



**FIFTH
GUJARAT LEGISLATIVE ASSEMBLY**

**REPORT
OF
SELECT COMMITTEE
ON
BILL NO. 55 OF 1977.**

THE GUJARAT PUBLIC LIBRARIES BILL

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of the Gujarat Legislative Assembly**

**GUJARAT LEGISLATURE SECRETARIAT
GANDHINAGAR
NOVEMBER, 1978.**

Erratum to the Report of Select Committee on Bill No. 55 of 1977-

The Gujarat Public Libraries Bill.

Page No.	Para/ clause	Line	Incorrect	Correct
3	4	3rd	Organisations	Organisations
4	11	2nd	printings,	paintings,
9	26	11th	clause 15	clause 13
9	27	1st	in his	in this
13	3	3rd	Advisory	<u>Advisory</u>
15	4(iv)	2nd	Director	<u>Director</u>
15	4(iv)	3rd	thereion;	thereon;
15	6	3rd	that members	the member
15	6	Marginal note		Casual vacancies
16	10	3rd	servant	servants
16	11(2)(e)	1st	section 17	section [17] <u>15</u>
17	12(1)	2nd	as	at
18	15(2)(c)	1st	contribution	contributions
20	18	2nd	general of	general or
20	22	2nd	anhual	annual
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GUJARAT PUBLIC LIBRARIES BILL

A BILL

...

to provide for the establishment, maintenance, organisation and development of public libraries in the State of Gujarat, and for purposes connected therewith.

COMPOSITION OF SELECT COMMITTEE

Chairman

Shri Navalbhai Shah, Minister for Education,

Members

Shri Navinchandra Barot, Minister for Law,

Shri Maneklal Gandhi, Minister for Panchayats,

Shri Arvindbhai Maniar,

Shri Govindbhai Boda,

Shri Jashvantlal Shah,

Shri Gosainbhai Patel,

Shri Gokalbhai Parmar,

Shri Vijaykumar Trivedi,

Shri Sanat Mehta,

.....

Shri Hariharbhai Khambholja.

Legislature Secretariat

Shri D. G. Desai, Secretary,

Shri A. J. Trivedi, Deputy Secretary,

Shri V. H. Dave, Under Secretary,

.....

Shri S. S. Makwana, Section Officer,

GOVERNMENT REPRESENTATIVES

Shri R. V. Chandramauli, Secretary, Education Department,

Shri S. L. Talati, Secretary, Legal Department.

REPORT OF THE SELECT COMMITTEE

I, as the Chairman of the Select Committee to which the Gujarat Bill No. 55 of 1977 (A Bill to provide for the establishment, maintenance, organisation and development of public libraries in the State of Gujarat and for purposes connected therewith) was referred, do hereby submit the following Report of the Committee, along with the Bill as amended by the Committee, annexed hereto.

2. The Bill was introduced in the Gujarat Legislative Assembly on the 17th February, 1978. The motion that the Bill be read a first time was moved in the House by Shri Navalbhai Shah, Minister for Education on the same day and was discussed on the same day. After the Bill was read for the first time, the Minister in charge of the Bill moved the motion that it be referred to a Select Committee composed of 11 members including the Chairman and with the instruction to report to the House before 15th March, 1978. The motion was adopted on the same day. (*Appendix-I*). Hon. the Speaker appointed Shri Navalbhai Shah, Minister in charge of the Bill as Chairman of the Committee.

3. All notices of amendments to the Bill which were received from members, before the Bill was referred to the Select Committee were referred to the Select Committee as required under rule 134 (4) of the Gujarat Legislative Assembly Rules.

4. At its preliminary sitting held on the 23rd February, 1978, the Committee prepared its programme for sittings, etc. and decided to issue a Press Note intimating Associations, Organisations and members of the public who might desire to submit their views on the Bill before the Committee to send their views, suggestions or amendments, and who might desire to appear personally before the Committee to communicate their desire so as to reach the Gujarat Legislature Secretariat on or before 28th February, 1978. Accordingly a Press Note was issued but it was noticed that no daily newspaper except one or two had published the same. As the Press was not responsive to such a matter of public interest, it was considered desirable to advertise the matter in Press and to extend the time limit of receiving the views and communications regarding personal appearance before the Committee upto 6th March, 1978. Accordingly the Press Note was advertised as a Public Notice in various newspapers by making payment to them. Similiar communication was also issued to all the members of the Assembly by Bulletin Part II.

