lend books for use outside the library premises on conditions approved by the Director and the number of books so lent in a year shall not be less than a minimum to be fixed by the Director.

(7) The library shall have an adequate staff to administer its affairs according to the standard fixed by the Director.

(8) The Library shall be located in a building of its own with the necessary fittings and furniture to the satisfaction of the Director, who shall give advice about the standards required in each case.

(9) The library if it is one maintained by a Grama Sangam or a private agency in a village with a population of over 5000 or in an urban area, shall have a capital fund of Rs. 2000 and a minimum annual income of Rs. 200 derived from capital fund and other sources taken together but excluding the Government grant.

Note. (i) A library maintained by a panchayat or a co-operative society will not come within the scope of this rule.

(ii) Any existing library which does not have the capital fund of Rs. 2000 and a minimum annual income of Rs. 200 derived from the capital fund and
other sources taken together excluding the Government grant shall be allowed a period of five years from 1st April 1953 to raise the same:

Provided that this clause shall not apply to any library maintained by the Corporation of Madras or by any Municipal Council, District Board or panchayat or by a co-operative society.

(10) The Library shall be owned and managed by a body approved by the Director or a person authorised by him and the copy of its constitution and by-laws shall be filed with the Director or the person aforesaid.

19. The following are the conditions for retention of the name of a library in the register of aided libraries from year to year, namely,—

(1) There shall be no deterioration in the standards and conditions approved at the time of entry in the register.

(2) The Director or his agents shall be allowed to inspect the library, from time to time, in order that the Director may satisfy himself that the standards and conditions of eligibility are being maintained.

(3) Periodicals and at-hoc returns and reports shall be submitted at such times and incorporating such information as may be required by the Director.

(4) The library building and other immovable property of the library or its capital fund shall not be alienated without the sanction of the Director and without the same being replaced to an extent equal in value to the satisfaction of the Director.

(5) All changes in the constitution and by-laws of the body owning the library shall be subject to the approval of
the Director or a person authorised by him and a copy of the same shall be filed with the Director or the person aforesaid.

(6) All changes in personnel of the Managing Body shall be reported to the Director within one month of the change.

(7) Each year the annual accounts as audited and certified by an auditor approved by the Director shall be submitted to him:

Provided that this sub-rule shall not apply to any library which receives a Government grant of not less than Rs. 2,000 and the accounts of which are inspected by the Deputy Inspector of Schools having jurisdiction.

20. The aid to be given by the Director may be—

(1) non-recurring to meet capital expenditure on buildings, furniture and fittings, or

(2) recurring to meet current expenditure on all or any of the following, namely,—

(a) the purchase of reading and kindred materials;

(b) binding and preservation of reading and kindred materials;

(c) the payment to the staff;

(d) deputation allowance for staff deputed for professional training at institutions approved by the Director for the purpose;

(e) other office expenses.

(3) The aid may be both recurring and non-recurring.
21. (1) Non-recurring grant shall be made on such capital expenditure as is made on buildings whose plants and specifications are approved by the Director and are erected in accordance with the estimates approved by him.

(2) The non-recurring grant shall bear such proportion to the actual expenditure as is fixed by the Government from time to time, subject to a maximum amount determined by the Government in relation to the approved estimate.

22. (1) The recurring grant for a financial year shall be sanctioned by the Director on the basis of the expenditure for the preceding financial year as shown in the accounts and balance-sheet in the report of the approved auditor, or the Deputy Inspector of Schools as the case may be:

Provided that the estimated expenditure of the current year approved by the Director may form the basis of the first year in which a library is given aid. Any adjustment in the amount of recurring grant for the first year that may become necessary on the basis of the actual expenditure for the year may be made in the next year.

(2) The recurring grant shall bear such proportion to the actual expenditure as is fixed by the Government from time to time.

CHAPTER III

Financial Rules—General

23. All moneys received by the Local Library Authority shall be deposited in the nearest Government treasury:

Provided that the Local Library Authority may, with the sanction of the Government, for specified reasons, have a
current account with any of the local banks approved by the Government; or with any of the following banks, namely,—

(i) a branch of the Post Office Savings Bank;

(ii) the Madras State Co-operative Bank;

(iii) a Central Co-operative Bank approved by the Registrar of Co-operative Societies, Madras, for the purpose.

(iv) The Imperial Bank of India (now the State Bank of India):

Provided further that the Local Library Authority may, with the sanction of Government, invest any sums not required for immediate use in "Fixed Deposits" in any of the local banks approved by the Government or in any of the banks mentioned in items 1 to 4 of the preceding proviso or in Government securities or with the sanction of the Government in any other security.

24. (a) All orders or cheques against the library fund shall be signed by the Chairman of the Local Library Authority or by some person duly authorized by him in this behalf. The treasury (or bank) in which the fund is deposited shall, so far as the funds to the credit of the Local Library Authorities admit, pay all orders or cheques against the fund which are so signed.

(b) In cases where the Chairman of the Local Library Authority has ceased to be a member of that authority, the Secretary of the Local Library Authority if he is also the District Educational Officer of the district, may, if so authorised by the Director, sign orders and cheques against the library fund to meet the expenditure relating to the day-to-day administration of the authority and the libraries under its management.
24A. The Local Library Authority shall submit to the Director by the 1st February of every year its Budget estimate of receipts and expenditure in the form appended to these rules and the Director shall scrutinise and approve the estimates with or without modifications.

Audit, surcharge and disallowance

25. (1) The Local Library Authority shall submit all accounts to auditors as required by them.

(2) The auditors may—

(i) in writing, require the production of any book, deed, contract, account, voucher, receipt or other document the perusal or examination of which they consider necessary;

(ii) in writing require any person who has the custody or control of any such document or who is accountable for it to appear in person before them;

(iii) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

26. The auditors shall—

(1) report to the Local Library Authority any material impropriety or irregularity which they may observe in the expenditure, or recovery of moneys due to the Local Library Authority or in the accounts;
(2) furnish to the Local Library Authority such information as it may require concerning the progress of their audit;

(3) report to the Local Library Authority any loss or waste of money or other property owned by or vested in the Local Library Authority caused by neglect or misconduct, with the names of persons, directly or indirectly, responsible for such loss or waste; and

(4) submit to the Local Library Authority a final statement of the audit and a copy thereof to the Director within a period of three months from the end of the financial year, or within such other period as the Government may from time to time notify.

27. (i) The Local Library Authority shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and report the same to the Director and to Government.

(ii) The Director shall submit to Government for their information within 3 months of the receipt of reports referred to in sub-rule (i) a consolidated review of reports with special reference to the irregularities and special features if any noticed in audit and the action taken to remedy them.

28. The auditors may disallow every item contrary to law and surcharge the same on the person making, or authorizing the making of, the illegal payment; and may charge against any person responsible for the amount of any deficiency, loss or unprofitable outlay incurred by the negligence or misconduct of that person or for any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.
29. The auditors shall state in writing the reasons for their decision in respect of every disallowance, surcharge or charge.

30. Every sum certified to be due from any person by the auditors under the Act shall be paid by such person to the Local Library Authority within fourteen days from the date of intimation by the Chairman of the said Authority to such person of the decision of the auditors unless within that time he has appealed to the Government against the decision; and such sum if not so paid, or such sum as the Government shall on appeal declare to be due, shall be recoverable by the Local Library Authority.

31. Notwithstanding anything contained in these rules the Government may at any time direct that the recovery of the whole or any part of the amount certified to be due from any person by auditors under this Act shall be waived if in their opinion such a course is necessary considering all the circumstances of the case.

CHAPTER IV

Mode of transacting business

32. The Local Library Authority shall provide an office and shall meet therein or at any centre in the district which may be decided upon by the Chairman for the transaction of business as often as may be necessary upon such days and at such times as it may arrange and also at other times as often as a meeting shall be called by the Chairman.

