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West Bengal Act XXXIX of 1979
THE WEST BENGAL PUBLIC LIBRARIES
ACT, 1979.

CONTENTS

CHAPTER I

Preliminary

Section

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

The State Library Council

3. State Library Council and its functions.
4. Composition of the Council.
5. Functions of public library.
6. Appointment and functions of Director.
7. Directorate of Library Services.

CHAPTER III

Local Library Authorities

8. Constitution of Local Library Authorities.
9. Local Library Authority shall be a body corporate.
10. Power of a Local Library Authority.
- 10A. Control and supersession of Local Library Authority.
11. Vesting of properties in Local Library Authority.
12. Regulations by Local Library Authorities.
13. Power to Government to cancel or modify regulations.
14. Committee or Committees of Local Library Authority.
15. Preparation of scheme.
- 15A. Power to give direction to the Local Library Authority.
16. District Library Officer.
- 16A. Sponsored public library.
- 16B. Dissolution of Local Library Authority for former district or any committee appointed by it upon creation of more than one district by dividing former district.

[West Ben. Act XXXIX of 1979.]

CHAPTER IV

Finance and Accounts

Section

- 17. Library Fund.
- 17A. Government grant.
- 17B. Power to Local Library Authority or library to incur expenditure.
- 18. Accounts and Audit.

CHAPTER V

Miscellaneous

- 19. Validation of acts.
- 20. Reports and returns.
- 21. Inspection of public libraries.
- 22. Penalty.
- 23. Power to make rules.
- 24. Amendment to the Press and Registration of Books Act, 1867.

West Bengal Act XXXIX of 1979¹
THE WEST BENGAL PUBLIC LIBRARIES
ACT, 1979.

AMENDED

West Ben. Act VIII of 1982.
 West Ben. Act XXIV of 1985.
 West Ben. Act XIII of 1993.
 West Ben. Act XLI of 1994.
 West Ben. Act VII of 1998.

[7th January, 1980.]

An Act to provide for the establishment of public libraries in the State of West Bengal and to regulate, guide ²[control and supervise the libraries] as also to provide for a comprehensive rural and urban ³[library and information service] in the State of West Bengal.

WHEREAS it is expedient to provide for the establishment of public libraries in the State of West Bengal and to regulate, guide ⁴[control and supervise the libraries] as also to provide for a comprehensive rural and urban ⁵[library and information service] in the State of West Bengal:

It is hereby enacted in the Thirtieth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

CHAPTER I

Preliminary

1. (1) This Act may be called the West Bengal Public Libraries Act, 1979.

(2) It extends to the whole of West Bengal.

Short title,
 extent and
 commence-
 ment.

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, Part IV of the 24th August, 1979, page 1604; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meeting of that Assembly held on the 12th September, 1979.

²The words within the square brackets were substituted for the words "control, supervise and to grant recognition to the existing libraries in the State" by s. 2 of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

³The words within the square brackets were substituted for the words "library service" by s. 2 of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

⁴The words within the square brackets were substituted for the words "control, supervise and to grant recognition to the existing libraries in the State" by s. 3 of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

⁵The words within the square brackets were substituted for the words "library service" by s. 3 of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

(Chapter I.—Preliminary.—Section 2.)

(3) This section shall come into force at once and the remaining section shall come into force on such date or dates as the State Government may, by notification in the *Official Gazette*, appoint and different dates may be appointed for different sections of this Act.

Definitions.

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

* * * * *

²(aa) "Calcutta Metropolitan Library" means the District Library in Calcutta declared by the State Government as such;

* * * * *

³(bb) "Corporation" means the Calcutta Municipal Corporation established under the Calcutta Municipal Corporation Act, 1980;

West Ben.
Act LIX of
1980.

⁴(bbb) "Darjeeling Gorkha Autonomous Hill Council" means the Darjeeling Gorkha Autonomous Hill Council constituted under the Darjeeling Gorkha Autonomous Hill Council Act, 1988;

West Ben.
Act XIII of
1988.

(c) "Director" means the Director of ⁵[Library Services] appointed under section 6;

⁶(d) "District" means a district of West Bengal and includes Calcutta as defined in the Calcutta Municipal Corporation Act, 1980;

* * * * *

⁷(ddd) "District Library Officer" means the person appointed to be called the District Library Officer under ⁸* * * section 16;

¹Clauses (a) and (b) were omitted by s. 4(a) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

²Clause (aa) was inserted by s. 2(1) of the West Bengal Public Libraries (Amendment) Act, 1982 (West Ben. Act VIII of 1982) w.e.f. 15.7.1982.

³Clause (bb) was inserted by s. 2(2), *ibid.* Thereafter, the same was substituted by s. 4(b) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

⁴Clause (bbb) was inserted by s. 2(1) of the West Bengal Public Libraries (Amendment) Act, 1988 (West Ben. Act VII of 1988).

⁵The words within the square brackets were substituted for the words "Public Libraries" by s. 2(3) of the West Bengal Public Libraries (Amendment) Act, 1982 (West Ben. Act VIII of 1982).

