
REPORT OF THE SELECT COMMITTEE
ON
THE KERALA PUBLIC LIBRARIES BILL, 1977
AND
THE BILL AS REPORTED BY THE SELECT COMMITTEE

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Report of the Select Committee

The Select Committee to which the Kerala Public Libraries Bill, 1977 was referred, have considered the Bill clause by clause and now submit this, their report with the Bill as reported by the Select Committee annexed thereto.

2. The Bill was published in the Gazette Extraordinary dated August 5, 1977. The Bill was introduced in the Assembly on August 9, 1977 and the motion for reference to Select Committee was adopted on the same day.

3. The Committee held fourteen sittings of which six sittings (one day each at Palghat, Kozhikode, Cannanore, Ernakulam and two days at Trivandrum) were entirely devoted to the recording of evidence from representatives of organisations, associations, and persons interested in the provisions of the Bill. The changes proposed by the Committee and the reasons therefor are set out in the following paragraphs.

4. Clause 2, sub-clauses (b), (c) and (d).—The Committee are of the view that libraries maintained by departments or offices of the Government or any local authority and not intended for use by the public should alone be exempted from the provisions of the legislation, besides those mentioned in sub-clause (a) of the clause. The clause has been modified accordingly.

5. Clause 3, sub-clause (2).—The Committee consider that libraries which are receiving aid from any local authority should also be brought within the definition of “aided library”. The sub-clause has been modified for this purpose.

6. Clause 4, sub-clause (2).—Item (b) of the sub-clause seeks to provide that the Secretary to Government in the Education Department shall be an ex-officio member and Vice-Chairman of the Kerala State Library Authority. Since there are two Secretaries to Government in the Education Department, the Committee think that it should be made clear that the Secretary to Government dealing with libraries shall be the member of the Authority. The Committee also consider that the Vice-Chairman should be elected by the members of the Authority from among themselves.

Item (d) of sub-clause (2) provides for election of a member of the Authority by the members of the Syndicate of each of the Universities in the State. The Committee feel that as already a number of elections have to be conducted by the Universities, election of the members of the Authority by the Syndicate should be dispensed with. The Committee also think that one member from among the heads of Departments of Library Science of all the Universities would be sufficient and that such member should be nominated, by the Chairman of the Authority.

Item (e) of the sub-clause seeks to provide for the election of three persons by the members of the Bharana Samithi of the Kerala Grandhasala Sangham as members of the Authority. In view of the recommendation of the Committee that the Kerala Grandhasala Sangham should be dissolved and instead a State Grandhasala Union should be established, it is not necessary to provide for representation of the Kerala Grandhasala Sangham in the Authority. The Committee consider that instead of the provision for election of three persons by the members of the Bharana Samithi of the Kerala Grandhasala Sangham, provision should be made for the election of six persons by the Managing Committee of the State Grandhasala Union from among themselves.

Items (g), (h) and (i) of the sub-clause seek to provide for the election of one member each by the members of the Kerala Sahitya Akademi, the Kerala Sangeetha Nataka Akademi and the Kerala Lalithakala Akademi respectively from among themselves. The Committee are of view that instead of election by the members of the said Akademies the chairman of each Akademy should be made an ex-officio member of the Authority.

The Committee consider that item (j) of the sub-clause which seeks to provide for the nomination of one expert in library science as member of the Authority is unnecessary and should be omitted as provision for nomination of a person from among the heads of departments of Library Science of the Universities in the State have been made in item (d) of the sub-clause as modified by the Committee.

Item (k) of the sub-clause seeks to provide that the Director of Public Instruction shall be an ex-officio member of the Authority. The Committee feel that as the Director of Public Instruction is saddled with heavy work and too much responsibilities, the item should be modified to provide that the Director of Public Instruction or an officer not below the rank of Joint Director of Public Instruction nominated by the Government shall be an ex-officio member of the Authority.

The Committee consider that the Authority should also consists of two persons elected from among themselves by the representatives of the Panchayats in the District Library Authorities and one person elected from among themselves by the representatives of the municipal councils and municipal corporations in the District Library Authorities.

The Committee also feel that the proviso to the sub-clause is unnecessary and should be omitted.

The sub-clause has been suitably modified by the Committee for the above purposes.

6. *Clause 8, sub-clause (2).*—The Committee are of the view that it will not be proper to require the State Library Authority to forward to the Government the reasons for passing a resolution. The sub-clause has been modified accordingly.

7. *Clause 9, sub-clause (d).*—The Committee consider that the Trivandrum Public Library should be deemed to be a State Library established under the Act. For this purpose the Committee has inserted a new proviso to sub-clause (d).

8. *Clause 12, sub-clause (1).*—Item (d) of the sub-clause seeks to provide for the election of three members of the District Library Authority by the members of the Bharana Samithi of the Kerala Grandhasala Sangham from among themselves. The Committee have recommended the dissolution of the Kerala Grandhasala Sangham and the establishment of a State Grandhasala Union. The Committee consider that the item should be modified to provide for the election of four persons by the members of the managing committee of the State Grandhasala Union from among themselves.

Item (c) of the sub-clause seeks to provide for the nomination of one person as member of the District Library Authority by the Collector of the district from among the residents of the district, who, in his opinion is interested in the development of the library movement. The Committee are of the view that the nomination should be by the Government.

Sub-item (iii) of item (f) provides for the nomination of one person by the State Library Authority from among the headmasters of the High Schools in the district. The Committee consider that the representation under sub-item (iii) should not be restricted to the High School headmasters and that all the teaching staff of all Government and aided schools in the district should be given representation. The Committee also think that employees working in the libraries in the district should also be given representation in the District Library Authority.

The sub-clause has been modified for the above purposes.

