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GOVERNMENT OF WEST BENGAL
LEGISLATIVE DEPARTMENT

West Bengal Act XXIV of 1985

THE WEST BENGAL PUBLIC LIBRARIES
(AMENDMENT) ACT, 1985.

[Passed by the West Bengal Legislature.]

[Assent of the Governor was first published in the *Calcutta Gazette, Extraordinary*, of the 9th October, 1985.]

[9th October, 1985.]

An Act to amend the West Bengal Public Libraries Act, 1979.

West Ben.
Act XXXIX
of 1979.

WHEREAS it is expedient to amend the West Bengal Public Libraries Act, 1979, for the purposes and in the manner hereinafter appearing;

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

1. This Act may be called the West Bengal Public Libraries (Amendment) Act, 1985. Short title.
2. In the long title of the West Bengal Public Libraries Act, 1979 (hereinafter referred to as the principal Act), for the words “control, supervise and to grant recognition to the existing libraries in the State”, the words “control and supervise the libraries” shall be substituted. Amendment of long title of West Ben. Act XXXIX of 1979.
3. In the preamble to the principal Act, for the words “control, supervise and to grant recognition to the existing libraries in the State”, the word “control and supervise the libraries” shall be substituted. Amendment of preamble.
4. In section 2 of the principal Act,—
 - (a) clauses (a) and (b) shall be omitted;
 - (b) for clause (bb), the following clause shall be substituted:—
‘(bb) “Corporation” means the Calcutta Municipal Corporation established under the Calcutta Municipal Corporation Act, 1980;’; Amendment of section 2.

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Act LIX of
1980.

(Sections 5, 6.)

(c) for clause (d), the following clause shall be substituted:—
(d) “District” means a district of West Bengal and includes Calcutta as defined in the Calcutta Municipal Corporation Act, 1980,’;

(d) clause (dd) shall be omitted;

(e) clause (e) shall be omitted;

(f) for clause (ff), the following clause shall be substituted:—
(ff) “Library” means a public library and includes the State Central Library,’;

(g) for clause (j), the following clause shall be substituted:—
(j) “public library” means a library open to the public and—
(i) established or maintained by the Government, or
(ii) declared by the Government as a sponsored public library under section 16A,’;

(h) after clause (j), the following clause shall be inserted:—
(jj) “State Central Library” means a library declared by the State Government as such,’;

(i) clauses (k) and (l) shall be omitted.

Amendment
of section 3.

5. For sub-sections (1) and (2) of section 3 of the principal Act, the following sub-section shall be substituted:—

“(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.

(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.”.

Amendment
of section 4.

6. In section 4 of the principal Act,—

(1) in sub-section (1),—

(a) in clause (e), for the words “one representative”, the words “two representatives” shall be substituted;

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Act LIX of
1980.

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(Sections 7, 8.)

(b) for clause (h), the following clause shall be substituted:—

“(h) one Librarian of a District Library to be nominated by the Government;”;

(c) for clause (m), the following clause shall be substituted:—

“(m) the Director of Culture or his nominee;”;

(d) after clause (m), the following clause shall be inserted:—

“(mm) the Director of Adult Education or his nominee;”;

(e) for clause (n), the following clause shall be substituted:—

“(n) the Librarian, State Central Library;”;

(2) in sub-section (2), for the words “three years:”, the words “four years:” shall be substituted.

7. For section 5 of the principal Act, the following section shall be substituted:—

“Functions of the State Central Library 5. The State Central Library shall perform such functions and discharge such duties as may be prescribed.”.

Substitution of new section for section 5.

8. In section 6 of the principal Act,—

(a) in clause (a), for the word “recognised”, the word “public” shall be substituted;

(b) for clause (b), the following clauses shall be substituted:—

“(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;”;

(c) for clause (c), the following clause shall be substituted:—

“(c) declare, by notification, from time to time the names and addresses of the public libraries in the State;”;

Amendment of section 6.

(Section 9.)

(d) for clause (d), the following clause shall be substituted:—
“(d) superintendent 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.”;

(e) after clause (d), the following clause shall be inserted:—
“(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.”;

(f) for clause (e), the following clause shall be substituted:—
“(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.”;

(g) in clause (f), the words “and recognised” shall be omitted;

(h) after clause (h), the following clause shall be inserted:—
“(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.”.

Amendment
of section 8.

9. In section 8 of the principal Act,—

(1) in sub-section (2),—
(a) for clause (i), the following clause shall be substituted:—
“(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.”;

(b) for clause (iv), the following clause shall be substituted:—
“(iv) two representatives of the employees of different public libraries to be elected from amongst themselves in the manner prescribed.”;

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(Sections 10, 11.)

(c) in clause (x), after the words "a teacher of", the words "a University or" shall be inserted;

(2) in sub-section (3), for the words "three years", the words "four years" shall be substituted.

10. In section 10 of the principal Act,—

(a) after clause (b), the following clause shall be inserted:—
 "(bb) maintain a register of the public libraries in the district and inspect or cause to be inspected all such libraries;";

(b) for clause (c), the following clause shall be substituted:—
 "(c) employ from time to time the officers and staff of the public libraries in such manner and on such terms and conditions as may be prescribed;";

(c) after clause (f), the following clause shall be inserted:—
 "(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 in the district;".

11. After section 10 of the principal Act, the following section shall be inserted:—

<sup>"Control and
supersession
of Local
Library
Authority.</sup> 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:

Amendment
of section
10.

Insertion of
new section
10A.

(Sections 12-14.)

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;
- (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 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.”.

Amendment
of section
12.

12. In clause (a) of section 12 of the principal Act, the words “and on payment of such fees” shall be omitted.

Substitution
of new
section for
section 14.

13. For section 14 of the principal Act, the following section shall be substituted:—

“Committee
or Com-
mittees of
Local
Library
Authority.

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.”.

Amendment
of section
15.

14. In sub-section (1) of section 15 of the principal Act, for the words “may sanction”, the words “may, in consultation with the Council, sanction” shall be substituted.

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(Sections 15-17.)

15. After section 15 of the principal Act, the following section shall be inserted:—

"Power to give direction to the Local library Authority. 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.”.

Insertion of new section 15A.

16. For section 16 of the principal Act, the following section shall be substituted:—

"District Library Officer. 16. 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.”.

Substitution of new section for section 16.

17. After section 16 of the principal Act, the following section shall be inserted:—

'Sponsored public library. 16A. (1) Any library (other than a public library and the State Central 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.

Insertion of new section 16A.

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 a public library or the State Central 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.

(Section 18.)

(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 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.'

Insertion of
new section
17A.

18. After section 17 of the principal Act, the following section shall be inserted:—

"Government
grant.

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.

Power Local
Library
Authority or
library to incur
expenditure.

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

West Ben.
Act XXVI
of 1961.

XXIV of 1985.]

(Section 19.)

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.”.

19. In sub-section (1) of section 23 of the principal Act, for the words “may, by notification,”, the words “may, in consultation with the Council, by notification,” shall be substituted.

Amendment
of section
23.