⁶Clause (d) was first substituted by s. 2(4), *ibid.* Thereafter, the same was resubstituted by s. 4(c) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

⁷Clauses (dd) and (ddd) were first inserted by s. 2(5) of the West Bengal Public Libraries (Amendment) Act, 1982 (West Ben. Act VIII of 1982). Thereafter clause (dd) was omitted by s. 4(d) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985), w.e.f. 15.7.1982.

⁸The words, figure and brackets "sub-section (1) of" were not printed as there was no "sub-section (1)" in the existing section 16. The words, figure and brackets "sub-section (1) of" were in force prior to the substitution of section 16 by s. 16 of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985). Accordingly, the words, figure and brackets "sub-section (1) of" should not be included in clause (ddd) as inserted by s. 2(5) of the West Bengal Public Libraries (Amendment) Act, 1982 (West Ben. Act VIII of 1982).

XXXIX of 1979.]

(Chapter I.—Preliminary.—Section 2.)

1* * * * *

(f) "Government" means the Government of the State of West Bengal;

²(ff) "Library" means a public library ³* * *;

(g) "notification" means a notification published in the *Official Gazette*;

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

4* * * * *

⁵(j) "Public Library" means a library open to the public, and includes—

(i) a Government Public Library,

(ii) the State Central Library,

(iii) a sponsored public library declared as such under section 16A, or

(iv) such other library as the Government may declare to be a public library;

⁶(j1) "Siliguri Mahakuma Parishad" means the *Mahakuma Parishad* for the sub-division of Siliguri in the district of Darjeeling constituted under section 185B of the West Bengal Panchayat Act, 1973;

7* * * * *

8* * * * *

West Ben.
Act XLI of
1973.

¹Clause (e) was omitted by s. 4(e) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

²Clause (ff) was first inserted by s. 2(7) of the West Bengal Public Libraries (Amendment) Act, 1982 (West Ben. Act VIII of 1982). Thereafter, the same was substituted by s. 4(f) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

³The words "and includes the State Central Library" were omitted by s. 4(1) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

⁴Clause (i) was omitted by s. 4(2). *ibid.*

⁵The words "and includes a sponsored library" were first added by s. 2(7) of the West Bengal Public Libraries (Amendment) Act, 1982 (West Ben. Act VIII of 1982). Thereafter, clause (j) was substituted by s. 4(g) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985) and finally the same was resubstituted by s. 4(3) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

⁶Clause (j1) was inserted by s. 2(2) of the West Bengal Public Libraries (Amendment) Act, 1998 (West Ben. Act VII of 1998).

⁷Clause (jj) was first inserted by s. 4(h) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985). Then the same was omitted by s. 4(4) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

⁸Clause (l) was first inserted by s. 2(8) of the West Bengal Public Libraries (Amendment) Act, 1982 (West Ben. Act VIII of 1982). Thereafter, clauses (k) and (l) were omitted by s. 4(i) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

(Chapter II.—The State Library Council.—Sections 3, 4.)

CHAPTER II

The State Library Council

State Library
Council and
its functions.

3. ¹(1) The Government shall constitute a State Library Council (hereinafter referred to as the Council) for the purpose of advising the Government on the management of the State Central Library, on matters relating to policies and programmes for the development and management of public libraries and public library system and on such other matters as may be referred to it.

¹(2) The Council shall advise the Government on any scheme prepared by a Local Library Authority under section 15 and also on the principles governing the aid to a library under this Act.

(3) The Council shall exercise such powers and perform such duties as may be prescribed.

Composition
of the
Council.

4. (1) The Council shall consist of:—
- (a) the Minister-in-charge of Library Services who shall be the Chairman of the Council;
 - (b) four persons to be elected by the members of the West Bengal Legislative Assembly from amongst themselves;
 - ²(c) five persons representing the interest of education, social work, cultural, literary or artistic activity, or literacy or science movement, to be nominated by the Government;
 - (d) two representatives of the Bengal Library Association to be nominated by the Executive Committee of the said Association from amongst its constituted members;
 - (e) ³[two representatives] of the employees of the libraries that will come under the purview of this Act to be elected in the manner prescribed;
 - ⁴(f) two persons to be nominated by the Government from amongst the members of the Local Library authorities;
 - (g) one District Library Officer to be nominated by the Government;

¹Sub-sections (1) and (2) were substituted for original sub-sections (1) and (2) by s. 5 of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

²Clause (c) was substituted for the original by s. 5(a) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

³The words within the square brackets were substituted for the words "one representative" by s. 6(1)(a) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

⁴Clause (f) was substituted for the original clause by s. 5(b) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

XXXIX of 1979.]

(Chapter II.—The State Library Council.—Section 4.)

- ¹(h) one Librarian of a District Library to be nominated by the Government;
- (i) the Secretary to the Government in the ²[Mass Education Extension Department] or his nominee;
- (j) the Director of Public Instruction, West Bengal or his nominee;
- (k) four persons to be nominated by the Government who in its opinion are experts in library science and library service;
- (l) the Deputy Director of Public Instruction (Social Education), West Bengal;
- ³(m) the Director of Culture or his nominee;
- ⁴(mm) the Director of ⁵[Mass Education Extension] or his nominee;
- ⁶(n) the Librarian, State Central Library;
- ⁷(o) the Director of the National Library, Calcutta, or his nominee;
- (oo) the Director of the Raja Rammohan Roy Library Foundation or his nominee;
- (p) the Director who shall be the *ex-officio* Member-Secretary of the Council.