5. As mentioned in the previous paragraph, the time limit for receiving views from the public and receiving communication of personal appearance before the Committee had to be extended upto 6th March, 1978, it was not possible for the Committee to adhere to the programme drawn by it in its sitting of 23rd February, 1978 and to make a report before 15th March, 1978. Hon'ble the Speaker, therefore in pursuance of rule 175 (1) of the Gujarat Legislative Assembly Rules extended the time for the presentation of the report upto 27th March, 1978.

In its sitting of 14th March, 1978, the Committee felt that to discuss and consider the basic principles, structure and several aspects of the Bill, some more time would be required. The Committee therefore, again sought extension of time from the Speaker for presentation of its report. In pursuance of that, Hon. the Speaker, extended the time limit upto 10 days after commencement of the next session *i.e.* sixth session. By this time also the Report could not be finalised by the Committee. Hon. the Speaker, therefore further extended the time limit for the presentation of the Report upto 10 days after commencement of the next session *i.e.* seventh session.

6. In response to the Public Notice, the Committee received 29 Memoranda from various persons, Associations and Organisations. A list of such persons, Associations and Organisations who had communicated their views on the Bill is annexed hereto as *Appendix II*. A list of persons who appeared personally to place their views before the Committee is also annexed hereto as *Appendix III*.

7. The Committee held its sittings on 23rd February, 1978, 10th March, 1978, 14th March, 1978, 19th June, 1978, 20th June, 1978 and 3rd October, 1978.

Minutes of these sittings are annexed hereto as *Appendix IV*.

8. The Committee at its meeting on 20th June, 1978 considered each of the clauses of the Bill in light of the memoranda and each of the amendments suggested by various persons, bodies and institutes and members of the Assembly. The Committee also considered similar provisions of the model Bill of Government of India and of similar Acts of other State Legislatures contained in background material prepared by the Gujarat Legislature Secretariat.

9. The observations of the Committee with regard to the important amendments and some of the provisions which the Committee ultimately decided to retain as they were in the Bill, are given in the succeeding paragraphs.

10. *Long Title*.—The words “establishment, maintenance and organisation” are used in the Long Title. The Committee felt that it would serve the purpose of the Bill properly if only one word “promotion” is used instead of all these three words. This would also be in consonance of the object of the Bill. The Committee has, therefore, amended the Long Title accordingly.

11. *Clause 2(a) (iii)*.—In sub-clause (a) of clause 2, the word “book” has been defined. As per item (iii), newspapers, periodicals, printings, posters etc. are included in the definition of the word “book”. The Committee felt that the microfilm is also an effective media of disseminating information and, therefore, it should be included in the definition of the word “book”. The Committee has, therefore, amended this item.

12. *Clause 2(b)*.—This sub-clause defines the word “Council” as the Gujarat State Library Council constituted under Section 3. Looking to the provisions of the Bill, it appears that the functions of the Council is advisory and,

therefore, it would be more appropriate to define the word "Council" accordingly. The Committee, therefore, has added the word - "Advisory" before the word "Council" in this sub-clause.

Clause 2 items (c), (j) (ii) and (k).—Amendments made in these items are either consequential to the amendments made in clause 10 or are made with a view to cite new clauses which have been re-numbered.

13. *Clause 3 (2) (i).*—This item provides that the Minister for Education of the State shall be the *ex-officio* President of the Council. One member of the Assembly had suggested an amendment in this item to the effect that the President of the Council should be elected from amongst the members of the council. The Committee, however, considered the matter very carefully and felt that if the Education Minister will act as President of the Council it would enable the Council to take decisions which are practicable and possible and besides it would also make possible the implementation of the decisions of the Council at the Government level. Besides, in the Acts of other States, like Andhra Pradesh, Karnataka and Maharashtra and also in the Model Bill of the Central Government, the provision has been made to make Education Minister the President of the Council. The Committee, therefore, decided to retain the provision as it was.