9. *Clause 16.*—According to sub-clause (c) of the clause, a person shall be disqualified for being chosen as and for being a member of the State Library Authority or a District Library Authority if he has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months unless he has been relieved from the disqualification arising on account of such sentence by the Government. The Committee are of the view that the Government should not have the power to relieve a person from the disqualification incurred by him. The Committee also consider that sub-clause (d) which disqualifies an undischarged insolvent from being chosen as, or for being, a member of the State Library Authority or a District Library Authority is unnecessary and should be omitted.

The clause has been modified for the above purposes.

10. *Clause 23, sub-clause (1).*—This clause seeks to empower a District Library Authority to levy library cess, on all persons in the district liable to pay property tax to any local authority, at not more than ten per cent of such

tax. The Committee are of the view that the rate of levy should be uniform throughout the State which shall be ten per cent of the property tax payable to a local authority.

The Committee also consider that it should be clarified that property tax in respect of panchayat areas means the building tax payable to the panchayats.

Sub-clause (4).—The Committee consider that the sub-clause casts an unnecessary burden on the local authorities and should therefore be omitted.

The clause has been modified for the above purposes.

11. *New Chapter.*—The Committee are of the view that with the establishment of the State Library Authority and the District Library authorities as envisaged in the Bill, the major functions of the Grandhasala Sangham will be discharged by those authorities. The Committee are, therefore, of the view that the Kerala Grandhasala Sangham should be dissolved and provisions should be incorporated in the Bill for the establishment of a State Grandhasala Union and Taluk Grandhasala Unions, on the model of the State Co-operative Union and Circle Co-operative Unions contemplated in the Kerala Co-operative Societies Act, 1969, for the purpose of carrying on propaganda on library movement imparting training to librarians and organising activities for adult education and eradication of illiteracy.

The Committee have accordingly inserted a new Chapter VI in the Bill for the above purposes.

12. *Clause 38 (Original clause 33) Sub clause (2).*—The Committee are of the view that when the State Library Authority or a District Library Authority is superseded, only an officer or officers of the Government should be appointed to exercise the powers and discharge the duties of the superseded authority. The sub-clause has been modified for this purpose.

13. The other changes made by the Committee are either verbal or consequential.

C. H. MOHAMMED KOYA,
Chairman of the Select Committee.

വിയോജനക്കുറിപ്പ്

I

കേരള പബ്ലിക് ലൈബ്രറീസിൽ ബില്ലിനെക്കുറിച്ചു കമ്മിറ്റിയുടെ റിപ്പോർട്ടിലെ ചില ഭാഗങ്ങളോടു ഞാൻ അതിനാൽ താഴെ പറയുന്ന വിധത്തിൽ വിമതപ്പെടുന്നു.



- (1) ബില്ലിന്റെ ഉദ്ദേശങ്ങളിൽ ഞെ കേരള ഗ്രന്ഥശാലാ സംഘത്തിനെ പിരിച്ചുവിട്ടിട്ട് ആ സംഘടനയുടെ ജില്ലാ കമ്മിറ്റികളും സംസ്ഥാന കമ്മിറ്റികളും നിർവ്വഹിച്ചിരുന്ന അധികാരങ്ങളും ഉത്തരവാദിത്വങ്ങളും സ്റ്റേറ്റ് ലൈബ്രറി അതാറിട്ടി, ജില്ലാ ലൈബ്രറി അതാറിട്ടി എന്ന സ്റ്റാറ്റിസ്റ്റിക് സ്ഥാപനങ്ങളെ ഏൽപ്പിക്കുക എന്നതാണു്.
- (2) സംസ്ഥാന ലൈബ്രറി അതാറിട്ടിയും ജില്ലാ ലൈബ്രറി അതാറിട്ടികളും ഒരു വശത്തും താലൂക്ക് ഗ്രന്ഥശാലാ യൂണിയനുകളും സംസ്ഥാന ഗ്രന്ഥശാലാ യൂണിയനും മറുവശത്തും ആയി രണ്ടു സമാന്തര സംഘടനകളെ നിലനിർത്തുന്നത് ആവശ്യം ഇല്ലാത്തതാണ്.
- (3) സംസ്ഥാന ഗ്രന്ഥശാലായൂണിയൻ ആവശ്യം ഇല്ലാത്ത ഒരു സ്ഥാപനമാണ്.
- (4) താലൂക്ക് ഗ്രന്ഥശാലാ യൂണിയനുകളെ ജില്ലാ ലൈബ്രറി അതാറിട്ടികളുടെ കീഴ്ഘടകങ്ങളായി പ്രവർത്തിക്കുന്ന, പൊതുജനപങ്കാളിത്തത്തിന്റെയും ജനാധിപത്യത്തിന്റെയും അടിത്തറയായി അംഗീകരിക്കുകയും അതിനനുസരിച്ച് രൂപപ്പെടുത്തുകയും വേണം.
- (5) ലൈബ്രറിയൻമാർക്ക് ട്രെയിനിംഗ് കൊടുക്കുന്നതൊഴിച്ചു സംസ്ഥാന ഗ്രന്ഥശാലായൂണിയനെ ഏൽപ്പിച്ചിരിക്കുന്ന എല്ലാ ഉത്തരവാദിത്വങ്ങളും അധികാരങ്ങളും ജില്ലാ ലൈബ്രറി അതാറിട്ടികളുടെ കീഴ്ഘടകങ്ങളായ, താലൂക്ക് ഗ്രന്ഥശാലാ യൂണിയനുകളെ ഏൽപ്പിക്കാവുന്നതാണ്.
- (6) ലൈബ്രറിയൻമാർക്ക് ട്രെയിനിംഗ് കൊടുക്കുന്നതിനുള്ള ഉത്തരവാദിത്വം സ്റ്റേറ്റ് ലൈബ്രറി അതാറിട്ടിയെ ഏൽപ്പിക്കണം.
- (7) ജില്ലാ ലൈബ്രറി അതാറിട്ടികളിലേയും സംസ്ഥാന ലൈബ്രറി അതാറിട്ടിയിലേയും പ്രതിനിധികളെ അയയ്ക്കുന്നതിനുവേണ്ടി മാത്രം സംസ്ഥാന ഗ്രന്ഥശാലാ യൂണിയൻ ഏണൊരു സ്ഥാപനത്തെ നിലനിർത്തേണ്ട ആവശ്യം ഇല്ല. ജില്ലാ ലൈബ്രറി അതാറിട്ടികളിലേക്ക് നാലുവീതവും സംസ്ഥാന ലൈബ്രറി അതാറിട്ടിയിലേക്ക് ആറും പ്രതിനിധികളെ, താലൂക്കു ഗ്രന്ഥശാലാ യൂണിയനുകളിൽ നിന്നു തിരഞ്ഞെടുക്കുന്നതിനു വേണ്ട വ്യവസ്ഥയുണ്ടാക്കണം.