(2) The members, other than the *ex-officio* members, shall hold office for a period of ⁸[four years:]

Provided that if a nominated or an elected member ceases to hold the position by virtue of which he was so nominated or elected, he shall automatically cease to be a member of the Council.

¹Clause (h) was substituted for the original by s. 6(1)(b) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

²The words within the square brackets were substituted for the words "Education Department" by s. 5(c) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

³Clause (m) was substituted for the original clause by s. 6(1)(c) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

⁴Clause (mm) was inserted by s. 6(1)(d), *ibid.*

⁵The words within the square brackets were substituted for the words "Adult Education" by s. 5(d) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

⁶Clause (n) was substituted for the original clause by s. 6(1)(e) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

⁷Clauses (o) and (oo) were substituted for original clause (o) by s. 5(e) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

⁸The words within the square brackets were substituted for the words "three years:" by s. 6(2) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

(Chapter II.—The State Library Council.—Sections 5, 6.)

Functions of
public
library.

5. A public library shall perform such functions and discharge such duties as the Government may determine.

Appoint-
ment and
functions of
Director.

6. The Government shall appoint a ²[Director of Library Services] in accordance with the rules made under this Act and the Director shall, subject to the control of the Government, discharge the following functions:—

- (a) maintain a register of ³[public libraries and recognised libraries;]
- ⁴(b) manage the State Central Library and the public libraries established or maintained by the Government and superintendent and direct all matters relating to such libraries;
- (bb) supervise and control subject to the provisions of this Act and the rules made thereunder, all other public libraries;
- ⁵(c) declare, by notification, from time to time the names and addresses of the public libraries in the State;
- ⁶(d) superintend and direct all matters relating to the work of all Local Library Authorities under this Act and take such steps as he may consider necessary, if any action taken by a Local Library Authority is in violation of any direction of the Government or is in contravention of any provision of this Act or the rules made thereunder;
- ⁷(dd) disapprove any action or decision of a Local Library Authority, if such action violates any direction of the Government or such decision is inconsistent with the provisions of this Act or the rules made thereunder, and report the fact of such disapproval in the subsequent meeting of the Council;

¹Section 5 was substituted for the original by s. 7 of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985). Thereafter the same was resubstituted by s. 6 of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

²The words within the square brackets were substituted for the words "Director of Libraries" by s. 3 of the West Bengal Public Libraries (Amendment) Act, 1982 (West Ben. Act VIII of 1982).

³The words within the square brackets were substituted for the words "public libraries" by s. 7(1) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994). Prior to this substitution the word "public" was substituted for the word "recognised" by s. 8(a) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

⁴Clauses (b) and (bb) were substituted for the original clause (b) by s. 8(b), *ibid.*

⁵Clause (c) was substituted for the original by s. 8(c), *ibid.*

⁶Clause (d) was substituted for the original by s. 8(d), *ibid.*

⁷Clause (dd) was inserted by s. 8(e), *ibid.*

XXXIX of 1979.]

(Chapter II.—The State Library Council.—Section 7.)

- ¹(e) submit to the Government and to the Council the annual report and other reports from time to time on the working of all public libraries and Local Library Authorities;
- (f) inspect or cause to be inspected periodically through officers authorised in this behalf all the public * * * libraries;
- (g) take steps for removal of defects in the working of any such library as the reports on inspection of the libraries by the officers authorised under clause (f) may disclose and take measures for enforcing the rules as may be made in this behalf and in appropriate cases obtain approval of the Government for derecognition of the library or discontinuance of financial and other assistance to such library in the event of persistent failure to abide by the rules made under this Act or otherwise which in his opinion warrants such action;
- (h) guide, control and supervise the functioning of the ³[public libraries;]
- ⁴(hh) convene the meetings of the Council, keep the records of the proceedings thereof and report to the Council the decisions of the Government on all matters relating to public libraries and public library system;
- (i) take appropriate steps for prosecution of persons responsible for any loss or injury caused to ⁵[any public library;]
- ⁶(ii) implement the decisions of the Council after such decisions are approved by the Government and report to the Council about such implementation from time to time;
- (j) perform such other duties and exercise such other powers in accordance with this Act or the rules made thereunder.

7. (1) There shall be a ⁷[Directorate of Library Services] to be constituted by the Government for the purposes of this Act with such number of officers and employees as may be prescribed.

Directorate
of ⁸[Library
Services.]

¹Clause (e) was substituted for the original by s. 8(f) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Bengal Act XXIV of 1985).

²The words "and recognised" were omitted by s. 8(g), *ibid.*

³The words within the square brackets were substituted for the word "libraries;" by s. 7(2) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

⁴Clause (hh) was inserted by s. 8(h) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

⁵The words within the square brackets were substituted for the words "any library;" by s. 7(3) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

⁶Clause (ii) was inserted by s. 7(4), *ibid.*

⁷The words within the square brackets were substituted for the word "libraries;" by s. 4(a) of the West Bengal Public Libraries (Amendment) Act, 1982 (West Ben. Act VIII of 1982).