33. The Chairman shall, on the requisition in writing of not less than one-third of the members then on the Local Library Authority convene a meeting of the said authority provided the requisition specifies the day when and the purpose for which the meeting is to be held. The requisition shall be delivered at
the office of the Local Library Authority during the office hours
to the Chairman, Secretary, or any other official in charge of
the office of the Local Library Authority at least ten clear days
before the day of the meeting. In case the Chairman fails to
comply with the requisition the members who signed the requisition
may summon a meeting of the Local Library Authority
and hold it if there is the required quorum, electing one among
themselves as the Chairman.

34. Every meeting of the Local Library Authority shall be
presided over by the Chairman and in his absence by a member
chosen by the meeting to preside for the occasion.

35. All meetings of the Local Library Authority shall be
open to the public:

Provided that the presiding member may and, at the request
of the Local Library Authority, shall in any particular case, for
reasons to be recorded in the minute book kept under rule 40,
direct that the public generally, or any particular person, shall
withdraw:

Provided further that any of the District Educational Officers
in the district, if that district has more than one District Educa-
tional Officer or the Special Officer for the Education, Pudukkotah,
in respect of the Tiruchorapalli district shall not be directed to
withdraw under the provisions of the foregoing proviso.

36. All questions which may come before the Local Library
Authority at any meeting shall be decided by a majority of the
members present and voting at the meeting and, in every case of
equality of votes, the presiding member shall have and exercise a
second or casting vote.

37. No business shall be transacted at a meeting, unless there
be present at least six members or, if the number of members
then on the Local Library Authority exceeds sixteen, at least one-third of that number.

38. (i) If within half an hour after the time appointed for a meeting, a quorum is not present, the meeting shall stand adjourned, unless all the members present agree to wait longer.

(ii) Subject to the provisions of sub-rule (iii) a member of a Local Library Authority shall cease to hold his office if he absents himself from three consecutive meetings reckoned from the date of the commencement of his term of office or of the last meeting which he attended:

Provided that no meeting from which a member absents himself shall be counted against him under this rule if the notice of that meeting was not given to him.

(iii) When a person ceases to be a member under sub-rule (ii) the Chairman shall at once intimate the fact in writing to such person and report the same to the Local Library Authority at its next meeting. If such a person applies for restoration *suo moto* to the authority on or before the date of its next meeting or within 15 days of receipt by him of such intimation, the Authority may at its meeting next after the receipt of such application restore him to his office of member:

Provided that a member shall not be so restored more than twice during his term of office.

39. No resolution of the Local Library Authority shall be modified or cancelled within three months after the passing thereof at a meeting specially convened in that behalf or by a resolution of the Local Library Authority supported by not less than one-half of the sanctioned number of members.
40. Minutes of the proceedings at each meeting of the Local Library Authority shall be drawn up and entered in a book to be kept for that purpose; and shall be signed by the presiding member or in his absence by some one of the members present thereat; and the said minute shall, at all reasonable times and without charge, be open at the office of the Local Library Authority to the inspection of any person who pays any cess under this Act in the said area.

41. The proceedings of every committee appointed by the Local Library Authority shall be recorded in writing and submitted to the Local Library Authority.

42. (1) The duties of the Chairman of the Local Library Authority shall be as follows:

(a) He shall preside over all the meetings of the Local Library Authority.

(b) He shall exercise general control over the Local Library Authority.

(c) He shall also exercise control over the appointments in the Libraries under his jurisdiction for which suitable candidates shall be obtained from the Secretary of the Provincial Library Committee on application.

(2) The duties of the Secretary of the Local Library Authority shall be as follows:

The Secretary of the Local Library Authority shall be the convener for the meetings of the said Authority. He shall also be responsible for the appointment of the staff, proper control and supervision of the office of the Local Library Authority including its fund and shall sign cheques if authorised by the Chairman under rule 24 in Chapter III.
43. If any difficulty arises in the interpretation or enforcement of these rules, the matter shall be reported to the Director whose decision thereon shall be final.

CHAPTER V

Schemes to be submitted by Local Library Authorities

44. Each Local Library Authority shall first prepare and submit to the Director a tentative outline scheme giving in skeleton form a picture of the number of main and branch libraries and delivery stations, which its area should have ultimately, i.e., when the spread of library service reaches its fulness.

45. A tentative outline scheme shall give the following and any other relevant information:

(1) a map of each city, i.e., a locality with a population of 50,000 or over, lying within the area with the positions of the main library and branch libraries shown by distinctive marks;

(2) the basis for the map of each city may be as follows:
   (a) one main library;
   (b) a branch library either for each division or for every 25,000 people;

(3) a map of the area of each district with the position of each city and of the main and branch libraries and delivery stations to serve the rest of the district shown by distinctive marks;

(4) the basis for the map of a rural area, i.e., the area of a district board excluding the cities lying within it, may be as follows:
(a) one main library as the minimum and more if the size or shape or the terrain of the area demands it,

(b) one branch library for each town, i.e., a locality with a population between 5,000 and 50,000, and

(c) one delivery station for each village, i.e., a locality with a population between 1,000 and 5,000, and one for each group of three contiguous hamlets, i.e., localities with a population below 1,000;

(5) a tabular statement of the material given in the map under the following heads:

(a) for each city—

   (i) Division

   (ii) Area

   (iii) Population

   (iv) Branch library

   (The last line to give the total)

(b) for each district—

   (i) Area.

   (ii) Population.

   (iii) Number of cities—

       (a) Total population of the cities.

       (b) Number of branch libraries in cities.

   (iv) Number of towns and their total population.

   (v) Balance of the population.
(vi) Number of villages and their total population.

(vii) Number of hamlets and their total population.

(viii) Number of delivery stations.

(The last line to give the total.)

46. The Director shall examine the tentative outline schemes of each Local Library Authority and approve it with such modifications and additions if any as he may think fit. He shall thereafter call for a detailed scheme based on the tentative scheme approved by him. On receipt of the detailed scheme, the Director may approve it with or without modifications and shall issue instructions in regard to its execution.

47. The Director shall make report to the State Library Committee in regard to the detailed schemes approved by him under rule 46 whenever it meets and consider wherever possible the suggestions made by its members.

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APPENDIX

(Form for submission of Budget)

[Omitted]

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HYDERABAD PUBLIC LIBRARIES ACT, 1955

(Act No. III of 1955)

CONTENTS

Preamble.

Section

1. Short title, extent and commencement.

2. Definitions.

1 This Act has been repealed by Andhra Pradesh Act. VIII of 1960, S. 28 (1) Inspite of this the text of this Act is being given for academic study as also in view of the Saving Clause in S. 28 (2) of the aforesaid Andhra Pradesh Act.


5. Constitution and functions of the Local Library Authorities.

6. Incorporation of Local Library Authorities.

7. Executive Committees and sub-committees of Local Library Authorities.

8. Schemes to be submitted by Local Library Authorities.


10. Vesting of properties in Local Library Authorities.


12. Library cess.


15. Supersession or reconstitution of Library Authorities.

16. Reports and Returns.

17. Inspection of Libraries.

18. Power to make rules.

19. Copyright Privilege.

(Received the assent of the Rajpramukh on 4th April, 1955; assent first published in the Hyderabad Gazette, Extraordinary, on the 5th April, 1955.)
An Act to provide for the establishment and maintenance of Public Libraries in the State of Hyderabad and the organisation and the development of a comprehensive rural and urban library service therein

Preamble.—Whereas it is expedient to provide for the establishment and maintenance of public libraries, and the organisation and development of a comprehensive rural and urban library service in the State of Hyderabad;

Be it enacted in the Sixth Year of our Republic as follows:

(i) Preliminary

1. Short title, extent and commencement.—(1) This Act may be called the Hyderabad Public Libraries Act, 1955.

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

(3) This section shall come into force at once; and the rest of this Act shall come into force on such date and in such areas as the Government may, by notification, appoint.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(1) 'Aided Library' means a library declared by the Director to be eligible for aid from the Library Fund;

(2) 'Council' means the State Library Council constituted under section 3;

(3) 'Director' means the Director of Public Libraries appointed under section 4;

(4) 'District' means a revenue district;

(5) 'Library Cess' means the rate or assessment authorised by this Act for the purpose of carrying the Act into execution;
(6) 'Notification' means a notification published in the official Gazette;

(7) 'Prescribed' means prescribed by rules made under this Act;

(8) 'Public library' includes—

(a) a library established or maintained by a Local Library Authority, and the branches and delivery stations of such a library;

(b) a library established and maintained by Government and declared open to public;

(c) a library established and maintained by any Local Body and declared open to public;

(d) a library declared to be eligible for aid from the Library Fund;

(9) 'year' means the financial year.

