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Government of West Bengal
Mass Education Extension Department

NOTIFICATION

No. 599-MEE/Secu.
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Dated : Kolkata, the 10th August, 2005

In exercise of the power conferred by Sub-section (1) of section 23 of the West Bengal Public Libraries Act, 1979 (West Ben. Act XXXIX of 1979) and in the supersession of the Sponsored Public Library Management Rules, 1981, published with the Education Department notification No. 679-Edn (SE), dated the 3rd November, 1981, the Governor is pleased hereby to make the following rules, namely :

Rules

1. Short title and commencement - (1) These rules may be called the West Bengal Sponsored Public Library Management Rules, 2005.

(2) They shall come into force on the date of their publication in the Official Gazette

2. Definitions - (1) In these rules, unless there is anything repugnant in the subject or context,

- (a) "Act" means the West Bengal Public Libraries Act, 1979 (West Ben. Act XXXIX of 1979)
- (b) "Authority" means the Local Library Authority of the district constituted under section 8;
- (c) "Committee" means the Managing Committee of a sponsored public library;

- (d) "Council" means the State Library Council constituted under section 3;
- (e) "Employee" means any person appointed on whole time basis to a post sanctioned by the Government as an employee in a sponsored public library;
- (f) "Library" means a sponsored public library declared as such under section 16A;
- (g) "Librarian" means any person appointed on whole time basis to a post sanctioned by the Government as a Librarian in a sponsored public library;
- (h) "Member" means the Member of a sponsored public library and includes a Neo-literate Member, a Physically Handicapped Member and an Institutional Member of any District Library;
- (i) "Section" means the section of the Act;

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

3. Member - (1) The Members of a Library shall be classified into the following categories, namely:-

- (a) Child Member.
- (b) General Member.
- (c) Institutional Member in the District Library.

(2) Subject to the provisions of the Act and rules made thereunder, a person not exceeding the age of 18 years may become the Child Member as stated in clause (a) of sub-rule (1).

(3) Subject to the provisions of the Act and rules made thereunder, a person exceeding the age of 18 years may become the General Member as stated in clause (b) of sub-rule (1) by paying-

- (a) in case of life membership, such fee as stated in clause (a) of sub-rule (1) of rule 4; or
- (b) in case of ordinary (monthly/quarterly/annual) membership, such fee as stated in clause (b) of sub-rule (1) of rule 4.

(4) Subject to the provision of the Act and rules made thereunder, any Public Library as defined in clause (j) of section 2 may become an Institutional Member of the concerned District Library on fulfillment of such conditions as laid down by the Director.

(5) Every Library shall maintain a register of its members specifying separate category as mentioned in sub-rule (1).

4. Fees for membership - (1) Subject to the provision of rule 3, every person shall for the purpose of acquiring membership in a Library, pay a fee of, -

(a) In case of a General Member acquiring life membership,-

(i) in a District Library, Rs. 10,000/- at a single instalment, and

(ii) in any other Library, Rs. 5,000/- at a single instalment.

(b) in case of a General Member acquiring ordinary (monthly/quarterly/annual) membership, such amount, as the Director shall from time to time determine the maximum limit of membership fees:

Provided that a neo-literate person or a physically handicapped person shall not be required to pay fees for the purpose of acquiring membership in a Library.

(2) The Child Member as mentioned in clause (a) of sub-rule (1) of rule 3 shall not be required to pay fees for the purpose of acquiring membership in a Library.

(3) No amount as admission fee shall be realized from any member for acquiring membership.

(4) The ordinary membership of a General Member as stated in clause (b) of sub-rule (3), read with sub-rule (1), of rule 3, may be renewed every year and shall have all rights and facilities of a General Member as stated in rule 5.

5. Rights and facilities of General Member- (1) A General member acquiring life membership by paying fees as mentioned in clause (a) of sub-rule (1) of rule 4, shall have all rights and facilities regarding use of the Library without payment of any monthly or quarterly or annual fees during the life time of such member.

(2) A General Member acquiring ordinary (monthly/quarterly/annual) membership by way of paying fees as mentioned in clause (b) of sub-section (1) of rule 4, shall have all the rights and facilities regarding use of the Library during the month or the quarter or, as the case may be, the year, for which such fees have been paid.

(3) Subject to the provision of sub-rule (4), a General Manager is eligible to participate in the election organised for constitution or reconstitution of the Committee of the Library and take part in the deliberation of the general body meeting of such Library.