⁸The words within the square brackets were substituted for the words "Directorate of Libraries" by s. 4(b), *ibid.*

(Chapter III.—Local Library Authorities.—Section 8.)

(2) The officers and staff of the ¹[Directorate of Library Services] shall be wholetime Government employees and the terms and conditions of their services shall be such as may be prescribed.

CHAPTER III

Local Library Authorities

Constitution
of Local
Library
Authorities.

8. (1) For the purpose of organizing and administering public libraries in the State, there shall be constituted by the Government Local Library Authority for each district ²[except the district of Darjeeling where there shall be a Local Library Authority for each of the areas within the jurisdiction of the Darjeeling Gorkha Hill Council and the Siliguri *Mahakuma Parishad*.]

(2) ³[Each Local Library Authority, except the Local Library Authority for each of the areas within the jurisdiction of the Darjeeling Gorkha Hill Council and the Siliguri *Mahakuma Parishad*,] shall be consists of:—

- ⁴(i) the District Magistrate of the district (other than Calcutta) or his nominee not below the rank of Sub-divisional Officer or, in the case of Calcutta, the Director, shall be the Chairman;
- (ii) the District Library Officer, who shall function as *ex-officio* Member-Secretary of the Local Library Authority;
- (iii) the District Social Education Officer;
- ⁵(iiia) the district Information Officer;
- ⁶(iv) two representatives of the employees of different public libraries to be elected from amongst themselves in the manner prescribed;
- ⁷(v) two members to be nominated by the Government from amongst the Commissioners of the municipalities, or Councillors of the Corporation, within the district;

¹The words within the square brackets were substituted for the words "Directorate of Libraries" by s. 4(c), of the West Bengal Public Libraries (Amendment) Act, 1982 (West Ben. Act VIII of 1982).

²The words within the square brackets were inserted by s. 3(1) of the West Bengal Public Libraries (Amendment) Act, 1998 (West Ben. Act VII of 1998).

³The words within the square brackets were substituted for the words "The Local Library Authority for each district" by s. 3(2), *ibid*.

⁴Clause (i) was substituted for the original by s. 9(1)(a) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985). Prior to this substitution the words "or, in the case of Calcutta, the Director," were inserted by s. 5(a) of the West Bengal Public Libraries (Amendment) Act, 1982 (West Ben. Act VIII of 1982).

⁵Clause (iiia) was inserted by s. 8(1)(a) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

⁶Clause (iv) was substituted for the original by s. 9(1)(b) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

⁷Clause (v) was substituted for the original by s. 8(1)(b) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994). Prior to this substitution the words "or, in the case of Calcutta, from amongst the Councillors of the Corporation" were added by s. 5(b) of the West Bengal Public Libraries (Amendment) Act, 1982 (West Ben. Act VIII of 1982).

XXXIX of 1979.]

(Chapter III.—Local Library Authorities.—Section 8.)

- (vi) two representatives of the district branch of the Bengal Library Association to be nominated by the Executive Committee of the said Association;
 - (vii) one person to be nominated by the *Sabhadhipati* from amongst the members of the *Zilla Parishad* in the district ¹[or, in the case of Calcutta, to be nominated by the Mayor of the Corporation from amongst the Councillors of the Corporation];
 - (viii) two persons nominated by the Government from amongst the members of the *Panchayat Samitis* in the district ²[or, in the case of Calcutta, from amongst the persons interested in library services];
 - ³(ix) two persons nominated by the Government from amongst the members of the managing committees of public libraries;
 - ⁴(ixa) four persons representing the interest of education, social work, cultural, literary or artistic activity, or library or science movement, to be nominated by the Government;
- | | | | | | | |
|----|---|---|---|---|---|---|
| 5* | * | * | * | * | * | * |
| 6* | * | * | * | * | * | * |
| 7* | * | * | * | * | * | * |
- (xiii) two M.L.A.s of the district to be nominated by the Government;
 - ⁸(xiv) the Librarians of District Libraries.

⁹(2A) The Local Library Authority for the area within the jurisdiction of the Siliguri *Muhakuma Parishad* (hereinafter referred to in this sub-section as the area) shall consist of—

- (i) the District Magistrate of the district of Darjeeling or his nominee, not below the rank of Sub-divisional Officer, who shall be the Chairman of the Local Library Authority;

¹The words within the square brackets were added by s. 5(c) of the West Bengal Public Libraries (Amendment) Act, 1982 (West Ben. Act VIII of 1982).

²The words within the square brackets were added by s. 5(d), *ibid.*

³Clause (ix) was substituted for the original by s. 5(e), *ibid.*

⁴Clause (ixa) was inserted by s. 8(f)(c) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

⁵Clause (x) was omitted by s. 8(1)(d), *ibid.*

⁶Clause (xi) was omitted by s. 8(1)(e), *ibid.*

⁷Clause (xii) was omitted by s. 8(1)(f), *ibid.*

⁸Clause (xiv) was substituted for the original by s. 5(f) of the West Bengal Public Libraries (Amendment) Act, 1982 (West Ben. Act VIII of 1982).