II. STATE LIBRARY AUTHORITY AND THE STATE LIBRARY COUNCIL

3. State Library Authority and the State Library Council.—(1) For the purposes of this Act the Minister for Education (hereinafter referred to as the Minister) shall be the State Library Authority.

(2) The State Library Authority shall promote the formation of the Local Library Authorities and take suitable steps to establish a Public Library System.

(3) The Government shall, by notification, constitute a State Library Council consisting of—

1. The Minister;

2. The Minister for Local Self-Government;
3. The Secretary, Education Department;

4. The Director of Public Instruction;

5. The Director of Public Libraries;

6. The Librarian, State Central Library;

7. Two persons elected by the State Legislature;

8. One person appointed by the Executive Council of the Osmania University;

9. One person appointed by the Executive of the Hyderabad Library Association;

10. Two persons appointed one each by the Corporations of Hyderabad and Secunderabad;

11. Three persons appointed by the All-Hyderabad Local Bodies Conference;

12. One person with special knowledge of Library Science nominated by the Minister; and

13. One person each appointed by every Local Library Authority.

(4) The Minister shall be the President of the Council and the Director shall be the Secretary thereof.

(5) The Council shall advise the Government on all matters arising under this Act and exercise such powers and perform such functions as may be prescribed.

(6) Members of the Council shall hold office for three years from the date of their election or appointment, as the case may be.
4. Constitution of the Department of Public Libraries, appointment of the Director and his duties.—For the purposes of this Act the Government shall constitute a separate department of Public Libraries and either appoint a separate Director for that department or appoint the Director of Public Instruction to be the Director of Public Libraries. The Director so appointed shall, subject to the control of the State Library Authority,—

(a) manage, if appointed as Librarian, the State Central Library, together with the branches of such Library;

(b) superintend and direct all matters relating to public Libraries;

(c) declare, in accordance with the rules made under this Act, what libraries are eligible for aid from the Library Fund and superintend and direct all matters relating to such libraries;

(d) superintend and control the work of all Local Library Authorities under this Act in the manner as may be prescribed from time to time;

(e) submit to the Government every year a report on the working of libraries under this Act in the previous year;

(f) perform such duties and exercise such other powers as directed by the Council in the prescribed manner; and

(g) perform such other duties and exercise such other powers as are imposed or conferred by this Act or the rules made thereunder.

5. Constitution and functions of the Local Library Authorities.—(1) For the purpose of organising and administering public libraries in the State, there shall be constituted
Local Library Authorities, one for the City of Hyderabad, one for the City of Secunderabad and one for each district.

(2) It shall be the duty of every Local Library Authority to provide Library Service in its area.

(3) The Local Library Authority for the City of Hyderabad shall consist of—

(a) nine members nominated by the Government of whom three shall be from the public libraries of the city and one from the Hyderabad Library Association;

(b) five members nominated by the Hyderabad Municipal Corporation; and

(c) the Librarian, City Public Library, as and when established by the Local Library Authority for Hyderabad City.

(4) The Local Library Authority for the City of Secunderabad shall consist of—

(a) five members nominated by the Government of whom two shall be from the public libraries of the city and one from the Hyderabad Library Association;

(b) three members nominated by the Secunderabad Municipal Corporation; and

(c) the Librarian, City Public Library, as and when established by the Local Library Authority for the City of Secunderabad.

(5) The Local Library Authority for each district shall consist of—

(a) six members nominated by the Government of whom two shall be from the public libraries, one from the City Municipal Committees, one from the Town-
Committees and one from the village Panchayats of the District;

(b) two members, one nominated by the City Municipal Committee of the District Headquarters or in the absence of any City Municipal Committee at the District Headquarters by the largest Municipal Committee in the district and one by the District Board;

(c) the Librarian, District Public Library, as and when established by the Local Library Authority of the District.

(6) Every Local Library Authority shall elect one of its members to be its Chairman.

(7) The Librarian of the City or the District Public Libraries connected shall be the Secretary of the respective Local Library Authority. Until the appointment of a Secretary is made, Government shall nominate any one member of the Local Library Authority as Convenor.

(8) Members of a Local Library Authority shall hold office for three years from the date of their appointment.

(9) A vacancy in the office of a member of a Local Library Authority occurring otherwise than by efflux of time shall be filled by nomination in accordance with the provisions of subsections (2), (3) and (4), as the case may be, and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the member, whose place he takes, was appointed.

(10) Members of Local Library Authorities shall be eligible for reappointment.

6. Incorporation of Local Library Authorities.—Every Local Library Authority shall be a body corporate, by the name
of the area for which it is constituted, shall have perpetual succession and a common seal and shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding or transferring property, movable or immovable, of entering into contracts and of doing all things necessary, proper or expedient for the purpose for which it is constituted.

7. Executive Committee and sub-committees of Local Library Authorities.—(1) A Local Library Authority may appoint an Executive Committee consisting of such number of its members, not exceeding five, as it may deem fit and delegate to such Committee all or any of its powers or duties under this Act.

(2) A Local Library Authority may also from time to time appoint sub-committees to enquire into and report on or advise on any matters which it may refer to them.

8. Schemes to be submitted by Local Library Authorities.—(1) As soon as possible after a Local Library Authority is constituted, and thereafter as often as may be required by the Director, every Local Library Authority shall, and whenever it considers it necessary so to do a Local Library Authority may prepare a scheme for establishing libraries and for spreading, library service within its area and submit it to the State Library Authority for sanction through the Director. The State Library Authority may sanction it with such modifications and additions, if any, as he may think fit, and the Local Library Authority shall give effect to the scheme as sanctioned by him.

(2) The State Library Authority may suo motu or on application by the Local Library Authority concerned modify any scheme sanctioned under sub-section (1) or replace it by a new scheme.

9. Powers of Local Library Authorities.—A Local Library Authority may—
(a) provide suitable lands and buildings for public libraries and also the furniture, fittings, materials and conveniences requisite therefor;

(b) stock such libraries with books, periodicals, newspapers, maps, works and specimens of art and science, lantern slides, cinema reels and other things suitable for their purpose;

(c) employ from time to time such staff as it considers necessary for such libraries;

(d) with the previous sanction of the State Library Authority, change the site of or close any public library mentioned in sub-clause (a) of clause (8) of section 2 or discontinue aid to any other public library;

(e) accept any gift or endowment for any purpose connected with its activities, provided that the previous sanction of State Library Authority is taken for accepting any gift or endowment of immovable property;

(f) provide for lectures and the holding of classes, and

(g) in general do everything necessary to carry out the provisions of this Act.

10. **Vesting of properties in Local Library Authorities.**
—All property movable or immovable acquired or held in any area by the Local Library Authority for the purposes of any public library mentioned in sub-clause (a) of clause (8) of section 2 shall vest in the Local Library Authority of that area.

11. **Making of by-laws by Local Library Authorities.**
(1) Subject to the provisions of this Act and the rules made thereunder, a Local Library Authority may make by-laws generally to carry out the purposes of this Act.
(2) In particular and without prejudice to the generality of the provisions contained in sub-section (1), such by-laws may provide for—

(a) the admission of the public to the public libraries in its area on such conditions as it may specify; provided that no fees shall be charged for admission to such public libraries;

(b) requiring from persons desiring to use such libraries any guarantee or security against injury to, or misuse, destruction or loss of the property of such libraries;

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

(d) authorising its officers and servants to exclude or remove from any such library any person who contravenes or fails to comply with the provisions of this Act or the rules or by-laws made thereunder.