(4) A General Member acquiring ordinary membership under clause (b) of sub-rule (1) of rule 4, is eligible to participate in the election as stated in sub-rule (3) on fulfillment of following conditions: -

(a) the membership of such a Member has not been cancelled under rule 6 for non-payment of arrear fees on the date immediately before the date of meeting in which the provisional voter list is to be approved;

(b) the membership of such Member is at least 60 days old on the date immediately before the date of meeting in which provisional voter list is to be approved; and

(c) such Member has completed the age of 18 years.

(5) A General Member of the Library may raise objection to any inclusion or exclusion of Members in the voters' list.

6. Cancellation of membership.- (1) Where a person acquiring ordinary membership fails to pay fees for more than twelve months or to abide by these rules or any other rules relating to the Library, his membership may be cancelled.

(2) In case any person whose membership has been cancelled under sub-rule (1) prays for fresh membership, he shall, for the purpose of acquiring membership afresh, make an application in appropriate form on payment of such fees as stated in sub-rule (1) of rule 4 together with an arrear of fees subject to a maximum of twelve months of fees as stated in sub-rule (1).

7. Cessation of membership.— The membership of a person shall cease to exist in case of his resignation, death, insanity or conviction for any criminal offence involving moral turpitude by a court of law.

8. Constitution of Managing Committee of Library.— (1) Subject to the provision of the Act, a Managing Committee shall be constituted for each Library to advise, supervise and control the activities of such Library.

(2) The Committee as stated in sub-rule (1) for each Library other than a District Library, shall consist of the following persons:—

(a) one person to be nominated by the Authority;

(b) one person to be nominated by the Corporation or the Municipality or the Notified Area Authority, as the case may be, in case such Library is situated in an area outside the jurisdiction of the Panchayat or by the Panchayat Samity, in case such Library is situated in an area within the jurisdiction of the Panchayat;

(c) one life member of such Library. If there are more than one such life members, one of them shall be a member on rotation basis. The selection of such member on rotation shall be made by the District Library Officer on the basis of seniority in membership and in case the seniority in membership is identical, the rotation shall be done on the basis of age of such members;

(d) the Librarian of the Library; and

(e) such other persons as stated in item (i) or item (ii) or item (iii), as the case may be, to be elected on the basis of the strength of General Members on the date of issue of notice for election:—

(i) in case of a Library having not more than 500 General Members, 8 persons to be elected from such General Members;

(ii) in case of a Library having more than 500 General Members but not more than 1000 members, 10 persons to be elected from such General Members;

(iii) in case of a Library having more than 1000 General Members, 12 persons to be elected from such General Members.

(3) The Committee as stated in sub-rule (1) for each District Library, shall consist of the following persons:—

- (a) two persons to be nominated by the Authority;
- (b) one person to be nominated by the Corporation or the Municipality or the Notified Area Authority or the Panchayat Samity, as the case may be;
- (c) one person to be nominated by the Zilla Parishad;
- (d) the District Library Officer as ex-officio President;
- (e) the Librarian of the District Library as ex-officio Member secretary;

(f) one employee other than the Librarian of the District Library to be elected by the employees of the Library from amongst themselves;

(g) one person to be nominated by the Authority from amongst the managing Committees of the Institutional Members;

(h) one life member of such District Library. If there are more than one such life members, one of them shall be a member on rotational basis. The selection of such member on rotation shall be made by the District Library Officer on the basis of seniority in membership and in case the seniority in membership is identical, the rotation shall be done on the basis of age of such members;

(i) such other persons as stated in item (i) or item (ii) or item (iii) as the case may be, to be elected on the basis of the strength of General Members on the date of issue of notice for election:-

(i) in case of such District Library having not more than 500 General Members, 8 persons to be elected from such General Members;

(ii) in case of such District Library having more than 500 General Members but not more than 1000 members, 10 persons to be elected from such General Members;

(iii) in case of such District Library having more than 1000 General Members, 12 persons to be elected from such General Members.

(4) Unless otherwise provided in these rules, the Librarian shall be the Joint Secretary of the Committee except where the Librarian acts as the Secretary of the Committee. Where the Librarian acts as the Secretary of the Committee, a Joint Secretary shall be elected from amongst the members of the Committee.

(5) No act of the Committee shall be invalid by reason only of the existence of any defect in the constitution of the Committee.

(6) If a nominated or 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 Committee.

9. Term of the Committee and its members:- (1) Subject to the approval of the Authority, the term of the Managing Committee shall be for three years from the date of election of its office-bearers:

Provided that the Authority may, for good and sufficient reasons, extend such term for a maximum period of one year.

(2) The newly constituted or reconstituted Committee shall start functioning immediately after the election of its office-bearers. The outgoing secretary shall handover the books of accounts, other records and funds, to the newly elected secretary within three (3) days from the date of election of the office-bearers of such newly constituted or reconstituted Committee.