⁹Sub-sections (2A) and (2B) were inserted by s. 3(3) of the West Bengal Public Libraries (Amendment) Act, 1998 (West Ben. Act VII of 1998).

(Chapter III.—Local Library Authorities.—Section 8.)

- (ii) the District Library Officer who shall function as the *ex officio* Member-Secretary of the Local Library Authority;
- (iii) the District Social Education Officer;
- (iv) the District Information Officer;
- (v) two representatives of the employees of different public libraries in the area to be elected from amongst themselves in the manner prescribed;
- (vi) two members to be nominated by the Government from amongst the Councillors of the Municipalities, or the Councillors of the Municipal Corporation, within the district of Darjeeling;
- (vii) two representatives of the district branch of the Bengal Library Association to be nominated by the Executive Committee of the said Association;
- (viii) one person to be nominated by the *Sabhadhipati* of the Siliguri *Mahakuma Parishad* from amongst the members of the Siliguri *Mahakuma Parishad*;
- (ix) two persons to be nominated by the Government from amongst the members of the *Panchayat Samitis* in the area;
- (x) two persons to be nominated by the Government from amongst the members of the managing committees of the public libraries in the area;
- (xi) four persons representing the interest of education, social work, cultural, literary or artistic activity, or literacy or science movement, to be nominated by the Government;
- (xii) two Members of the Legislative Assembly from the area, to be nominated by the Government;
- (xiii) the Librarians of the District Libraries in the area;

¹(2B) The Local Library Authority for the area within the jurisdiction of the Darjeeling Gorkha Hill Council (hereinafter referred to in this sub-section as the area) shall consist of—

- (i) the Principal Secretary of the Darjeeling Gorkha Hill Council, who shall be the Chairman of the Local Library Authority;
- (ii) the District Library Officer who shall function as the *ex officio* Member-Secretary of the Local Library Authority;
- (iii) the District Social Education Officer;
- (iv) the District Information Officer;

¹See foot-note 9 on page 277, *ante*.

XXXIX of 1979.]

(Chapter III.—Local Library Authorities.—Section 9.)

- (v) two representatives of the employees of different public libraries in the area to be elected from amongst themselves in the manner prescribed;
- (vi) two members to be nominated by the Darjeeling Gorkha Hill Council from amongst the Councillors of the Municipalities within the area;
- (vii) two representatives of the district branch of the Bengal Library Association to be nominated by the Executive Committee of the said Association;
- (viii) one person to be nominated by the Chairman of the Darjeeling Gorkha Hill Council from amongst the Councillors of the Darjeeling Gorkha Hill Council;
- (ix) two persons to be nominated by the Darjeeling Gorkha Hill Council from amongst the members of the *Panchayat Samitis* in the area;
- (x) two persons to be nominated by the Darjeeling Gorkha Hill Council from amongst the members of the managing committees of the public libraries in the area;
- (xi) four persons representing the interest of education, social work, cultural, literary or artistic activity, or literacy or science movement, to be nominated by the Government;
- (xii) two Members of the Legislative Assembly from the area, to be nominated by the Government on the recommendation of the Darjeeling Gorkha Hill Council;
- (xiii) the Librarians of the District Libraries in the area.

(3) The members, other than the *ex-officio* members, shall hold office ¹[for a period of four years or till the Local Library Authority is reconstituted, whichever is earlier:]

Provided that if a nominated or an elected member ceases to hold the position by virtue of which he was so nominated or elected, he shall automatically cease to be a member of the Local Library Authority.

9. 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 may sue or be sued in its corporate name, and shall have the right 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.

Local
Library
Authority
shall be a
body
corporate.

¹The words within the square brackets were substituted for the words "for a period of four years:" by s. 8(2) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994). Prior to this substitution the words "four years" were substituted for the words "three years" by s. 9(2) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

(Chapter III.—Local Library Authorities.—Section 10.)

Power of a
Local
Library
Authority.

10. A Local Library Authority may—

- (a) provide suitable lands and buildings for public libraries and also the furniture, fittings, materials and conveniences requisite therefor;
- ¹(b) stock public libraries with different kinds of printed, audio-visual and reprographic materials and any other thing suitable for the purpose of public libraries;
- ²(bb) maintain a register of the public libraries ³[within its jurisdiction] and inspect or cause to be inspected all such libraries;
- ⁴(c) employ from time to time the officers and staff of the ⁵[sponsored public libraries declared as such under section 16A] in such manner and on such terms and conditions as may be prescribed ⁶{or directed by the Government};
- (d) with the previous sanction of the Government, close or discontinue any public library organised or run by it or change the site thereof;
- (e) recommend to the Director for withdrawal of recognition of, or discontinuance of Government grant to, any ⁷[sponsored public library declared as such under section 16A];
- (f) accept, with the previous sanction of the Director, any gift of books, or with the previous sanction of the Government, any other gift or endowment for any purpose connected with its activities;
- ⁸(ff) implement the decisions of the Government and submit to the Government the annual report and other reports from time to time on the working of the public libraries and the public library system ⁹[within its jurisdiction];

¹Clause (b) was substituted for the original by s. 9(1) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

²Clause (bb) was inserted by s. 10(a) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

³The words within the square brackets were substituted for the words "in the district" by s. 4(1) of the West Bengal Public Libraries (Amendment) Act, 1998 (West Ben. Act VII of 1998).