(3) The State Library Authority may, in their discretion, modify or cancel any by-law made by a Local Library Authority under sub-section (2):

Provided that before modifying or cancelling any by-law, the State Library Authority shall give the Local Library Authority concerned a reasonable opportunity to make its representations in the matter.

V Finance and Account

12. Library Cess.—(1) (a) Every Local Library Authority shall levy in its area a library cess in the form of a surcharge on the property tax or house tax levied in such area under the Hyderabad Municipal Corporation Act, 1950 (XXXVI of 1950), the Hyderabad Municipal and Town Committees Act, 1951
(XXVII of 1951), the Hyderabad Village Panchayat Act, 1951 (VIII of 1951) or the Hyderabad District Boards Act, 1352 Fasli, as the case may be, at the rate of six pies for every whole rupee, in the property tax or house tax so levied.

(b) A Local Library Authority may, with the previous sanction of the Government and shall, if so directed by them, increase the rate specified in clause (a).

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

(a) in the City of Hyderabad by the Municipal Corporation of Hyderabad;

(b) in the City of Secunderabad, by the Municipal Corporation of Secunderabad;

(c) in an area within the jurisdiction of a Municipal or Town Committee, by such committee;

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

(e) in an area in a district not included within the jurisdiction of a Municipal or Town Committee or a Panchayat, by the District Board—as if the cess were a property tax or house tax payable under the Hyderabad Municipal Corporations Act, 1950, the Hyderabad Municipal and Town Committees Act, 1951, the Hyderabad Village Panchayat Act, 1951, or the Hyderabad District Boards Act in 1352 Fasli, as the case may be, and all the relevant 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 aforesaid, the provisions of any of the aforesaid
Acts applicable to the concerned area, 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 Local Library Authority concerned by the Municipal Corporations of Hyderabad and Secunderabad, the Municipal or Town Committees, the Panchayat to the District Board, as the case may be.

13. **Library Fund.**—(1) Every Local Library Authority shall maintain a fund called the Library Fund from which all the payments under this Act shall be met.

(2) There shall be credited to the Library Fund the following sums, namely,—

(a) the cess collected under sub-section (2) of section 12;

(b) contributions, gifts and income from the endowments made for the benefit of public libraries;

(c) special grants which the Government may make for any specific purpose connected with Libraries; and

(d) fees, fines and other amounts collected by the Local Library Authority under any rules or regulations made under this Act.

(3) The Government shall contribute to the Library Fund maintained by every Local Library Authority other than the Hyderabad City Local Library Authority, a sum not less than the cess collected under sub-section (2) of section 12.

14. **Maintenance of accounts.**—(1) An account shall be kept of the receipts and expenses of each Local Library Authority.

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

15. **Supersession or reconstitution of Library Authorities.**—Notwithstanding any provision in this Act, the Government may, in cases where they think it necessary to do so, supersede or reconstitute any Local Library Authority constituted under this Act:

Provided, however, the Government shall give notice to the authority concerned together with the grounds on which they propose to supersede or reconstitute it and shall consider any explanation that may be offered by such authority.

(vi) **Reports, Returns and Inspection**

16. **Reports and returns.**—Every Local Library Authority and every person in charge of a public library shall submit such reports and returns and furnish such information to the Director or any person authorised by him, as the Director or the person authorised may, from time to time, require.

17. **Inspection of Libraries.**—The Director or any person authorised by him may inspect any public library or any institution attached thereto for the purpose of satisfying himself that the provisions of this Act and the rules and by-laws thereunder are duly carried out.

(vii) **Rules**

18. **Power to make rules.**—(1) The Government may, by notification, make rules consistent with this Act to carry out the purposes thereof.

(2) In particular and without prejudice to the generality of the powers contained in sub-section (1), such rules may provide for—

(a) all matters required or allowed to be prescribed under this Act;
(b) the method of appointment of members;

c) the matters to be included in the scheme referred to in section 8;

d) the maintenance of the minutes of the proceedings of Local Library Authorities;

e) the publication of audited statements of the accounts of such authorities and of the reports of the auditors; and

(f) a Library Grant-in-aid Code, regulating the aid to and the declaration, inspection and co-ordination of aided libraries and the standards to be maintained by such libraries.

(viii) Miscellaneous

19. Copyright privilege.—The Asafia State Library which shall hereafter be the State Central Library, shall receive two free copies of the publications published in the State.

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**IMPERIAL LIBRARY (INDENTURES VALIDATION) ACT, 1902**

(Act No. 1 of 1902)

An Act to confirm and validate certain indentures made between the Agricultural and Horticultural Society of India and the Calcutta Public Library, respectively, and the Secretary of State for India in Council.

[31st January, 1902]

Whereas an indenture, a copy whereof is set forth in the first schedule, was expressed to be made, on the tenth day of April, 1901, between the Agricultural and Horticultural Society of India, of the first part, the president and members for the time being of the said Agricultural and Horticultural Society, of the second
part, and the Secretary of State for India in Council, of the third part;

AND WHEREAS an indenture, a copy whereof is set forth in the second schedule, was expressed to be made, on the twentieth day of December, 1901, between the Calcutta Public Library, of the first part, the vice-president for the time being of the said Calcutta Public Library, of the second part, the members for the time being of the Council of the said Calcutta Public Library, of the third part, and the said Secretary of State in Council, of the fourth part;

AND WHEREAS the said indentures respectively purport to grant and transfer, for consideration, unto the said Secretary of State in Council absolutely the land, described therein, or in the schedules thereto, respectively, and the building with out-buildings, known as the Metcalfe Hall, situate in the town of Calcutta in the territories administered by the Lieutenant-Governor of Bengal;

AND WHEREAS the said Agricultural and Horticultural Society and Calcutta Public Library have been registered as societies under the Societies Registration Act, 1860;

AND WHEREAS it is expedient that any doubt as to the legal effect of the said indentures should be removed, and that the said indentures should be confirmed and declared to be valid and binding in law for all the intents and purposes expressed therein respectively, and especially for the purpose of vesting the said property in His Majesty absolutely so as to be made available for the purposes of an Imperial Library to be established in the said town of Calcutta, or for any other use or purpose to or for which the same may be, or may be intended to be, hereafter applied;

It is hereby enacted as follows:

1. **Short title.**—This Act may be called the **Imperial Library (Indentures Validation) Act, 1902.**
2. Validation of indentures set forth in schedules.—
(1) Notwithstanding anything contained in the Societies Registration Act, 1860, or in any other enactment or rule of law for the time being in force, the property expressed or intended to be transferred to the Secretary of State for India in Council by the indentures, whereof copies are set forth in the first and second schedules respectively, to this Act, shall be deemed and taken to have been so transferred absolutely as and from the dates of the said indentures respectively, and the said several indentures are hereby declared valid and operative as from the said dates respectively.

(2) The said indentures shall be, and from the dates thereof respectively shall be deemed to have been, valid and binding for all purposes whatsoever, and as against all persons whomsoever claiming any right to, or any interest in, or any relief respecting the property or any portion thereof, expressed or intended to be transferred thereby respectively, either as members of the Agricultural and Horticultural Society of India or of the Calcutta Public Library, or otherwise howsoever.

3. Property to vest absolutely in Government.—Notwithstanding anything herein contained, the property expressed or intended to be transferred to the Secretary of State for India in Council by the said indentures respectively shall be, and from the dates thereof respectively shall be deemed to have been, vested in Government absolutely and free from all incumbrances, trusts, powers, equities or obligations of any kind or nature whatsoever.

4. Certain receipts to discharge the Secretary of State in Council from liability.—(1) A receipt signed by the person acting for the time being as president of the said Agricultural and Horticultural Society of India for any money payable by the Secretary of State for India in Council to the said Agricultural and Horticultural Society under the indenture set forth in the first schedule, shall effectually discharge the said Secretary of
State in Council as regards the money therein expressed to be received, and from all liability in respect thereof; and the said Secretary of State in Council shall be concerned to see to the application, or be responsible for any loss or misapplication of the same.