(3) Every member of the Committee shall have to vacate his office on the expiry of the terms of three years unless there is a special approval of the Authority extending the terms of the Committee.

10. Power and functions of managing Committee.— Subject to the provisions of the Act and these rules, the Committee shall have the power and functions—

- (a) to manage and administer the Library and to monitor for proper utilization of the Library fund;
- (b) to act under the general supervision, control and guidance of the Council, the Authority, the Director and the District Library Officer;
- (c) to prepare plans and programmes for development, improvement and maintenance of Library Service and shall forward these plans and programmes for considerations of the Authority;
- (d) to purchase, acquire and sell movable and immovable property and construct building in the name of the Library under the general supervision, control and guidance of the Authority, the Director or the District Library Officer, as the case may be;
- (e) to take up such other programmes which are in conformity with the Act and the programmes undertaken by the Directorate of Library Services of the Government;
- (f) to finish periodic reports and returns as per directions of the Authority or the Director or the District Library Officer;
- (g) to take proper steps against loss or damage of property and documents of the Library;
- (h) to constitute with the approval of the Authority, sub-Committee for better and effective functioning of the Library;
- (i) to make necessary arrangement for purchase of books, documents and other materials including furniture and equipment;
- (j) to make, with the approval of the Authority, certain norms and procedures necessary for day to day functioning of the Library, such as the working hours, the rate or the amount of caution deposit against books or documents taken on loan.

11. Procedure for Election.— (1) The procedure for election of members of the Committee shall be laid down by the Director on the recommendation of the Council.

(2) The meeting for the election of the members of the Committee for the purpose of constitution or reconstitution of the Committee shall be held as per the procedure laid down under sub-rule (1).

(3) The Director shall communicate to the Authority the procedure for election and the date from which the procedure shall come into force.

(4) The Librarian or in his absence, the District Library Officer shall, on the date of publication of the provisional voter list, send a notice, under proper receipt, to the Authority and to the respective Corporation or the Municipality or the Notified Area Authority or the Panchayat Samity or the Zilla Parishad for sending the names of their respective nominees to the Committee within 45 days from the date of such notice.

(5) The Election of the office-bearers of the Committee shall not be held until the election for constitution or reconstitution of the Committee has been completed and such election shall be made with the elected and nominated members of the Committee.

Provided that in case of non-availability of any nominated member within the stipulated period as stated in sub-rule (4), the constitution or reconstitution of the Committee to elect the office bearers shall be made from amongst the available members.

(6) In case the District Library Officer authorises a person as stated in sub-rule (1) of rule 12 to convene the first meeting of the Committee to elect the office-bearers, such District Library Officer shall send name(s) to be nominated as above to the person authorised by him, so that he may send notice of the first meeting of the newly constituted or reconstituted committee to the nominees.

(7) In case of resignation or death of any office-bearer, a new office-bearer in his place shall be elected in the meeting of the committee convened after the resignation or death of such office-bearer.

(8) The Librarian of the District Library shall, at least seven days before the date of election of the General Members, convene a meeting of the employees of the Library for electing an employee from such employees to act as a member on the Committee of the Library.

12. Meeting of Managing Committee - (1) After the completion of the election and nomination of the members of the newly constituted or reconstituted Committee, the Librarian or in his absence, the District Library Officer or a person authorised by such District Library Officer, shall, within fifteen days from the date of completion of election and nomination, convene the first meeting of the elected, nominated and ex officio members of the newly constituted or reconstituted committee for the purpose of election of the President, the Secretary and the Joint Secretary and other office-bearers of the Committee, unless otherwise directed by the authority.

(2) The first meeting of the Committee shall be convened after giving a clear seven days notice of convening such meeting under registered post with acknowledgement due for holding such a meeting subject to the provisions of these rules.

(3) In case of non-availability of any nomination from the authority concerned within the period as stated in sub-rule (4) of rule 11, the Librarian or in his absence, the District Library Officer or a person authorised by him, shall, within fifteen days after completion of election, convene the first meeting of the available members of the newly constituted or reconstituted Committee for the purpose of election of office-bearers in the manner as stated in sub-rule (1) and sub-rule (2).

(4) A meeting of the Committee other than a general body meeting shall be held with clear seven days' notice and a meeting of the general body (including requisition meeting) shall be held by clear fifteen days' notice.

(5) In all meetings other than a general body meeting of the Committee, there shall be a quorum of one-third of its total members and in all meetings of the general body meeting of the Committee, one-sixth of its total valid members shall form a quorum. No quorum shall be required in case of an adjourned meeting.