⁴Clause (c) was substituted for the original by s. 10(b) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

⁵The words, figures and letter within the square brackets were substituted for the words "public libraries" by s. 9(2)(a) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

⁶The words within the square brackets were inserted by s. 9(2)(b). *ibid.*

⁷The words, figures and letter within the square brackets were substituted for the words "public libraries;" by s. 9(3) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

⁸Clause (ff) was inserted by s. 10(c) of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

⁹The words within the square brackets were substituted for the words "in the district;" by s. 4(2) of the West Bengal Public Libraries (Amendment) Act, 1998 (West Ben. Act VII of 1998).

XXXIX of 1979.]

(Chapter III.—Local Library Authorities.—Section 10A.)

- (g) provide for lectures and seminars on topical subjects and the holding of classes;
- ¹(gg) advise the public libraries about different services to be rendered and implement the directions of the Government regarding standards of public library services;
- ¹(ggg) develop an integrated public library system ²[within its jurisdiction] through supervision, control and inter-library co-operative programmes and activities;
- ¹(gggg) organize book fairs, seminars, exhibitions and other similar programmes ³[in different areas within its jurisdiction] to popularize library services and to grow reading habits;
- ¹(ggggg) organize library services for neo-literates and children;
- (h) in general, do everything necessary to carry out the purposes of this Act.

10A. (1) If, at any time, the Government is of opinion that a Local Library Authority has failed to perform its functions or has exceeded or abused any of the powers conferred on it by or under this Act or the rules made thereunder, the Government may communicate the particulars thereof to that Local Library Authority asking it to remedy such failure, excess or abuse or to submit to the Government a satisfactory explanation for such failure, excess or abuse, within such time as may be fixed by the Government, and if the Local Library Authority does not remedy such failure, excess or abuse or submit the explanation to the Government within the time so fixed or if the explanation submitted by the Local Library Authority is not found satisfactory, the Government may, in consultation with the Council, by order supersede the Local Library Authority for such period as the Government may consider expedient:

Control and supersession of Local Library Authority.

Provided that such supersession shall not be for a period of more than one year and such period may, for reasons to be recorded in writing, be extended by a period not exceeding one year.

(2) When a Local Library Authority is superseded under sub-section (1), then, with effect from the date of the order of supersession,—

- (a) all the members of the Local Library Authority shall be deemed to have vacated their offices;

¹Clauses (gg) to (ggggg) were inserted by s. 9(4) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XL1 of 1994).

²The words within the square brackets were substituted for the words "in the district" by s. 4(3) of the West Bengal Public Libraries (Amendment) Act, 1998 (West Ben. Act VII of 1998).

³The words within the square brackets were substituted for the words "in different parts of the district" by s. 4(4), *ibid.*

⁴Section 10A was inserted by s. 11 of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

(Chapter III.—Local Library Authorities.—Sections 11-13.)

(b) the Government may appoint an Administrator or an Ad-hoc Committee consisting of such persons and in such manner as the Government may think fit, and, thereupon, the Administrator or the Ad-hoc Committee, as the case may be, shall exercise all the powers and perform all the duties of the Local Library Authority.

(3) The Government may, at any time during the period of supersession, reconstitute the Local Library Authority in accordance with the provisions of section 8, and upon such reconstitution of the Local Library Authority, the Administrator or the Ad-hoc Committee, as the case may be, shall cease to exist and the Local Library Authority shall function in accordance with the provisions of this Act.

Vesting of
properties in
Local
Library
Authority.

11. All properties, movable or immovable, acquired or held for the purpose of any sponsored library declared as such under section 16A in any area shall vest in the Local Library Authority for that area without liabilities, if any, of such sponsored public library.

Regulations
by Local
Library
Authorities.

12. Subject to the provisions of this Act and the rules made thereunder, a Local Library Authority may, with the previous approval of the Government, 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 persons to public libraries in its area on such conditions * * * 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 shall be used to ensure the protection of such property from injury, misuse, destruction or loss; and
- (d) authorise its officers and employees 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.

Power to
Government
to cancel or
modify
regulations.

13. (1)-If, at any time, the Government is of opinion that any regulation made under this Act by a Local Library Authority should be cancelled or modified either wholly or in part, it shall cause the reasons

¹Section 11 was substituted for the original by s. 10 of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XXI of 1994).

²The words "and on payment of such fees" were omitted by s. 12 of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXV of 1985).

XXXIX of 1979.]

(Chapter III.—Local Library Authorities.—Sections 14-15A.)

for such opinion to be communicated to such Local Library Authority, and shall specify a reasonable period within which such Local Library Authority may make any representation with regard thereto which it may think fit.