- (8) കേരള ഗ്രന്ഥശാലാ സംഘത്തിന്റെ അവകാശങ്ങളെയും താൽപ്പര്യങ്ങളെയും (interest) ജീവനക്കാരെയും സ്റ്റേറ്റ് ലൈബ്രറി അതാറിട്ടിയും ജില്ലാ ലൈബ്രറി അതാറിട്ടികളുമായി എറൈടുക്കണം.
- (9) ഈ അടിസ്ഥാനത്തിൽ, താലൂക്ക് ഗ്രന്ഥശാലാ യൂണിയനുകൾ, ജില്ലാ ലൈബ്രറി അതാറിട്ടികൾ; സ്റ്റേറ്റ് ലൈബ്രറി അതാറിട്ടി കമ്മിഷൻ ഉൾക്കൊള്ളുന്ന ഒരു പ്രസ്ഥാനത്തിന്റെ കയ്യിൽ, കേരള ഗ്രന്ഥശാലാസംഘം ചെയ്തിരുന്നു. പ്രവർത്തനങ്ങളെ ഏൽപ്പിച്ചുകൊണ്ട് ലൈബ്രറി പ്രസ്ഥാനത്തിന്റെ പ്രവർത്തനങ്ങൾ മെച്ചപ്പെടുത്തുന്നതിനുള്ള ഒരു ബില്ലിന് ആയി ഇതിനെ മാറ്റി എഴുതണം.
- (10) താലൂക്ക് ഗ്രന്ഥശാലാ യൂണിയനുകളിലെ ജനറൽ ബോഡിയിലെ അംഗങ്ങളുടെ ഔദ്യോഗിക കാലാവധി അഞ്ചുവർഷമാക്കണം.

തിരുവനന്തപുരം,
4-3-1979.

(ഒപ്പ്)
ആർ. സുന്ദരേശൻ നായർ.

വിയോഗനക്കുറിപ്പ്

II

കേരള പബ്ലിക് ലൈബ്രറി ബിൽ സെലക്ട് കമ്മിറ്റിയുടെ ചില ശുപാർശകളിൽ ഞാൻ വിധേയനാകുന്നു. അതിനാൽ താഴെ പറയുന്ന വിയോഗനക്കുറിപ്പ് എഴുതുന്നു.

- (1) ബില്ലിലെ വകുപ്പുകളനുസരിച്ച് രൂപീകരിക്കുന്ന സ്റ്റേറ്റ് ജില്ലാ അതോറിറ്റികളിലെ എക്സ് ഓഫീഷ്യോ അംഗസംഖ്യ കുറച്ച്, ഭൂരിപക്ഷം ഗ്രന്ഥശാലകളുടെ പ്രതിനിധികളായിരിക്കുവാനുള്ള തരത്തിൽ, സ്റ്റേറ്റ് ജില്ലാ ലൈബ്രറി അതോറിറ്റികൾ പുനഃസംഘടിപ്പിക്കേണ്ടതാണ്.
- (2) നിലവിലുള്ള ഗ്രന്ഥശാലകളും, അവയുടെ സ്ഥാപന ജംഗമ സ്വത്തുക്കളും ഡിസ്ട്രിക്റ്റ് ലൈബ്രറി അതോറിറ്റിയിൽ നിക്ഷിപ്തമാക്കുവാൻ വ്യവസ്ഥ ചെയ്യുന്ന 40-ാം വകുപ്പ് ലൈബ്രറി കളുടെ സ്വതന്ത്രവും ജനാധിപത്യപരവുമായ പ്രവർത്തനത്തിനും ലൈബ്രറികളുടെ അഭിവൃദ്ധിക്കും ഹാനികരവുമായ ഈ വകുപ്പ് എടുത്തുകളയേണ്ടതാണ്.
- (3) ലൈബ്രറി സെസ് ചുമത്തുവാനുള്ള വകുപ്പ് എടുത്തു കളയുകയും ഗവൺമെന്റിന്റെ പൊതു ഫണ്ടിൽനിന്നു തന്നെ ഗ്രന്ഥശാലകൾക്കാവശ്യമായ ഗ്രാന്റ് നൽകാൻ വ്യവസ്ഥയുണ്ടാവുകയും വേണം.

തിരുവനന്തപുരം,
7-3-1979,

(ഒപ്പ്)
[എൻ. കെ. ബാലകൃഷ്ണൻ.