(6) The Secretary shall convene all meetings of the Committee including its general body meeting.

(7) One-third of the members of the Committee and one-sixth of the valid members of the general body may requisition meetings of the Committee and of the General Body, and the Secretary shall convene such meeting within seven and fifteen days of receipt of the notice of such meeting, respectively. The requisition meeting shall be held only to discuss the specific agenda of the requisition.

(8) The Committee may, in its own motion or on the direction of the Authority, convene a general body meeting to discuss and resolve certain important items of business.

(9) The President may direct the Secretary to convene a meeting of the Committee to discuss certain items of business and the Secretary shall convene such meeting within seven days of receiving such direction.

(10) If the Secretary fails to convene meetings as directed by the President or as requisitioned by the members of the Committee within the stipulated date, the President shall have the right to convene such meetings.

(11) (a) In case of a Library other than the District Library, an emergent meeting of the Committee may be convened with the approval of the President of such committee and in the absence of the President, such an emergent meeting may be convened with the approval of the Secretary of such committee in consultation with concerned Librarian.

(b) In case of District Library, an emergent meeting of the Committee may be convened with the approval of the Librarian of such District Library in consultation with the Joint Secretary of the Committee.

(c) Every emergent meeting as stated in clause (a) and clause (b) shall be convened after giving a notice of minimum twenty-four hours before such meeting, to discuss some important and urgent items of business.

(12) Where the meeting of the Committee including its general body meeting has been convened with the direction of the Authority as stated in the sub-rule (8) and decision of such meeting is required to be approved by the Authority, such decisions shall be communicated to the Authority within seven days of such meeting by the Secretary of the Committee.

(13) A meeting of the Committee shall be held at least once in every two months.

(14) In case of tie of the number of votes cast for and against any agenda of the meeting, such drawing of votes shall be resolved by drawing of lots for once only.

(15) Any vacancy in the office of the elected members occurring by reason of death, resignation or otherwise, shall be filled up by co-option from amongst the valid members who were included in the final voters' list on the basis of which the Committee was constituted or reconstituted. The members who is required to be co-opted shall be a valid member on the date of such co-option.

13. Powers and function of President.— The President shall preside over every meeting of the Committee

and the general body meeting. In his absence, the members shall, in the Committee or the general body meeting, elect a member of the committee to preside over such meeting. The President shall exercise his casting vote in case of a tie.

14. Powers and functions of Secretary.—(1) Subject to the general supervision of the Authority, the Secretary of the Committee shall be responsible to the Committee for proper administration and management of the Library.

- (2) The Secretary shall convene meetings.
- (3) The Joint Secretary shall assist the Secretary in the discharge of his duties. In the absence of the Secretary, the joint Secretary shall perform the duties of the Secretary.

15. Power and functions of Librarian—(1) Subject to the general supervision and control of the Committee or the Authority, the Librarian shall allot normal duty to the subordinate employees and keep records of their duty for report to the higher authority. He shall make temporary working arrangement, if necessity arises. He shall make day-to-day supervision over the employees and in general, implement the policies of the higher authorities. He shall also do any other works related to the Library Services entrusted to him from time to time by the higher authorities. He shall maintain the collections of Library documents and registers relating to the Library Services.

- (2) Subject to the general supervision and control of the Secretary, the Librarian shall keep all records of the Committee, daily accounts, all correspondences and other papers of the Library. He shall maintain a register of members. He shall produce records, accounts etc, as and when demanded by the President, the Secretary, the District Library Officer, the Authority, or the Director of Library Services.

Note- All records shall be kept in the Library building in case of a *pucca* building having provisions for necessary security and preservation of records.

16. Annual Report, Annual Statement of Accounts and Annual Meeting of General Body—(1) The Librarian shall, in consultation with the Secretary prepare an Annual Report of the activities of the Library including the audited statement of accounts for every financial year for the approval of the Committee.

- (2) The Annual Report including the Annual Audited Statement of Accounts shall be placed in the annual meeting of the general body, which shall be held between the months of April and June every year, for its consideration and adoption.

- (3) The Annual Report and the Annual Audited Statement of Accounts along with observations and resolutions, if any, of the general body, shall be forwarded to the Authority within fifteen days of holding such meeting.

- (4) If, for some extraordinary reasons, the annual general meeting can not be held in between the months of April and June, the same shall be held after giving proper reasons to the Authority for the delay and after obtaining its permission to hold the meeting, within the next three months.