(2) After receipt and consideration of any such representation, or, if in the meantime no such representation is received, after the expiry of the specified period, the Government may, at any time, by notification cancel or modify such regulation, either wholly or in part.

(3) The cancellation or modification of a regulation under sub-section (2) shall take effect from such date as the Government may in the said notification direct, or if no such date is specified, then from the date of publication of the said notification except as to anything done or suffered or omitted to be done before such date.

14. A Local Library Authority may appoint a committee or committees consisting of such of its members as it may deem fit to assist the Local Library Authority in carrying out the purposes of this Act.

Committee or Committees of Local Library Authority.

15. (1) As soon as possible after a Local Library Authority is constituted, and thereafter if required by the ²[Government], every Local Library Authority shall prepare a scheme for establishing libraries and for spreading library service within its area and submit it to the ²[Government] for sanction. The ²[Government] ³[may, in consultation with the Council, 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 may be sanctioned by the ²[Government].

Preparation of scheme.

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

15A. The Government may, from time to time, give such direction to a Local Library Authority as it may consider necessary for the purposes of this Act.

Power to give direction to the Local Library Authority.

¹Section 14 was substituted for the original by s. 13 of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

²The word within the square brackets was substituted for the word "Director" by s. 11 of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

³The words within the square brackets were substituted for the words "may sanction" by s. 14 of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

⁴Section 15A was inserted by s. 15 of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

*(Chapter III.—Local Library Authorities.—Sections 16, 16A.)*District
Library
Officer.

¹16. The Government shall appoint a person to be called the District Library Officer on such terms and conditions as may be prescribed. The District Library Officer shall exercise such powers and perform such duties as may be prescribed.

Sponsored
public
library.

²16A. (1) Any library (other than ³[a Government public library]) functioning as a district library or sub-divisional library or town library or area library or rural library or primary unit library and receiving aid from the District Magistrate or the District Social Education Officer or the District Library Officer or any other officer of the Government towards the payment of salaries of its employees or for any other purpose, may be declared by the Government as a sponsored public library and thereupon the provisions of this Act and the rules made thereunder shall apply to such library.

Explanation.—For the purposes of this sub-section, a “district library”, “sub-divisional library”, “town library”, “area library”, “rural library” or “primary unit library” shall respectively mean a library functioning as a district library, sub-divisional library, town library, area library, rural library or primary unit library in a district, by whatever name called, and recognised by the Government as such.

(2) Any library which is not ⁴[a Government public library] may, on application in the prescribed manner, be declared by the Government as a sponsored public library and thereupon the provisions of this Act and the rules made thereunder shall apply to such library.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Government may, if it considers necessary so to do, sponsor any library and declare it to be a sponsored public library and thereupon the provisions of this Act and the rules made thereunder shall apply to such library.

Explanation.—For the purpose of this sub-section, a library established under a scheme referred to in section 15 shall be deemed to be a sponsored public library.

(4) Any library, not being a public library, registered or deemed to have been registered under the West Bengal Societies Registration Act, 1961, or any library, not being a public library, established or managed by any society or association of individuals, registered or deemed to have

West Ben.
Act XXVI
of 1961.

¹Section 16 was substituted for the original by s. 16 of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985)

²Section 16A was inserted by s. 17, *ibid.*

³The words within the square brackets were substituted for the words “a public library and the State Central Library” by s. 12(a) of the West Bengal Public Libraries (Amendment) Act, 1994 (West Ben. Act XLI of 1994).

⁴The words within the square brackets were substituted for the words “a public library or the State Central Library” by s. 12(b), *ibid.*

XXXIX of 1979.]

(Chapter III.—Local Library Authorities.—Section 16B.)

been registered under that Act shall, on being declared to be a sponsored public library, cease to be a library registered or deemed to have been registered under that Act or a library established or managed by such society or association of individuals and thereupon the provisions of this Act and the rules made thereunder shall apply to such library.

(5) The sponsored public libraries shall be managed in the manner prescribed.

(6) The employees of the sponsored public libraries, as approved by the District Magistrate or the District Social Education Officer or the District Library Officer or the District Advisory Council for Social Education or the Director of Public Instruction or the Local Library Authority or the Director of Library Services, shall be deemed to be the employees of the Local Library Authority and the terms and conditions of service of such employees shall be such as may be prescribed.

¹16B. (1) If and when the Government creates more than one district by dividing any existing district (hereinafter referred to as the former district) under any law for the time being in force, the Government shall dissolve the Local Library Authority for the former district with effect from such date as the Government may by notification appoint.

(2) Upon the dissolution of the Local Library Authority for the former district under sub-section (1),—

- (a) the members of the said Local Library Authority shall be deemed to have vacated their respective offices, and
- (b) any committee appointed by the said Local Library Authority under section 14 shall stand dissolved, and the members of the said committee shall be deemed to have vacated their respective offices, forthwith.

(3) Notwithstanding anything contained in this Act or in any other law for the time being in force, the Local Library Authority for the former district or any committee appointed by the said Local Library Authority under section 14 shall, until the said Local Library Authority is dissolved under sub-section (1), continue to exercise all the powers, discharge all the duties and perform all the functions of the Local Library Authority or the committee, as the case may be, under this Act or the rules or the regulations made thereunder as if the former district has not been divided into more than one district.