14. *Clause 3 (2) (ii).*—This clause provides for constitution of State Library Council. Originally the Curator was to act as subordinate to the Director of Education. For the reasons assigned in paragraph 23, the Committee has decided to have a separate Director for Libraries who will work under the Secretary to the Education Department. The Committee, therefore, felt that under the said circumstances, the Director of Education need not be included in the Council and instead of him the Secretary to the Government of Gujarat, Education Department should be included in the Council. The Committee found such a provision of including the Secretary of the Department concerned in the Council in the model Bill of the Government of India and also in the Acts of other State Legislatures; like Andhra, Karnataka, Maharashtra and Kerala. The Committee has, therefore, made suitable amendment in clause 3 (2) (ii).

15. *Clause 3(2) [new item (iii)].*—Originally there was no representation of the members of the Assembly on the State Library Council. During the course of the first reading of the Bill many members of the House suggested that there should be some representation of the members of the Assembly on the Council. Persons who appeared before the Committee to place their views, also suggested for such representation of the M.L.A.'s on the Council. Moreover the model Bill of Government of India and similar Acts of some of the other Legislatures also provide for representation of members of the Assembly on the Council. The Committee, therefore, felt it would be advisable to provide for

the representation of the members of the Assembly on the Council. The Committee decided that three members would be adequate to represent the Assembly on the Council and has accordingly provided for the same.

Due to addition of this new item (iii), original items (iii) and (iv) are re-numbered as items (iv) and (v) respectively.

16. *Clause 3(2) items (v) to (vii) [new items (vi) to (x)].* During the course of the first reading of the Bill, certain members suggested that the State Library Council should be made more effective by incorporating experts as members in the Council. Amendments to that effect were also received from the Members of the Assembly. The persons who have given their Memoranda to the Committee and some persons who appeared before the Committee to place their views in person, had also suggested to take experts on the Council. Suggestions were also made to the Committee that representation should also be given to the Librarians on the Council who are working in the Public Libraries. Considering all these suggestions and considering similar provisions in the Acts of other State Legislatures, the Committee felt that two representatives from amongst men of letters, one more person from amongst persons having interest in the development of the Libraries in the State who is expert in the Library Service and one representative of the Librarians of the District Libraries in the State should be included in the Council.

In view of the above alteration, the Committee also felt that it would be desirable to reduce the number of representatives of recognised library association in the Council from 4 to 3.

Some consequential amendments are also made by the Committee in these items.

17. *Clause 3(3).*—The amendments made in this sub-clause are of minor nature. Instead of citing members of the Council from whom the Vice-President should be appointed, the Committee has suggested that the Vice-President should not be from amongst *ex-officio* members of the Council.

18. *Clause 4 [new items (ii) and (iii)].*—This clause provides for the functions of the Council. Considering the suggestions made in various Memoranda submitted to the Committee and considering suggestions made by the representatives who appeared before the Committee to place their views in person and also considering the over-all picture of the Library system in the State, the Committee felt that the Council should play more effective and positive role to develop the library system in the State. At present libraries in the State are poorly organised and many libraries are not used by the people. It is necessary to induce the people to make use of the books in the library. The Committee, therefore, decided that the Council should be entrusted with the functions of recommending measures for development of public libraries in the State and for the promotion of use of books in the library. The Committee, therefore, has added two more functions in clause 4.

The amendments made in subsequent items are either consequential or are of minor nature.

19. *Clause 5.*—This clause provides for term of office of non-official members of the Council. The term of office of non-official members has been provided for 5 years. The Committee feels that the term of five years is too long. To make the Council dynamic it would be better to reduce the term of non-official members by two years. The Committee has, therefore, amended clause 5 for substituting the word "three" for the word "five".