(2) A receipt signed by the person acting for the time being as the vice-president of the said Calcutta Public Library for any money payable by the Secretary of State for India in Council to the said Calcutta Public Library under the indenture set forth in the second schedule, shall effectually discharge the said Secretary of State in Council as regards the money therein expressed to be received, and from all liability in respect thereof; and the said Secretary of State in Council shall not be concerned to see to the application, or be responsible for any loss or misapplication, of the same.

(The First Schedule and Second Schedule omitted.)

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IMPERIAL LIBRARY (CHANGE OF NAME) ACT, 1948

(Act No. LI of 1948)

An Act to change the name of the Imperial Library

[8th September, 1948]

Whereas it is expedient to change the name of the Imperial Library;

It is hereby enacted as follows:

1. Short title.—This Act may be called the Imperial Library (Change of Name) Act, 1948.

2. Imperial Library to be known as “National Library”.—On and after the commencement of this Act, the Imperial Library shall be known as “The National Library”, and any
reference to the Imperial Library in any law for the time being in force or in any indenture, instrument or other document shall be construed as a reference to the National Library.

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**DELIVERY OF BOOKS AND NEWSPAPERS (PUBLIC LIBRARIES) ACT, 1954**

*(Act XXVII of 1954)*

(The Act printed here is as on 15-12-1959)

**CONTENTS**

Section

1. Short title and extent.
2. Definitions.
3. Delivery of books to public libraries.
3A. Delivery of newspapers to public libraries.
4. Receipt of books delivered.
5. Penalty.
6. Cognizance of offences.
8. Power to make rules.

**STATEMENT OF OBJECTS AND REASONS**

In order to promote public libraries in India and to encourage scholarship, it is considered necessary to build up good libraries,

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1. For Statement of Objects and Reasons, see *Gazette of India*, 1953, Extraordinary, Part II, p. 1152.
and for this purpose it is desired to acquire not more than four copies of books and publications in India. One set of books so acquired will be deposited in the National Library, Calcutta, and the remaining three sets will be utilised for other important libraries.


[20th May, 1954]

An Act to provide for delivery of books (and newspapers) to the National Library and other public libraries

Be it enacted by Parliament in the Fifth Year of the Republic of India as follows:

OBJECTS AND REASONS

Amendment made in 1956—"With a view to developing four public libraries in different parts of India to encourage scholarship and dissemination of knowledge, provision has been made in the Delivery of Books (Public Libraries) Act, 1954. The purpose of this Amending Bill (now Act 99 of 1956) is to bring the newspapers within the purview of the Act so that the newspapers may also be available in these public libraries for reference and record."
(S. O. R. Gazette of India, 1956, Extraordinary, Pt. II, Sec. 2, p. 833.)

1. Short title and extent.—(1) This Act may be called the Delivery of Books (and Newspapers) Public Libraries Act, 1954.

1. The words "and newspapers" were inserted by the Delivery of Books (Public Libraries Amendment) Act, 1956 (XCIX of 1956), S. 2, dated 29th December, 1956.
(2) It extends to the whole of India except the State of Jammu and Kashmir.¹

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

(a) "book" includes every volume, part or division of a volume, and pamphlet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed, but does not include a newspaper published in conformity with the provisions of section 5 of the Press and Registration of Books Act, 1867;

²(aa) 'newspaper' means any printed periodical work containing public news or comments on public news published in conformity with the provisions of section 5 of the Press and Registration of Books Act, 1867;

(b) "public library" means the National Library at Calcutta and any three other libraries which may be specified by the Central Government in this behalf by notification, in the official Gazette.

3. Delivery of books to public libraries.—(1) Subject to any rules that may be made under this Act, but without prejudice to the provisions contained in section 9 of the Press and Registration of Books Act, 1867, the publisher of every book published in the territories to which this Act extends after

¹ Inserted by the Delivery of Books (Public Libraries) Amendment Act, 1956 (XCIX of 1956), Sec. 3 (29th December, 1956).

² Clause (aa) was inserted by the Delivery of Books (Public Libraries) Amendment Act, 1956 (XCIX of 1956), Section 4 (29th December, 1956).
the commencement of this Act shall, notwithstanding any agreement to the contrary, deliver at his own expense a copy of the book to the National Library at Calcutta and one such copy to each of the other three public libraries within thirty days from the date of its publication.

(2) The copy delivered to the National Library shall be a copy of the whole book with all maps and illustrations belonging thereto, finished and coloured in the same manner as the best copies of the same, and shall be bound, sewed or stitched together, and on the best paper on which any copy of the book is printed.

(3) The copy delivered to any other public library shall be on the paper on which the largest number of copies of the book is printed for sale, and shall be in the like condition as the books prepared for sale.

(4) Nothing contained in sub-section (1) shall apply to any second or subsequent edition of a book in which edition no additions or alterations either in the letterpress or in the maps, book-prints or other engravings belonging to the book have been made, and a copy of the first or some preceding edition of which book has been delivered under this Act.

13A. Delivery of newspapers to public libraries.—Subject to any rules that may be made under this Act, but without prejudice to the provisions contained in the Press and Registration of Books Act, 1867, the publisher of every newspaper, published in the territories to which this Act extends, shall deliver at his own expense one copy of each issue of such newspaper as soon as it is published to each such public library as may be

1. Inserted by the Delivery of Books (Public Libraries) Amendment Act, 1956 (XCIX of 1956), Section 5 (29th December, 1956).
notified in this behalf by the Central Government in the official Gazette.

4. Receipt for books delivered.—The person in charge of a public library (whether called a librarian or by any other name) or any other person authorized by him in this behalf to whom a copy of a book is delivered under section 3 shall give to the publisher a receipt in writing therefor.

5. Penalty.—Any publisher who contravenes any provision of this Act or of any rule made thereunder shall be punishable with fine which may extend to fifty rupees \(^1\) [and, if the contravention is in respect of a book, shall also be punishable with fine which shall be equivalent to the value of the book,] and the Court trying the offence may direct that the whole or any part of the fine realised from him shall be paid, by way of compensation, to the public library to which the book or \(^2\) [newspaper, as the case may be] ought to have been delivered.

6. Cognizance of offences.—(1) No court shall take cognizance under this Act save on complaint made by an officer empowered in this behalf by the Central Government by a general or special order.

Note.—A person cannot be prosecuted under the Act except upon a complaint made by an officer authorised in this behalf by the Central Government. Offence cannot be tried by any Court other than that of a Presidency Magistrate or that of a first class Magistrate. See section 6.

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2. Inserted \textit{ibid.}
(2) No Court inferior to that of Presidency Magistrate or a Magistrate of the first class shall try any offence punishable under this Act.

77. Application of Act to books and newspapers published by Government.—This Act shall also apply to books and newspapers published by or under the authority of the Government but shall not apply to books meant for official use only.

Note.—Section extends the application of the Act to Government publications and publications under the authority of the Government. But books meant only for official use are exempted from the operation of the Act.

8. Power to make rules.—The Central Government may, by notification in the official Gazette, make rules\(^2\) to carry out the purposes of this Act.

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2. See infra, p. 137.
SECTION 9 OF THE PRESS AND REGISTRATION OF BOOKS ACT, 1867
(Central Act No. 25 of 1867)
(As amended up to 1st July, 1956)

PART III

Delivery of Books

Copies of books printed after commencement of Act to be delivered gratis to Government, Section 9.—Printed\(^1\) copies of the whole of every book which shall be printed\(^1\) in \(^2\)India after this Act shall come into force, together with all maps, prints or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same, shall, notwithstanding any agreement (if the book be published) between the printer and publisher thereof, be delivered by the printer at such place and to such officer as the State Government shall, by notification in the official Gazette, from time to time direct, and free of expense to the Government, as follows, that is to say:

\((a)\) in any case, within one calendar month after the day on which any such book shall first be delivered out of the press, one such copy; and

\((b)\) if within one calendar year from such day the State Government shall require the printer to deliver other such copies not exceeding two in number, then within one calendar month after the day on which any such requisition shall be made by the State Government on the printer, another such copy, or two other such copies, as the State Government may direct, the copies so delivered being bound, sewed or stitched together and upon the best paper on which any copies of the book shall be printed.