Dissolution of Local Library Authority for former district or any committee appointed by it upon creation of more than one district by dividing former district.

¹Section 16B was inserted by s. 2 of the West Bengal Public Libraries (Amendment) Act, 1993 (West Ben. Act XIII of 1993).

(Chapter IV.—Finance and Accounts.—Section 17.)

(4) Notwithstanding anything contained in this Act or in any other law for the time being in force,—

(a) anything done or any action taken by the Local Library Authority for the former district under this Act or the rules or the regulations made thereunder prior to the dissolution of the said Local Library Authority under sub-section (1), and

(b) any regulations made, or orders issued under the provisions of this Act or the rules or the regulations made thereunder, and continuing in force immediately before such dissolution, shall, upon the constitution under sub-section (1) of section 8 of the Local Library Authority for the districts created by dividing the former district, be applicable to the Local Library Authority for each such district and shall continue in force in so far as they are not inconsistent with the provisions of this Act or the rules or the regulations made thereunder until they are repealed or amended.

(5) Notwithstanding anything contained in this Act.—

(a) the properties, funds and liabilities of the Local Authority for the former district, and

(b) the officers and staff of the public libraries employed by the said Local Library Authority under clause (c) of section 10 and holding office immediately before the dissolution of the said Local Library Authority,

shall be determined and apportioned between the Local Library Authorities constituted under sub-section (1) of section 8 for the districts created by dividing the former district, in such manner as may be prescribed, and such determination and apportionment shall be final.

CHAPTER IV

Finance and Accounts

Library
Fund.

17. (1) Every Local Library Authority shall maintain a library fund out of which payments under this Act shall be met.

(2) There shall be credited to the library fund the following sums—

(a) contributions, gifts and income from endowments made to the Local Library Authority for the benefit of public libraries;

(b) grants which the Government may make for the general maintenance or for any specific purpose connected with libraries or social education;

(c) any amount collected by the Local Library Authority under any rules or regulations made under this Act.

XXXIX of 1979.]

(Chapter IV.—Finance and Accounts.—Sections 17A, 17B and 18—
Chapter V.—Miscellaneous.—Sections 19-21.)

17A. The Government may from time to time make such grant to a Local Library Authority or a library for management (including payment of salaries of employees), maintenance, improvement and development of library services or for any other purpose as it may think fit.

Government grant.

17B. A Local Library Authority or a library may incur expenditure out of the library fund for carrying out the purposes of this Act:

Power to Local Library Authority or library to incur expenditure.

Provided that no expenditure shall be incurred by a Local Library Authority or a library without the prior approval of the Government for any purpose other than a purpose for which a grant has been made by the Government under section 17A.

18. (1) An account of all assets and liabilities of each Local Library Authority and of all contributions, gifts and income from endowments, grants made by the Government, any amount collected by the Local Library Authority under any rules made under this Act shall be maintained in the prescribed manner.

Accounts and audit.

(2) The account shall be audited annually in such manner and by such officer or authority as may be prescribed. A copy of the audit report shall be submitted to the Government in the prescribed manner.

CHAPTER V

Miscellaneous

19. No act of the Council or of a Local Library Authority shall be deemed to be invalid by reason only of the existence of any vacancy, initial or subsequent, or any defect, in the constitution of the Council or the Authority.

Validation of acts.

20. 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 so authorised may, from time to time, require.

Reports and returns.

21. 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 made thereunder are duly carried out.

Inspection of public libraries.

¹Sections 17A and 17B were inserted by s. 18 of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).

(Chapter V.—Miscellaneous.—Sections 22-24.)

Penalty.

22. (1) Whoever contravenes any provision of this Act or of any rules made thereunder shall, if no other penalty is provided therefor in any other Act, be punishable with fine which may extend to two hundred and fifty rupees or if having been previously convicted of such offence is again convicted of an offence under this Act, with fine which may extend to five hundred rupees.

(2) No court shall take cognizance of any offence under this Act except on a written complaint made by the Director or by any person authorised by the Director in this behalf.

Power to
make rules.

23. (1) The Government ¹[may, in consultation with the Council, by notification,] make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the matters which may be or are required to be prescribed or made by rules.

(3) All rules made under this section shall, as soon as may be, after they are made, be laid before the House of the State Legislature for 14 days and shall be subject to such modification as the State Legislature may make during the session in which they are so laid.

Amendment
to the Press
and
Registration
of Books
Act, 1867.

24. The Press and Registration of Books Act, 1867, shall, in its application to the State of West Bengal, be amended as follows:—

(1) for clause (a) of the first paragraph of section 9, the following clause shall be substituted:—

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

(2) in section 11, for the first paragraph, the following paragraph shall be substituted:—

“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 Central Library, and the remaining copies shall be disposed of in such manner as the Government may from time to time determine.”.

¹The words within the square brackets were substituted for the words “may, by notification”, by s. 19 of the West Bengal Public Libraries (Amendment) Act, 1985 (West Ben. Act XXIV of 1985).