20. *Clause 7 sub-clause (1).*—In sub-clause (1) of this clause, it has been provided that the Council shall meet not less than twice in a year and that more than six months shall not intervene between any two sittings. The Committee felt that looking to the functions of the Council it should meet atleast thrice in a year and for that to make a consequential provision to the effect that four months shall not intervene between any two sittings. The Committee has amended this sub-clause accordingly.

21. *Clause 7 sub-clause (2).*—This clause provides that the meeting of the Council shall be presided over by the President and in his absence by any other member of the Council chosen by the meeting to preside for the occasion. A member of the Assembly had suggested amendment in this sub-clause, with a view to entrust the Vice-President, the function to preside over the meeting in absence of the President. As clause 3(3) makes provision for appointing a Vice-President of the Council, it is quite obvious that he should exercise the duties of the President in his absence. The Committee felt that in absence of the President the Vice-President should preside over the meeting and if the Vice-President is also absent then only other member of the Council may be chosen for presiding over the meeting. The Committee has therefore, amended this sub-clause accordingly.

22. *Clause 9(3).*—In this sub-clause the Council is empowered to make regulations for its own guidance providing for certain matters. The Committee felt that there is no need to make express provision in this regard. As the regulations to be made under this sub-clause are meant for its own guidance it is always open for the Council to adopt any principle it deems fit at any time and, as these regulations are not to be published they may not have force of law. More over, in absence of such regulations the working of the Council will not be hampered. The Committee, therefore, feels that this sub-clause is redundant and should be deleted.

23. *Clause 10.*—This clause provides for separate department of libraries headed by the Curator of Library. It also provides that the Curator shall be subordinate to the Director of Education. During the course of the first reading of the Bill, members of the House strongly opposed against the provisions of this clause particularly against the provision of making the Curator, subordinate to the Director of Education. It was suggested that the department of library should be headed by a separate Director and should be placed directly under the Secretary of the department concerned. Similar suggestions were also made by the persons who appeared before the Committee to place their views. Members of

the Assembly had also tabled amendments in this clause for making the department of library more effective. The Committee also examined provisions of the model Bill of the Government of India and provisions of the Acts of other State Legislatures in this regard and found that they also provide for a separate Director. As the Director of Education is over-burdened with various problems of education, he may not be able to give due attention in the library activities. Considering all these aspects, the Committee decided to concede to the demand of members of the Assembly and of the representatives of the various institutions. The Committee has, therefore, amended sub-clause (1) of this clause by substituting the word "Director" for the word "Curator" and sub-clause (3) has been deleted to achieve the aforesaid object.

24. *Clause 11.*—This clause provides for the functions of the Curator. Some of the amendments made in this clause are consequential and others are of minor nature. These minor amendments are made only to use precise, effective and more appropriate language.

25. *Clause 12.*—This clause provides for the State Central Library. In this clause it has been provided that the State Government shall establish and maintain a State Central Library at such place as may be determined by the State Government for the use of general public, and that it shall be managed, organised and developed through the Department of Libraries.

Representatives of certain libraries submitted before the Committee that the existing status of the State Central Libraries of certain libraries in the State should be retained. They however suggested that over and above the existing State Central Libraries, Government may establish one Central Reference Library at Gandhinagar if it deems proper. A Member of the Assembly had also tabled an amendment in clause 12 to the effect that the libraries which are designated as State Central Libraries before the commencement of the Act should continue to be State Central Libraries. Considering the representations made before the Committee and the historical reasons, and the functioning of the existing libraries recognised as Central Libraries, the Committee felt that it would be fair and serve the purpose if their recognition continues and has therefore amended clause 12 suitably.