The publisher or other person employing the printer shall, at a reasonable time before the expiration of the said month, supply

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1. The words "or lithographed" omitted by Act 55 of 1955, S. 9 (w. e. f. 1st July, 1956).
2. Subs. by Act 3 of 1951, S. 3 and Schedule for the States"
him with all maps, prints and engravings finished and coloured as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid.

Nothing in the former part of this section shall apply to—

(i) any second or subsequent edition of a book in which no additions or alterations either in the letter-press or in the maps, prints or other engravings belonging to the book have been made, and a copy of the first or some preceding edition of which book has been delivered under this Act, or

(ii) any \[newspaper\] published in conformity with the rules laid down in section 5 of this Act.

RECOMMENDATIONS OF THE ADVISORY COMMITTEE

Consequent on the recommendations of the seminar on the "Role of Libraries in Social Education" organised by the Indian Adult Education Association in 1955, the Government of India have set up an Advisory Committee for libraries with nine members of noted educationists of the country headed by K. P. Sinha, Director of Public Instruction, Bihar, to enquire into the present reading needs of the people, to recommend the future library structure in India, and to make recommendations on the administrative and financial measures, etc., necessary to support the future library set-up in India. The Sinha Committee submitted its report in 1958 along with its most helpful recommendations. The following are the summary of the recommendations:

ON THE STRUCTURE OF LIBRARIES

1. Library service should be free to every citizen of India.

1. Subs. by Act 14 of 1922, S.3 and Schedule I, for "periodical work".

3. It should be desirable to have an independent Directorate of Social Education and Libraries in every State. Wherever on account of any special local circumstances this is not possible, the State Government should have at least a wholetime Senior Class I Officer of the rank of Deputy Director of Education.

4. The important functions of the State Library Department should, among others, be as follows:

   (a) prepare annual and Five-Year Plans for libraries in the State;

   (b) collect descriptive and statistical reports on working of all libraries in the State;

   (c) fix minimum standards of library service by various libraries under the State Library Department;

   (d) conduct constant evaluation of library service in the State.

   (e) ensure training of various types of library workers in adequate numbers and quality;

   (f) assist auxiliary bodies in maintaining their efficient and useful working;

   (g) sponsor library legislation where necessary;

   (h) maintain an efficient inspection and advisory service for the district and block libraries in the State;

   (i) supervise and administer the system of grants-in-aid to subscription libraries.

5. The State Central Librarian should be the Chief Technical Adviser of the Library Department.
6. Every State should have a State Library consisting of two wings—the State Central Library and the State Lending Library. The important functions of the State Central Library should, among others, be as follows:

(a) build up an exhaustive collection of all publications, official and non-official, in the State;

(b) undertake bibliographical work, including special bibliographies, for the use of scholars and research workers;

(c) maintain a union catalogue of the important libraries in the State;

(d) maintain a strong reference collection and service;

(e) act as a clearing house of information on the Five-Year Plans of the country, etc.;

(f) organise book exhibitions and professional conferences;

(g) be the centre of inter-library loan within and without the State;

(h) promote library work with children.

The State Lending Library should—

(a) mainly serve as home lending library for the city in which it is situated and as the library supplying the stocks of district libraries;

(b) provide for lending of films, filmstrips and recordings.

7. The State Lending Library should honour the tickets of all service points in the State.

8. Libraries in big cities as well as District Libraries should have children's wings attached to them.
9. The State Library should exercise the following functions in the field of children's library service:

(a) plan the book stocks of libraries having children's wings;

(b) exchange of children's books between libraries;

(c) award prizes for those who publish good reading material for children;

(d) hold conferences of school teachers for discussing children's literature;

(e) hold travelling children’s books exhibitions;

(f) compile annotated catalogues of children’s books;

(g) prepare posters and artistic book-notices;

(h) sponsor projects for studying children’s reading tastes.

10. The State Library should have a Council which should be composed as follows:

(a) The Minister of Education, as Chairman;

(b) The Officer-in-charge of Libraries in the State as Secretary of the Council;

(c) Secretary, Education Department;

(d) Representatives of all District Libraries in the State;

(e) A representative of the State Library Association;

(f) Vice-Chancellors of all the Universities in the State;

(g) A representative of the Development Department;

(h) Two members of the Legislature;

(i) Two persons co-opted for their special knowledge of libraries.
The Executive Committee of the Council should consist of not more than 7 members, comprising the Chairman, the Secretary, the Secretary, Education Department and four persons nominated by the Chairman from among the members of the Council.

11. In a district library service should be a system based on urban centres having responsibility for their surrounding rural areas.

12. A District Headquarters library should have two wings—one running a reference service and lending service as the Central Library of the town in which it is located, and the other running the circulation service to branches in the city and Block Libraries.

13. A District Library Committee should consist of 15—19 members. Two-thirds of these members should represent Municipal and Block Library Committees and one-third nominated by the Executive Committee of the State Library Council. Of the members who represent the Municipal and Block Libraries, two-thirds will represent Block Library Committees and one-third Municipal Committees.

14. The important functions of a District Library Committee, among others, should be as follows:

(i) supervise the work of Municipal and Block Libraries;

(ii) lay down policy and procedure regarding purchase of books for the District Library;

(iii) opening of new branches, etc. or purchase of furniture, equipment and mobile vans;

(iv) issue reports on the working of Municipal and Block Libraries in the District as well as the District Library;

(v) administer library funds, including grants-in-aid to subscription libraries.
15. The District Library Committee should be represented on the District Development Board by its Chairman.

16. A City or Town Library Committee should be composed of ten persons. Of these, two-thirds should be elected by the Municipal Committee of the city or town and one-third nominated by the Chairman of the District Library Committee. The City or Town Librarian should be the Secretary of the Committee.

17. State Government should encourage annual conferences of Chairmen and interested members of District Committees. Expenditure on such conferences should be met from the State Government Library funds.

18. Block libraries should be manned by wholetime staff.

19. Information Centres in the blocks should form the nuclei of block libraries.

20. A Block Library Committee should consist of 9—12 persons. Of these, one-third should be nominated by the Block Development Committee, one-third should be elected by the members of the Block Development Committee from amongst themselves, and the remaining one-third should be nominated by the Chairman of the District Library Committee.

21. Every panchayat should have a library.

22. The management of panchayat libraries should vest in the panchayat or village committees.

23. At the all-India level, there should be a National Central Library and three National Book Deposit Centres. The National Book Deposit Centres should be run by Government of India under the National Central Library.

24. There should be an All-India Library Advisory Council composed as follows:

(a) Union Minister of Education, as Chairman.
(b) Secretary, Ministry of Education.

(c) The Officer-in-charge of Libraries in the Ministry of Education as Secretary of the Council.

(d) Chairmen of all State Library Boards.

(e) A representative each of the Ministry of Community Development and Planning Commission.

(f) Two Vice-Chancellors of Universities.

(g) Two members of the Parliament;

(h) Two persons co-opted for their expert knowledge of libraries.

25. The important functions of the Council should be as follows:

(a) Review and assess the work done by the State Library Departments.

(b) Collect and publish descriptive and statistical reports of working of libraries in the States.

(c) Lay down minimum standards of library education in the country.

(d) Lay down the minimum standards of library service for various sectors.

(e) Organise experimental or pilot projects for administering new and better modes of library service.

(f) Promote research in library problems.

(g) Organise library conferences, seminars and workshops on national scale.

(h) Collaborate with national or international library associations.
26. There should be an Executive Committee of the All-India Library Advisory Council consisting of seven persons nominated by the Minister of Education from among the members of the Council, including Chairman, the Secretary to the Ministry of Education and the Secretary of the Council who will be ex officio members of the Board.

27. The Executive Committee will have all the necessary executive powers, and will be supported by a Division of libraries with a Divisional Head in the Ministry of Education.