- (5) All general meetings of the general body of the Library shall be held with general members every year and in the agenda of the annual general meeting the following items shall be incorporated for

discussion in the said meeting:-

- (a) consideration of the proceeding of the last annual general meeting;
- (b) consideration of the Annual Report;
- (c) consideration of statement of the last year's Annual Accounts, Audited Statement of Accounts and current year's Budget;
- (d) proposals for improvement;
- (e) miscellaneous or other matters;

17. Financial year of Library – The financial year of a Library shall be the year commencing on the 1st day of April of any year and ending on the 31st day of March of the succeeding year.

18. Working hours of Library – (1) The Library shall be kept open on the days of the week as per the order of the Director from time to time.

(2) The schedule of daily working hours shall be fixed by the Committee in conformity with the general order of the Director in this behalf.

(3) The list of holidays of the Library shall be as declared by the Director.

19. Fund of Library – The fund of the Library shall consist of –

- (a) all grant (capital, recurring or ad-hoc) received from the Government, the Central Government or other bodies or agencies;
- (b) subscription realized from members, if any;
- (c) donation, gift or contribution received by the Library;
- (d) amount realized from members for loss or damage of documents or realized as fine;
- (e) bank interest;
- (f) amount acquired through sale of properties, movable or immovable with the previous permission of the Authority;
- (g) all refundable security deposits received by the Library (if any).

20. Operation of fund and financial transaction – (1) The fund of the Library other than the District Library shall be deposited in a nationalized bank or in a post office or in a co-operative bank and shall be jointly operated by the Librarian and the Secretary of the Committee and in absence of Librarian, the fund shall be operated jointly by the Secretary and the President of the Committee. In absence of the Secretary and the President of the Committee, the Administrator and the Librarian shall operate the fund jointly.

(2) The fund of the District Library shall be deposited in a nationalized bank and shall be operated by the Librarian and the Joint Secretary of the Committee. Where the Librarian is the Joint Secretary, such Librarian and the Secretary of the Committee shall operate the fund. In absence of Librarian, the Joint Secretary and the President shall jointly operate the fund. In absence of the Secretary and the President of

the Committee, the Administrator and the Librarian shall jointly operate the fund.

(3) In every meeting of the Committee, the Librarian shall furnish a detailed report of the financial position of the Library.

(4) All payment and financial transactions shall be made under the joint signature of the Librarian and the Secretary or the President of the Committee.

(5) The Librarian may keep –

- (a) in case of the District Library, an amount of Rs. 1,000/-,
- (b) in case of a Library other than the District Library,
 - (i) where such Library is situated in a Town/ Sub-division, an amount of Rs.500/-,
 - (ii) where such Library is situated in rural area or where such Library is a Primary Unit Library, an amount of Rs. 300/-,

to meet contingent and petty expenditure.

21. Employees of Library – (1) The employees of a Library as approved by the District Magistrate or the Director of School Education or the Director of Public Instruction or the District Mass Education Extension Officer or the Local Library Authority or the Director of Library Services, shall be the employees of the Local Library Authority and the terms and conditions of service of such employees shall be such as may be determined by the Government from time to time.

(2) No employee of the Library other than the employee of the District Library shall be eligible for election to the Managing Committee of the concerned Library

(3) The employee elected in the Managing Committee of the District Library shall not be eligible for election for any office-bearer.

(4) The casual leave of the employees of the Library may be sanctioned by the Secretary or in his absence, by the President of the Committee or by the Administrator where there is no Secretary or President. Leave other than casual leave of the employees may be sanctioned by the Authority on the recommendation of the Committee.

22. General control of Library and supersession of committee – (1) Subject to the provisions of the Act and these rules made thereunder, the Committee shall implement all decisions of the Government and the Authority.

(2) On the recommendation of the Authority, the District Library Officer or any other person authorized by the Government, shall have the power to supersede the Committee of the Library not functioning properly and in the case of any violation of or non-compliance with directives or orders of the Government or the Authority and in the case of any violation of the rules regarding constitution of the Committee, the District Library Officer or any other person authorized by the Government shall have the power to supersede the Committee and to appoint an Administrator or Ad-hoc Committee in its place on the recommendation of the Authority ordinary for a period not exceeding one year unless otherwise directed by the Government under exceptional circumstances, within which the Committee shall be re-constituted under these rules.

(3) During the period of supersession, the Administrator or the Ad-hoc Committee shall assume all powers and functions of the Committee and the Secretary of the Committee, unless otherwise directed by the Authority.

(4) The Director shall have the right to proceed against a member of the Committee for defalcation of funds and properties of the Library.

(5) Subject to the provision of the Act and the rules made thereunder the Authority shall have the right to inspect any Library or any document or record of the Library for verification, checking.

By order of the Governor,

Secy. To the Govt. of West Bengal.