വിയോജനക്കുറിപ്പ്

III

കേരളാ പബ്ലിക് ലൈബ്രറീസ് ബിൽ, 1977 സെലക്ട് കമ്മിറ്റിയുടെ റിപ്പോർട്ടിലെ ചില ശുപാർശകളോട് ഞങ്ങൾ വിയോജിക്കുന്നു അതിനാൽ താഴെ പറയുന്ന വിയോജനക്കുറിപ്പ് എഴുതുന്നു

- (1) ബില്ലിലെ 'ഗ്രന്ഥശാലാസംഘം' പരിച്ഛേദത്തിൽ സംബന്ധിച്ച സമീപനം ഉപേക്ഷിക്കുകയും, കേരളത്തിലെ 4200-ലധികം വരുന്ന ജനകീയ ഗ്രന്ഥശാലകളുടെ അഫിലിയേഷൻ, ഗ്രന്ഥശാല തുടങ്ങിയ അവകാശങ്ങളോടുകൂടി തിരുവിതാംകൂർ കമ്പനി നിയമം 1114 (IX of 1114) അനുസരിച്ച് രജിസ്ട്രാർ ചെയ്തിട്ടുള്ള "കേരള ഗ്രന്ഥശാലാ സംഘം", ഓർഡിനൻസ് മുഖാന്തിരം ഏറ്റെടുക്കുന്നതിനു മുൻപുള്ള പദവിയിൽ നിലനിർത്തുകയും വേണം.
- (2) ബില്ലിലെ വകുപ്പുകളനുസരിച്ച് രൂപീകരിക്കുന്ന സ്റ്റേറ്റ്-ജില്ലാ ലൈബ്രറി അതോറിറ്റികളിൽ എക്സ്പ്രിസിറ്റ് മെമ്പർമാർക്കാണ് ഭൂരിപക്ഷം ഈ സ്ഥിതി മാറ്റി ഗ്രന്ഥശാലാ പ്രസ്ഥാനത്തിന്റെ പ്രതിനിധികൾക്ക് ഭൂരിപക്ഷം ഉണ്ടാകത്തക്കവിധം സ്റ്റേറ്റ്-ജില്ലാ ലൈബ്രറി അതോറിറ്റികൾ സംഘടിപ്പിക്കണം.
- (3) നിലവിലുള്ള ഗ്രന്ഥശാലകളും അവയുടെ സ്ഥാപന ജംഗമ സ്വത്തുക്കളും ഡിസ്ട്രിക്ട് ലൈബ്രറി അതോറിറ്റികളിൽ നിക്ഷിപ്തമാക്കുവാൻ വ്യവസ്ഥ ചെയ്യുന്ന 40-ാം വകുപ്പിൽ നിന്നും കേരള ഗ്രന്ഥശാലാസംഘത്തിൽ അഫിലിയേറ്റു ചെയ്തിട്ടുള്ള ഗ്രന്ഥശാലകളെ ഒഴിവാക്കണം.
- (4) ലൈബ്രറി സെസ് ഉപേക്ഷിക്കണം.

- (1) പി ആർ ശിവൻ (ഒപ്പ്)
- (2) പി കരുണാകരൻ (ഒപ്പ്)
- (3) എൻ വാസുദേവൻ പിള്ള (ഒപ്പ്)
- (4) കെ പി രാമൻ (ഒപ്പ്)
- (5) പി കെ ഇട്ടപ്പ (ഒപ്പ്)

തിരുവനന്തപുരം,
7-3-1979,

DISSENTING NOTE

IV

I am in disagreement with the provision of the Bill in clause 23. This clause empowers the District Library Authority to levy a library cess on all persons in the District liable to pay *property* tax to any local authority, at ten per cent of such tax. This cess will be an addition to such property tax (in Panchayat Building Tax). There is neither any justification nor any necessity to impose a new tax on the people of Kerala who are already overburdened with heavy taxation. The funds necessary for the activities and working of the District Library authorities and other bodies under this enactment can and must be found out from the overall budget provision of this State. Hence the proposal to impose this new tax viz "library cess" should be totally given up.

Trivandrum
7-3-1979

(Sd)
N I DEVASSYKUTTY.

THE KERALA PUBLIC LIBRARIES BILL, 1977

(As amended by the Select Committee)

(Words underlined or sidelined indicate the amendments suggested by the Committee Omissions are indicated by asterisks)

A

BILL

to provide for the establishment and maintenance of public libraries and the development and organisation of a comprehensive rural and urban library service in the State of Kerala

Preamble.—WHEREAS it is expedient to provide for the establishment and maintenance of public libraries and the development and organisation of a comprehensive rural and urban library service in the State of Kerala and for matters connected therewith,

BE it enacted in the Thirtieth Year of the Republic of India as follows —

CHAPTER I

Preliminary

1. *Short title, extent and commencement* —(1) This Act may be called the Kerala Public Libraries Act, 1979

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

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

2. *Exemption* —Except as provided in this Act, nothing herein shall apply to libraries maintained by—

(a) universities or other educational or research institutions, or

(b) departments or offices of the Government or any local authority
and not intended for use by the public

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

(1) “affiliated library” means a library affiliated to the Grandhasala Sangham,

(2) “aided library” means a recognised library receiving aid from the Government or a local authority,

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

(4) “Director of Libraries” means the Director of Libraries appointed under section 10,

(5) “district” means a revenue district,

(6) “District Librarian” means the librarian appointed by the Government to be in charge of a district library and having such functions and duties in relation to other libraries, library services, delivery services and delivery stations in the district, as may be prescribed,

(7) “district library” means—

(i) a library established or maintained by a District Library Authority for serving the library needs of the district and includes the branches, delivery services and delivery stations of such a library,

(ii) a library established or maintained by the Government and handed over to the District Library Authority for being run by that authority,

(iii) a library established or maintained by any local or other authority handed over to the District Library Authority for being run by that authority,

(8) “District Library Authority” means a District Library Authority constituted for a district under section 11,

(9) “Grandhasala Sangham” means the Kerala Grandhasala Sangham;

(10) “notification” means a notification published in the Gazette,

(11) “prescribed” means prescribed by rules made under this Act,

(12) “recognised library” means a library recognised under section 21;