On the Auxiliary Services and Library Co-operation

1. State Governments should encourage the setting up of book bureaux in all State capitals in the first instance, to be extended later to district and other towns. All libraries run or assisted by Government shall buy their books from the bureaux.

2. Library associations are essential to the development of library movement and State Governments and Government of India should encourage development of strong library associations.

3. Government should give financial assistance to library associations for the following purposes:

   (a) rent for premises of headquarters office;

   (b) remuneration of one wholetime or parttime Secretary or office clerk;

   (c) projects of general usefulness to library movement which Government may like to sponsor.

4. The Library associations should strive to prepare the taxpayers' mind for accepting library legislation and persuade
State Governments to enact legislation and set up State Libraries.

5. Libraries should encourage the formation of Mitra Mandals wherever possible.

6. Every State or region should have a centre where books weeded out from the public libraries are sent.

7. Public libraries in the country should co-operate with one another as well as subscription libraries, school libraries, college libraries, departmental and research libraries, university libraries, etc.

8. In places, where it may not be possible to run independent public libraries, school libraries may serve the public after school hours.

9. In places where public libraries are not strong, an inter-lending arrangement with the college libraries should be made.

10. Pending establishment of efficient reference sections in public libraries, Government departmental and research libraries should assist them in compiling annotated book lists on their special subjects and in answering reference enquiries from the public, etc.

11. The University Library should co-operate with the public library system by—

   (a) issuing book lists on subjects of interest to certain groups in the public,

   (b) admitting as regular members the more serious-minded readers among the public, and

   (c) perform reference functions of the State Library, where those libraries are not yet established.
12. Government of India should sponsor the preparation of four union catalogues as follows:

(a) A union catalogue of all publications in the various university libraries in the country. This can be undertaken by the University Grants Commission.

(b) A union catalogue of all publications in the departmental and reasearch libraries under the Government of India. The Union Ministry of Education should take up this work.

(c) A union catalogue of all copyright holdings in the State Central Libraries. The National Library will probably be best fitted to take up this work.

(d) A union catalogue of all scientific and learned periodicals in the University and research libraries in the country. This should be entrusted to the Scientific Research Wing of the Ministry of Scientific Research and Cultural Affairs.

ON THE LIBRARY PERSONNEL

1. State Governments should accept the responsibility of Public Library Service in their areas. The librarians of these libraries should be State Government employees.

2. The various positions in the library structure in a State should be equated with those of teachers and educational administrators in the Education Department, as shown in the appendix to the chapter.

3. State Governments should put out vocational pamphlets giving in detail the opportunities available in the Public Library Service in the State.

4. Library Departments in the State should make clear-cut separation between professional and semi-professional work and entrust professional work to trained staff only.
5. After recruitment, the semi-professional staff should be given elementary library training during their probation period.

6. For a professional worker, the minimum qualification should be graduation with diploma in librarianship.

7. As far as possible, librarians should not be transferred too frequently.

8. Every State Library should have qualified specialists in children’s work and adult work besides specialists in technical processes.

9. State Government should freely grant study leave to librarians going in for ordinary or higher training in the profession.

10. It should be the responsibility of the State Librarian to see that librarians in the public library system keep up with the professional literature after leaving their library schools. The District Librarians and large-City Librarians should take up similar responsibility for the staff under them.

11. State Education Departments and the Ministry of Education should have a programme of library seminars or workshops every year as follows:

(a) The Central Ministry of Education should organise every year at least one all-India seminar or a workshop of librarians and liberally subsidise at least two regional seminars.

(b) Every State Government should give at least one opportunity in a year to State and District Librarians to come together for one to four days’ camp.

(c) District Librarians should similarly organise at least one annual meeting of Block Librarians and three or four conferences or camps where they, along with their Block Librarians, can meet village librarians for a day or two.
Every Block Librarian should convene a meeting of village librarians three or four times a year.

Apart from general seminars, there should also be special subject seminars and courses for the professional growth of librarians.

Suitable budget provision should be made for such seminars by the Government concerned.

In technical matters a librarian should be required to take orders only from a professionally trained librarian.

Library Departments should prepare Manuals defining clearly the duties of all library workers in the State from the State Librarian down to the village librarian.

The Director of Libraries should have the following powers:

(a) plan, organise and administer the Library Service in the State;

(b) administer a system of State financial grant to subscription libraries so along as they exist and determine conditions of their absorption in the State Library system;

(c) a large measure of financial powers to enable him to run the Library service smoothly. He should be closely associated with the preparation or revision of the State Library budget. His duties and powers vis-a-vis the State Library Committee should be clearly defined.

The State Librarians should have, among others, the following powers:

(a) to incur expenditure from the sanctioned budget for the State Central Library and to re-appropriate from
one head in his budget to another with the advice of the Library Committee;

(b) grant all types of leave to his staff, except study leave and leave for more than two months which will be sanctioned by the Director of Libraries;

(c) make officiating arrangements in case of leave of more than a month;

(d) depute staff members to library seminars and workshops inside and outside the State and sanction their travelling and other expenses;

(e) appoint certain class of staff which an officer of equivalent status in the Education Department is competent to appoint.

(f) plan and publish technical works, including tools needed for proper performance of various technical processes;

(g) organise elementary training programmes.

16. The District Librarian will have the powers necessary for supervising and co-ordinating the activities of Branch Libraries in the State.

17. The State Government should frame rules for defining the powers of the District Librarian regarding grant of leave, appointments, purchases, etc.

18. In the cities and towns, library appointments should be made by Municipalities or Corporations in accordance with rules framed by State Governments.

19. Chief Librarians at all levels should be associated with the selection of staff at their level.
20. State, District and Block Librarians should have seats on the Development Councils of their States, districts and blocks, respectively.

21. State Governments may institute certificates of merit to be awarded to persons and groups whose achievements in the field of Library service may have been outstanding in a particular year.

22. No State Government should require a librarian to furnish security or to pay for the loss of books, unless gross negligence or dishonesty is proved against him.

TRAINING FOR LIBRARIANSHIP

1. A national scheme of studies for training in librarianship should comprehend (i) the training of semi-professional staff needed by all types of libraries, which requires training only in methods and routines, (ii) the training of the professional staff needed by most of the public libraries, which involves a sound training in general librarianship, and, finally, (iii) advanced or specialised training in library science for the leaders in the profession, as also for those who would occupy responsible positions in different types of libraries.

2. The training of semi-professional staff should be conducted at two levels:

(a) training for village library work;

(b) training library clerks for performing routine duties.

3. Block librarians should give prospective village librarians in their jurisdiction a short course of 2 to 4 weeks' duration, which should prepare them for village library work, instruct them in the aims and scope of library service and the relation of village library centre to other social agencies working in the field.
4. No university should run semi-professional courses. They should be run by Library Associations or, where no such association is willing or able to take up the responsibility, by State Government through the State Library.

5. Government should lay down the standards with regard to the syllabus and duration of the elementary course, the selection of teachers and the conduct of examinations.

6. The duration of elementary course should be 3—4 months at the end of which the trainees should be required to take an examination comprising 3—4 papers of one or two hours' duration.

7. Courses for training professional librarians should be organised by the Universities, State Governments or the National Central Library.

8. The basic professional training should consist of a full year's course leading to a diploma. The admission to this basic course should be confined only to first or second class graduates.

9. Government of India should set up an expert committee consisting of professional librarians for suggesting complete reorganisation of the syllabus of library diploma course. The reorganisation is needed along the lines as detailed in the report.

10. The expert committee should also go into the following subjects:

(a) Teaching methods, and

(b) Conduct of examination.

11. University Grants Commission should strengthen the existing diploma courses in the first instance in order to enable the universities running classes in library science to create separate departments of library education and give adequate financial assistance to the universities for this purpose.
12. In a University library, teachers should be appointed by the same agency which selects persons for other academic courses. The library teacher’s status should also be determined according to the standards governing the status of other university teachers.