26. *Clauses 13, 15, 16, 20 and 21.*—Clause 13 provides for establishment and management of district libraries. These libraries are to be managed, organised and developed through the department of library of the State. Under clause 15, the duty is cast upon the local authorities such as municipal corporation, municipality and district panchayat to establish and maintain public libraries in their respective areas for the public. Under clause 16 the Curator is empowered to issue directions to these local authorities for the purpose of ensuring satisfactory and adequate library service. Clause 20 provides for constituting a Library Fund and the contribution to be made in it, by the concerned local authorities and the State Government from the State library fund. Gifts made by the public for the library are also to be credited to this fund. Clause 21 pro-

vides for application of library fund. This fund is to be applied generally, to establish and run the libraries in local areas. The Committee felt that the financial conditions of the local authorities in the State is not satisfactory. They have to depend for finance upon the State Government for their legitimate activities also and, therefore, if the duty is cast upon such local authorities to establish libraries in their areas and to make them liable to contribute to the fund to be created for the purpose it would be additional burden on them. Under the present circumstances the Committee feels that the duty should not be cast upon the local authorities to establish and maintain libraries in their respective areas and to spend for the purpose. Instead of that, a provision should be made in clause 15 so as to authorise the State Government to establish and maintain public libraries in such local areas where library service to the public is not satisfactory. The Committee, therefore, has added new sub-clause (3) to clause 13 for the purpose and has deleted clauses 15, 16, 20 and 21.

27. *Clause 14.*—Amendment made in his clause is consequential to amendments made in clauses 12 and 13.

28. *Clause 17.*—This clause provides for State Library Fund. Sub-clause (2) provides for initial contribution of Rs. 50 lakhs from the Consolidated Fund of the State. On the first reading of the Bill, many members of the House while expressing their views opined that the amount of Rs. 50 lakhs for the library activities in the State would be inadequate and there will not be much progress of establishing new libraries in the State. Some of the members had also tabled amendments in this clause, so as to increase the fund. Some of the representatives of the various institutions who submitted their memoranda and who represented personally before the Committee were also of the view that the initial fund of Rs. 50 lakhs would be insufficient to carry out the activities. The provision for the sum of Rs. 50 lakhs was only initial and the idea was to go on increasing the fund subsequently according to the requirement of the library activity in the State. However, the Committee felt that looking to the present conditions obtaining in the State about the libraries, it should be advisable to increase the initial contribution for having substantial addition in libraries, and the Committee has accordingly raised the sum from Rs. 50 lakhs to Rs. 1.00 crore. The Committee has, therefore, amended sub-clause (2) suitably.

29. The Committee recommends that the Bill as amended be passed.

30 The Committee expresses its thanks to the Secretary, Education Department, Secretary, Legal Department and the Secretary and the Legislature Secretariat for their assistance in its work.

Gandhinagar,
Dated 3rd October, 1978.

NAVALBHAI SHAH,
Chairman,
Select Committee.

Gujarat Bill No. 55 of 1977

THE GUJARAT PUBLIC LIBRARIES BILL, 1977.

[As reported by the Select Committee]

[Deletions made by the Committee are shown in square brackets and additions are side-lined or underlined]

A BILL

to provide for the [establishment, maintenance, organisation] promotion and development of public libraries in the State of Gujarat, and for purposes connected therewith.

It is hereby enacted in the Twenty-eighth Year of the Republic of India as follows :—

CHAPTER I

PRELIMINARY

Short
title,
extent
and
commence-
ment.

1. (1) This Act may be called the Gujarat Public Libraries Act, 1977.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Defini-
tion.

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

(a) "book" includes,—

(i) Every volume, part or division of a volume and pamphlet in any language ;

(ii) every sheet or music, map, chart or plan separately printed or lithographed ;

(iii) newspapers, periodicals, paintings, posters, photographs, photographic reproductions, gramophonic records, tapes, slides, microfilms and film scripts for audiovisual information, and such other materials :

(b) "Council" means the Gujarat State Library Advisory Council constituted under section 3 ;

(c) ["Curator"] "Director" means the [Curator] Director of Libraries appointed under section 10 ;

Guj. VI
of 1962.

(d) "District Education Committee" means an Education Committee of a district panchayat constituted under clause (ii) of sub-section (1) of section 131 of the Gujarat Panchayats Act, 1961 ;

(e) "local authority" means a municipal corporation, a municipality, or, as the case may be, a district panchayat constituted or deemed to be constituted under the relevant local authority law ;

Bom. LXI
of 1947.