(13) “State” means the State of Kerala;

(14) “State Grandhasala Union” means the State Grandhasala Union established under section 32,

(15) “State Library” means a State Library established or deemed to be established under this Act,

(16) "State Library Authority" means the Kerala State Library Authority constituted under section 4,

(17) "Taluk Grandhasala Union" means a Taluk Grandhasala Union constituted under section 31,

(18) "year" means the financial year

CHAPTER II

The Kerala State Library Authority

4 *Constitution and composition of the Kerala State Library Authority*—(1) As soon as may be after the commencement of this Act, the Government may, by notification, constitute a library authority for the State, to be called the Kerala State Library Authority, which shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power, subject to the provisions of this Act and the rules made thereunder, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued

(2) The State Library Authority shall consist of—

(a) the Minister of the State for the time being in charge of Education, *ex-officio*, who shall be the Chairman of the Authority,

(b) the Secretary to Government in the Education Department dealing with libraries, *ex-officio*,

(c) two persons elected by the members of the Kerala Legislative Assembly from among themselves,

(d) one person nominated by the Chairman of the Authority from among the heads of the Departments of Library Science of all the Universities in the State,

(e) six persons elected by the members of the managing Committee of the State Grandhasala Union from among themselves,

(f) two persons elected by the Chairmen of the District Library Authorities in the State from among themselves;

(g) the Chairman of the Kerala Sahitya Akademi, *ex-officio*,

(h) the Chairman of the Kerala Sangita Nataka Akademi, *ex-officio*;

(i) the Chairman of the Kerala Lalithakala Akademi, *ex-officio*,

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(k) The Director of Public Instruction of the State or an officer not below the rank of Joint Director of Public Instruction nominated by the Government, *ex-officio* **

(l) the Director of Libraries, *ex-officio*

(m) two persons elected from among themselves by the representatives of the panchayats in the District Library Authority, and

(n) one member elected from among themselves by the representatives of the municipal councils and municipal corporations in the District Library Authorities

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(3) The Vice-Chairman of the State Library Authority shall be elected by the members of the Authority from among themselves

5 *Term of office* —(1) Save as otherwise provided in this Act, the term of office of the members of the State Library Authority, other than the *ex-officio* members, shall be five years commencing from the date on which the first meeting of the authority is held

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

(2) An outgoing member of the State Library Authority shall be eligible for re-election or re-nomination, as the case may be

6 *Vacancies* —A casual vacancy caused by death, resignation or disability of a member, or otherwise, in the State Library Authority shall be filled as early as possible by the election or nomination, as the case may be, of a suitable person in accordance with the provisions of sub-section (2) of section 4 or section 13, and any person so elected or nominated to fill a vacancy shall hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred

7 *Meetings of the State Library Authority* —(1) The State Library Authority shall meet at least twice a year on dates to be fixed by the Chairman, and one of such meetings shall be the annual meeting

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

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

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

(5) The Chairman or, in his absence, the Vice-Chairman or, in the absence of both the Chairman and the Vice-Chairman, any member chosen by the members present from among themselves shall preside at a meeting of the State Library Authority

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

8 *Procedure of State Library Authority*—(1) The State Library Authority shall transact business by resolutions passed in such manner and in accordance with such procedure as may be prescribed

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

(3) The Government may call for any ** ** information regarding any resolution from the State Library Authority and such authority shall be bound to furnish such information

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

9 *Powers and functions of State Library Authority*—Subject to the other provisions of this Act and the rules made thereunder, the State Library Authority may—

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

(b) co-ordinate the working of the District Library Authorities;

(c) superintend and direct all matters relating to library service in the State,

(d) in consultation with the Government establish one or more State Libraries at such place or places in the State as may be considered necessary.

Provided that the Trivandrum Public Library shall be deemed to be a State Library established by the State Library Authority under this clause

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

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

10 *Director of Libraries*—(1) The Government may appoint a person having the prescribed qualifications to be the Director of Libraries.

(2) The Director of Libraries shall *ex-officio* be the Secretary and the chief executive authority of the State Library Authority

(3) It shall be the duty of the Director of Libraries to give effect to the resolutions of the State Library Authority unless they are suspended or cancelled by the Government under sub-section (4) of section 8

(4) The Director of Libraries shall exercise such other powers and perform such other duties as are or may be conferred or imposed on him by or under this Act or the rules made thereunder

CHAPTER III

District Library Authorities

11 *Constitution of District Library Authorities*—(1) For the purpose of organising and administering library service at the district level, the Government may, by notification, constitute a District Library Authority for each district in the State

(2) Every District Library Authority shall be a body corporate by the name of the district for which it is constituted, having perpetual succession and a common seal with power, subject to the provisions of this Act and the rules made thereunder, to acquire, hold and dispose of property, both movable and immovable, to contract and to do all things necessary, proper or expedient for the purpose for which it is constituted and shall, by the said name sue and be sued.

12 *Composition of District Library Authorities*—(1) Every District Library Authority shall consist of—

(a) one person elected by the members of the municipal council or municipal corporation, as the case may be, within the limits of which the district library is situated,

(b) five persons elected by the Presidents of the panchayats and townships in the district, from among themselves,

(c) two persons elected by the members of the municipal councils and municipal corporations in the district, other than that mentioned in clause (a), from among themselves,

(d) four persons elected by the members of the managing committee of the State Grandhasala Union ordinarily resident in the district, from among themselves,

(e) one person nominated by the Government from among the residents of the district, who, in their opinion, is interested in the development of the library movement,

(f) one person nominated by the State Library Authority from each of the following groups —

- (i) officers of the Education Department in the district,
- (ii) the teaching staff of the colleges in the district, and
- (iii) the teaching staff of the Government and aided schools in the district, ** **
- (iv) the employees of the libraries in the district, and
- (g) the District Librarian, *ex-officio*