13. Teachers for library classes should be selected on the strength of their research and publications.

14. Universities should offer library teachers salaries equivalent to those received by teachers of other departments.

15. All universities teaching library science should appoint Boards of Studies and Boards of Examiners in library science.

16. Some of the Universities should also provide advanced courses in librarianship leading to M. A. degree in librarianship.

17. The Central Government and the University Grant Commission should give financial assistance to the universities for this purpose.

18. The entrance qualifications for the advanced course should be at least a second class graduate and Diploma in Librarianship. The admission may also be open to fresh diploma holders who have first class or distinction in their first professional examination and for special librarians on basis of their contributions to the profession.

19. Universities should also encourage research in librarianship. Special funds should be provided for this purpose.

ON LIBRARIES AND SOCIAL EDUCATION

1. In some States demonstration projects should be tried at one or two promising centres where librarians, who are also trained in the teaching of reading, may take some regular classes for improving reading skills and methods of study of the people willing to take such lessons.
2. In order to be helpful to one another, librarians and social education workers at the block and district levels should have knowledge of one another's field of work.

3. Both the social education workers and librarians should try to discover the reading tastes and reading needs of the people and pass on this knowledge to the book production agencies in their State.

4. Library and social education staff should meet regularly to evolve methods of fruitful co-operation.

**ON LIBRARY FINANCE AND ADMINISTRATION**

1. Government of India and State Governments should have a 25-year Library Plan to raise the library structure from its present embryonic dimensions to a size which will do justice to the cultural and educational needs of the people.

2. Government should levy a cess of 6 naya paise in a rupee of property tax in all places with permission for the local bodies to raise the cess.

3. Government of India should contribute to the library funds of a State an amount equal to the cess collected in the State.

4. To begin with, State Governments should give grants equal to the cess collected and gradually in the course of the next 25 years raise their contribution to three times the cess collected.

5. Suitable existing subscription libraries should continue to receive aid from State Government subject *inter alia* to the condition that at least 25% of the membership of an aided library should be free and mainly meant for persons of low economic status. The existing subscription libraries should be encouraged to join the proposed free public library service in every State.

Subscription libraries set up after the publication of this Report should not be given grants-in-aid.
There should be a periodical review, after every five years, of the subscription libraries in receipt of Government aid and after every such review the freeships of such libraries should be raised by at least 25%. Thus at the beginning of the sixth Five-Year Plan the entire public library system will have become free.

6. In each State, the library system should function as follows:

(a) The cess collected in an urban area by a Municipality or a Corporation will constitute the Library Fund of the Municipality or Corporation.

(b) The cess collected in the area within a block will constitute the Block Library Fund.

(c) To each Block or Municipal or Corporation Library fund the State Government will add an amount equal to the cess collected either in cash or in the form of provision of staff or both.

(d) The Central Library at a District Headquarters will serve as the Central Library for the entire district for purposes of supplementing the Book stocks of Block and Municipal libraries and for strengthening the administration. To enable it to do so, the whole of the State Government's contribution to Municipal and Block Funds in the district will go into a District Library Fund. If necessary, the funds may be reinforced by a percentage of library fund of the blocks and the municipalities in the district.

7. State Governments should enact a comprehensive State Library Law which will provide for the following:

(a) free public library service with the following objectives

(i) to house material giving reliable information and wholesome recreation;

(ii) to organise them so as to promote their use;
(iii) to stimulate non-readers to be readers and readers to be purposive students,

(b) A library rate of 6 naya paise in a rupee of property tax to be levied by local bodies and panchayats.

(c) The State Government will aid the local bodies by a matching formula. The law may be brought into operation gradually within a period of twenty years.

(d) There will be Block Library Funds and the Municipal Library Funds but the district would be regarded as a Unit of Library service.

(e) The various units of library service will have their own library committees, as recommended in this Report.

(f) The State will organise a Department of Libraries. The functions of the Department will be generally on lines indicated in the Report.

(g) The State Governments will recognise Library Associations and provide for adequate assistance to them.

(h) Books will form the bulk of library stocks, which must also include newer media of mass communication like audio-visual materials, etc.

8. Similarly, the Government of India should enact a Library Law incorporating—

(a) right of every citizen to have free access to libraries as his fundamental right;

(b) collecting the various deposit sections under the Copyright Act, the Delivery of Books Act, and the Press Registration of Books Act and making them subserve the needs of a National Library Service; and

(c) providing for financial assistance to State Governments as suggested in the chapter.
DELIVERY OF BOOKS (PUBLIC LIBRARIES) RULES, 1955

S.R.O. 587\textsuperscript{1}.—\textit{New Delhi, the 11th March}, 1955—In exercise of the powers conferred by section 8 of the Delivery of Books (Public Libraries) Act, 1954 (27 of 1954), the Central Government hereby makes the following rules, namely:—

1. **Short title**—These rules may be called the Delivery of Books (Public Libraries) Rules, 1955.

2. **Definitions.**—In these rules, unless the context otherwise requires—

   (a) “the Act” means the Delivery of Books (Public Libraries) Act, 1954 (27 of 1954);

   (b) “librarian”, in relation to a public library, means the person in charge of such public library, and includes any person authorised by him in this behalf to discharge all or any of the functions imposed on him by or under the Act;

   (c) “section”, means section of the Act; and

   (d) all words and expressions used but not defined in these rules shall have the meanings respectively assigned to them in the Act.

3. **Mode of delivery.**—Subject to the provisions of section 3 a copy of every book published by a publisher shall be delivered by him to the librarian of each public library either by registered post or through a special messenger and the librarian to whom the copy is so delivered shall forthwith acknowledge receipt thereof in the Form annexed hereto and send it to the publisher by registered post and such receipt shall be conclusive proof of the fact that a copy of the book has been duly delivered to the public library of which he is the librarian.

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\textsuperscript{1} Published in the \textit{Gazette of India}, 1955, Pt. II, S. 3, p. 523.
4. Prosecution of a defaulting publisher.—Where a copy of the book published after the 20th day of May, 1954, has not been delivered to a public library within a period of thirty days from the date of its publication, the officer empowered under subsection (1) of section 6 may, at any time after the expiry of the said period, make a complaint to the court against the publisher of such book for his failure to deliver a copy to the public library named in the complaint and such complaint shall be inquired into and tried by the court according to the procedure laid in the Code of Criminal Procedure, 1898 (Act V of 1898):

Provided that before a complaint is made to the court, a notice thereof may be given to the publisher by the librarian stating that he has failed to deliver a copy of such book within a period of thirty days of its publication and that if a copy is not delivered within a period of thirty days of the receipt of the notice he shall make himself liable to a penalty under section 5.

5. Information regarding the correct date of publication.—The publisher of every book shall affix on the copy of the book delivered to every public library a stamp bearing the date of the publication of the book and specifying that “the copy delivered is in pursuant to the Delivery of Books (Public Libraries) Act, 1954.”

6. Memoranda of books.—The publisher of every book shall furnish to the librarian a statement containing (so far as may be practicable) the following particulars, that is to say,

(1) the title of the book and the contents of the title page with a translation into English of such title and contents when the same are not in the English language;

(2) the language in which the book is written;

(3) the name of the author, translator, or editor of the book or any part thereof;

(4) the subject;
(5) the place of printing and the place of publication;
(6) the name or firm of the printer and the name or firm of the publisher;
(7) the date of issue from the press or of the publication;
(8) the number of sheets, leaves or pages;
(9) the size;
(10) the first, second or other number of the edition;
(11) the number of copies of which the edition consists;
(12) whether the book is printed or lithographed;
(13) the price at which the book is sold to the public; and
(14) the name and residence of the proprietor of the copyright or of any portion of such copyright.

FORM OF RECEIPT

...........................Library.

(See rule 3)

The........................Library..............hereby acknowledge, with thanks, the receipt of the following book(s) under rule 3 of the Delivery of Books (Public Libraries) Rules, 1955, delivered under the Delivery of Books (Public Libraries) Act, 1954 (27 of 1954).

Librarian.

Dated....................

Book(s) received.

Title of Book—

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2. 

3. 

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