(2) The Chairman and the Vice-Chairman of the District Library Authority shall be elected by the members of the authority from among themselves

13- *Nomination of members by Government in default of election or nomination under section 4 or section 12* —If any member is not elected under clause (c) or * * (e) or (f) * * * or (m) or (n) of sub-section (2) of section 4 or if any member is not elected or nominated, as the case may be, under clause (a) or (b) or (c) or (d) or (e) or (f) of sub-section (1) of section 12, within such period as may be prescribed, the Government may, by notification, nominate a person qualified to be elected or nominated, as the case may be, to fill that vacancy, and the person so nominated shall be deemed to be a member duly elected or nominated under that clause

14 *Term of office* —(1) Save as otherwise provided in this Act, the term of office of the members of a District Library Authority, other than the *ex-officio* members, shall be five years commencing from the date on which the first meeting of the authority is held:

Provided that every member other than the *ex-officio* member shall continue in office until his successor assumes office

(2) An outgoing member of a District Library Authority shall be eligible for re-election or re-nomination, as the case may be

15. *Vacancies* —A casual vacancy caused by death, resignation or disability of a member or otherwise, in the District Library Authority shall be filled as early as possible by election or nomination, as the case may be, of a suitable person in accordance with the provisions of section 12 or section 13 and any person so elected or nominated to fill a vacancy shall hold office only so long as the member in whose place he is elected or nominated would have held office if the vacancy had not occurred

16. *Disqualifications of members of State Library Authority and District Library Authority* —A person shall be disqualified for being chosen as and for being, a member of the State Library Authority or a District Library Authority,—

(a) if he absents himself without excuse, sufficient in the opinion of the State Library Authority or the District Library Authority, as the case may be, from three consecutive meetings of the authority, or

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

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

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

17 *Meetings of District Library Authorities*—(1) Every District Library Authority shall meet at least once in every three months on dates to be fixed by the Chairman and one of such meetings shall be the annual meeting

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

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

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

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

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

(7) The Government may after giving reasonable notice to the District Library Authority and after hearing its objections, if any, suspend or cancel any resolution passed by the authority

18 *Powers and duties of Chairman and Vice-Chairman of District Library Authority*—(1) The Chairman of a District Library Authority may preside at the meetings of the authority and exercise such powers and perform such duties as may be prescribed

(2) The Vice-Chairman of a District Library Authority may, in the absence of the Chairman, preside at the meetings of the authority and exercise such powers and perform such duties of the Chairman as the Chairman may, from time to time, delegate to him.

19 *District Librarians*—(1) Every District Librarian shall be appointed by the Government

(2) The qualifications, method of appointment, pay and other conditions of service of the District Librarians shall be such as may be prescribed.

(3) The District Librarian shall *ex-officio* be the Secretary and the chief executive authority of the District Library Authority

(4) The District Librarian shall carry into effect the resolutions of the District Library Authority unless they are suspended or cancelled by the Government under sub-section (7) of section 17.

(5) The District Librarian shall generally assist the District Library Authority in performing its functions, and exercise such other powers and perform such other duties as may be conferred or imposed on him by or under this Act or the rules made thereunder

20 *Powers and functions of District Library Authorities*—Save as otherwise provided in this Act, every District Library Authority shall have power—

(a) to supervise, co-ordinate and control the library service under its jurisdiction in the district,

(b) to provide library service to the persons residing in the district,

(c) to appoint officers and servants necessary for the efficient performance of its duties and functions and for the transaction of business in regard to the libraries under its jurisdiction,

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

(e) to provide such libraries with books, periodicals, newspapers, maps, gramophone records, manuscripts, works and specimens of art and science, lantern slides, films, cinema projectors, recorders and the like,

(f) to shift or close any public library,

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

(h) to provide for lectures and conduct other activities as may be conducive to the carrying out of the purposes of this Act,

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

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

21. *Recognition of libraries for aid*—(1) Any library other than a library under the supervision and control of the State Library Authority or a District Library Authority may apply to the District Library Authority of the district in which it is situated for recognition as a recognised library under this Act.

(2) An application under sub-section (1) may be accompanied by a recommendation of the district unit of the Grandhasala Sangham in the prescribed form indicating to what extent the library has complied with the conditions prescribed for such recognition

(3) The District Library Authority shall consider the application and the recommendation, if any, and if it is satisfied that the conditions for granting recognition have been complied with, grant recognition to the library and on such recognition being granted, the library shall be eligible for aid

CHAPTER IV

Development Plan, Cess and Funds

22 *Library Development Plan*—(1) Subject to the provisions of this Act and the rules made thereunder, and to the general or special orders of the Government, if any, in this behalf, a District Library Authority may, after consulting the Grandhasala Sangham, prepare a District Library Development Plan for establishing, co-ordinating and spreading library service within the entire district or part thereof, in such form and manner and containing such particulars as may be prescribed

(2) The District Library Development Plan shall thereafter be forwarded to the Director of Libraries who shall submit it to the Government with the views of the State Library Authority

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

(4) The Government may, on application by the District Library Authority concerned, and in consultation with the State Library Authority, modify any District Library Development Plan sanctioned under sub-section (3)

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

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

23 *Library cess* —(1) For the purpose of meeting the expenditure in connection with the library service in a district, a District Library Authority may, with effect from such date as the Government may notify in this behalf, levy a library cess on all persons in the district liable to pay property tax to any local authority under the law governing the constitution and powers of that local authority ** ** at ten percent of such tax and such cess shall be deemed to be an addition to such property tax

Explanation —For the purposes of this section “property tax”, in relation to a panchayat, means the building tax payable to that panchayat

(2) The levy of the cess under sub-section (1) shall be published in the prescribed manner and notified to all the local authorities in the district entitled to levy and collect property tax under the law referred to in sub-section (1), to enable them to collect the same along with the property tax.

(3) The probable amount of library cess due under sub-section (1) to a District Library Authority from each of the local authorities in the district shall be paid by the Government in advance by deduction from the grant or other amount payable by the Government to that local authority.

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(4) The Library cess levied under sub-section (1) shall be collected by the local authorities along with the property tax and the procedure for the demand, levy and collection of the property tax shall, *mutatis mutandis* apply to the demand, levy and collection of the library cess

(5) The local authorities shall reimburse themselves by collecting the library cess along with the property tax and if the library cess collected is more or less than the sum mentioned in sub-section (3) the difference shall be adjusted in the prescribed manner.

24. *Government grant to District Library Authorities* —(1) The Government may make annually a grant to every District Library Authority of a sum which shall not be less than the amount collected by way of library cess under section 23

(2) The amount of such grant shall be credited to the District Library Fund maintained under section 25, at such times and in such manner as may be prescribed

25 *The District Library Fund*—(1) Every District Library Authority shall maintain a fund called the District Library Fund, from which all the expenses of that authority shall be met.

(2) The following sums shall be credited to the District library Fund —

- (a) the Library cess collected under section 23,
- (b) the grant made under section 24,
- (c) contributions, gifts and income from endowments, granted to the authority,
- (d) any other grant which the Central or State Government may make.

26 *State Library Fund*—(1) The State Library Authority shall maintain a fund called the State Library Fund from which all the expenses of that authority shall be met

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

- (a) grants which the State Government or the Central Government may make to the State Library Authority,

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- (b) contributions and gifts made to the State Library Authority

27. *Accounts*—(1) The State Library Authority and every District Library Authority shall keep complete accounts of their financial transactions in such form as may be prescribed

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

28. *Inspection of libraries*—(1) The Director of Libraries or the District Librarian may, and if directed by the appropriate Library authority, shall, inspect any library under his jurisdiction for verifying whether the provisions of this Act and the rules and bye-laws made thereunder are duly observed by the libraries

(2) In all cases where such inspections are made, the inspecting officer shall submit a detailed report of his inspection to the appropriate library authority.

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

CHAPTER V

Reports and Returns

29. *District Library Authority to submit reports etc*—Every District Library Authority shall submit such reports and returns and furnish such information to the Director of Libraries or any person authorised by him in that behalf, as the Director of Libraries or the person so authorised may, from time to time, require

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

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

CHAPTER VI

Taluk Grandhasala Unions and State Grandhasala Union

31 *Constitution of Taluk Grandhasala Unions*—(1) The Government shall, by notification in the Gazette, constitute a Taluk Grandhasala Union for each taluk in the State

(2) The Taluk Grandhasala Union shall consist of—

- (a) a general body, and
- (b) a managing committee.

(3) Every recognised library, affiliated library and public library in a taluk shall elect from among its members two delegates in such manner as may be prescribed, and all such delegates shall constitute the general body of the Taluk Grandhasala Union.

(4) The general body of each Taluk Grandhasala Union shall in such manner as may be prescribed elect one of its members to be its Chairman

(5) The Managing Committee referred to in clause (b) of sub-section (2) shall consist of the following members, namely —

(a) ten members elected in such manner as may be prescribed by the members of the general body of the Taluk Grandhasala Union from among themselves,

(b) the Chairman of the Taluk Grandhasala Union, *ex-officio*, who shall be its Chairman,

(c) one person nominated by the State Grandhasala Union, and

(d) one person nominated by the Government

(6) Any officer nominated by the Director of Libraries shall be the Secretary of the Managing Committee

(7) The term of office of the members of the general body and of the managing committee of the Taluk Grandhasala Union other than the *ex-officio* members shall be three years from the date on which they enter upon office

(8) The Taluk Grandhasala Union and its managing committee shall exercise such powers and discharge such duties as may be conferred or imposed on them by this Act or the rules made thereunder or by the State Grandhasala Union

32 *Establishment of State Grandhasala Union*—(1) The Government shall, by notification in the Gazette, establish a State Grandhasala Union

(2) The State Grandhasala Union shall consist of—

(a) a general body, and

(b) a managing committee

(3) The general body of the State Grandhasala Union shall consist of—

(a) one delegate from each of the Taluk Grandhasala Unions in the State elected in such manner as may be prescribed by the members of the general body from among themselves,

(b) the Chairmen of the District Library Authorities, *ex-officio*,

(c) the Director of Libraries, *ex-officio*,

(d) the District Librarians, *ex-officio*, and

(e) five persons nominated by the Government

(4) The members of the general body of the State Grandhasala Union shall elect the Chairman and Vice-Chairman of the State Grandhasala Union from among themselves, in such manner as may be prescribed

(5) The managing committee referred to in clause (b) of sub-section (2) shall consist of the following members, namely —

- (a) one member from each revenue district, elected in such manner as may be prescribed by the members of the general body of the State Grandhasala Union from among themselves,
- (b) the Chairman and the Vice-Chairman of the State Grandhasala Union, *ex-officio*,
- (c) the Director of Libraries, *ex-officio*, and
- (d) two persons nominated by the Government

(6) The Chairman and the Vice-Chairman of the State Grandhasala Union shall also be the Chairman and Vice-Chairman respectively of its managing committee

(7) The District Librarians and the Director of Libraries shall not be eligible for being elected as the Chairman or Vice-Chairman of the State Grandhasala Union

(8) The Director of Libraries shall be the Secretary of the State Grandhasala Union

(9) The term of office of the members of the general body and of the managing committee of the State Grandhasala Union, other than the *ex-officio* members, shall be three years from the date on which they enter upon office

33 Functions of the State Grandhasala Union —The functions of the State Grandhasala Union shall be—

- (a) to assist the District Library Authorities, the State Library Authority and the Government to strengthen and develop the library movement in the State,
- (b) to carry on propaganda on the importance of library development in the State by providing lectures,
- (c) to conduct such other activities as may be conducive to create favourable atmosphere in the State for the organization of new libraries and for the better functioning of the existing libraries,
- (d) to impart training to librarians,
- (e) to organize activities for promoting adult education and eradication of illiteracy,
- (f) to establish and conduct evening ~~or~~ night schools for promoting adult education, and

- (g) with the previous sanction of the Government, to do any other act that may be conducive to the furtherance of the objects of this Act

34. Libraries to affiliate to the State Grandhasala Union—(1) Every recognised Library, affiliated Library and Public Library in the State shall, within a period of six months from the commencement of this section, or in the case of a library not in existence at the commencement of this section, within a period of six months from the date on which it comes into existence, get itself affiliated to the State Grandhasala Union

(2) The affiliation under sub-section (1) shall be in force for a period of one year from the date of affiliation and shall be renewed on the expiry of that period

(3) The fees payable by a library for affiliation to the State Grandhasala Union or for the renewal of such affiliation shall be such as may be prescribed.

(4) If any library fails to affiliate to the State Grandhasala Union as required by sub-section (1) or to renew such affiliation as required by sub-section (2), such library shall not be entitled to any of the privileges or assistance conferred on a library under this Act

35. Dissolution of the Kerala Grandhasala Sangham and transfer of its assets and liabilities—(1) Notwithstanding anything contained in the Kerala Non-trading Companies Act, 1961 (42 of 1961), with effect on and from the date on which this section comes into force, the Kerala Grandhasala Sangham shall, by virtue of this section, be deemed to have been dissolved

(2) All properties and all rights of whatever kind used, enjoyed or possessed by and all interests of whatever kind owned by or vested in or held by the Kerala Grandhasala Sangham and all liabilities legally subsisting against the Kerala Grandhasala Sangham shall, with effect on and from the commencement of this section and subject to such directions as may be issued by the Government in this behalf, vest in the State Grandhasala Union

(3) Every officer or other employee employed immediately before the commencement of this section, in connection with the affairs of the Kerala Grandhasala Sangham shall, as from such commencement, become an officer or other employee of the State Grandhasala Union and shall hold his office by the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, gratuity and other matters as he would have held under the Kerala Grandhasala Sangham if this section had not been enacted and shall continue to do so unless and until his employment in the State Grandhasala Union is terminated or until his remuneration, terms and conditions are duly altered by the State Grandhasala Union

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

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

Provided also that nothing contained in this sub-section shall apply to an officer or other employee referred to in sub-section (4)

(4) Notwithstanding anything contained in sub-section (3), any officers of Government deputed for employment in connection with the affairs of the Kerala Grandhasala Sangham and employed as such immediately before the date of commencement of this section shall, as from that date, revert to the service of the Government

(5) Notwithstanding anything contained in the Industrial Dispute Act, 1947 (Central Act 14 of 1947), or in any other law for the time being in force, the transfer of the services of any officer or other employee of the Kerala Grandhasala Sangham to the State Grandhasala Union under sub-section (3) shall not entitle any such officer or other employee to any compensation under that Act or other law, and no such claim shall be entertained by any court, tribunal or other authority

CHAPTER VII

Miscellaneous

36 Power to make rules—(1) The Government may, after previous publication, make rules to carry out the purposes of this Act

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

(a) the method of election or nomination of members to the State Library Authority and the District Library Authorities;

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

(c) the maintenance of accounts by the State Library Authorities and the District Library Authorities and the publication of audited statement of accounts and the reports of auditors,

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

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

(f) the restrictions and conditions subject to which the State Library Authority or a District Library Authority may enter into contract or hold or dispose of property,

(g) conditions of service of the officers and servants of the State Library Authority and the District Library Authorities and of the persons employed in the Libraries under their control, and supervision,

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

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule

37 Powers of State Library Authority and District Library Authorities to make bye-laws—(1) The State Library Authority and every District Library Authority may, subject to the provisions of this Act and the rules made thereunder and with the previous approval of the Government, by notification, make bye-laws generally to carry out the purposes of this Act

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

(a) the admission of the public to the libraries under the control of the State Library Authority or the District Library Authority

Provided that no fee shall be charged for such admission,

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

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

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

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

(4) The Government may, by notification, modify or cancel any bye-law made by the State Library Authority or a District Library Authority under this section

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

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

(2) On the supersession of the State Library Authority or a District Library Authority under sub-section (1),—

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

(b) all property vested in that authority shall, during the period of supersession, vest in the Government, and

(c) on the expiry of the period of supersession, the authority shall be reconstituted in the manner provided in this Act

39 *Validity of Acts and Proceedings*—No act done, or proceedings taken, under this Act shall be questioned merely on the ground—

(a) of any vacancy or defect in the constitution of any authority or any committee thereof, or

(b) of any defect or irregularity in such act or proceedings not affecting the merits of the case

40 *Transfer of existing libraries*—(1) On and from such date as the Government may fix for each district after the constitution of the District Library Authority for that District, all the affiliated libraries and public

libraries in that district along with their library services, delivery centres and other matters, and things connected therewith shall stand transferred to, and vested in, the District Library Authority of that district

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

(3) The Libraries vested in the District Library Authority under sub-section (1) shall be deemed to be libraries established under this Act, and the provisions of this Act and the rules and bye-laws made thereunder shall apply to those libraries as if they are libraries established under this Act

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

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

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

41 *Repeal* —The Madras Public Libraries Act, 1948 (Madras Act XXIV of 1948), as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956), is hereby repealed

Secretariat of the Kerala Legislature,
Trivandrum,
March 12, 1979.

DR R PRASANNAN,
Secretary