(f) "Municipal School Board" means a Municipal School Board as defined in clause (ii) of section 2 of the Bombay Primary Education Act, 1947 ;

Guj. 84
of 1964.

(g) "municipality" includes the person or committee appointed under clause (c) of sub-section (1) of section 264B of the Gujarat Municipalities Act, 1963 for any notified area ;

(h) "prescribed" means prescribed by rules ;

(i) "President" means the President of the Council ;

(j) "public library" means,—

(i) a library established and maintained by the State Government or a local authority for the use of the public;

(ii) a library recognised by the [Curator] Director under section [22] 18

(iii) any other library which the State Government may, by notification in the *Official Gazette*, declare to be a public library for the purpose of this Act

(k) "recognised library association" means a public library association recognised under section [23] 19;

(l) "relevant local authority law" means,—

(i) in relation to a Municipal Corporation, the Bombay Provincial Municipal Corporations, Act, 1949;

Bom. LIX
of 1949.

(ii) in relation to a municipality, the Gujarat Municipalities Act, 1963;

Guj. 84
of 1964.

(iii) in relation to a district panchayat, the Gujarat Panchayats Act, 1961;

Guj. VI
of 1962.

(m) "rules" means rules made under this Act;

(n) "State" means the State of Gujarat;

(o) "year" means the financial year.

CHAPTER II

STATE LIBRARY COUNCIL

3. (1) As soon as may be after the commencement of this Act, the State Government shall, by notification in the *Official Gazette*, constitute, for the purposes of this Act, a Council to be called the Gujarat State Library Advisory Council.

Constitution
of State
Library
Council.

(2) The Council shall consist of the following members, namely:—

(i) the Minister for Education of the State, who, shall be the *ex-officio* President of the Council;

(ii) [the Director of Education, Gujarat State, for the time being in office;]
the Secretary to the Government of Gujarat, Education Department;

(iii) three members to be elected by the Gujarat Legislative Assembly from amongst its members;

[(iii)] (iv) two members nominated by the State Government from amongst the Chairmen of all District Education Committees;

[(iv)] (v) one member nominated by the State Government from amongst the Chairmen of all Municipal School Boards;

[(v) not more than four representatives of the recognised library associations, to be nominated by the State Government in accordance with rules to be made by the State Government in this behalf].

[(vi) two persons to be nominated by the State Government from amongst persons having interest in the development of libraries in the State;]

(vi) not more than three representatives of recognised library associations, to be nominated by the State Government;

(vii) not more than two representatives from amongst men of letters or library organisation to be nominated by the State Government;

(viii) three persons to be nominated by the State Government from amongst persons having interest in the development of libraries in the State, one of whom shall be an expert in library Service.

(ix) one representative to be nominated by the State Government from amongst persons holding posts of librarians in the Public Libraries in the State;

[(x)] (x) the [Curator] Director of Libraries who shall also be the Secretary of the Council.

(3) The State Government shall appoint from amongst the members of the Council [nominated under clauses (iii), (iv), (v) and (vi) of sub-section (2),] other than the ex-officio members a person as the Vice-President of the Council.

(4) During the absence of the President due to illness, vacancy in his office or any other reason, the Vice-President of the Council shall exercise all the powers and perform all the duties and functions of the President under this Act.

(5) Notwithstanding anything contained in sub-section (2), in respect of the Council to be constituted for the first time under this Act, the State Government shall nominate as members of the Council under clause (v) of sub-section (2), such four persons as, in its opinion, are capable of representing the interest of the libraries in the State.

Functions
of
Council.

4. The functions of the Council shall be as under :—

(i) to advise the State Government on reference made to it or on its own motion, in regard to all matters connected with the administration of this Act;

(ii) to recommend measures to be taken for development of 'public libraries in the State ;

(iii) to recommend measures to be taken for promotion of use of books:

[(ii)] (iv) to consider and approve the annual report on the working, administration and progress of public libraries prepared by the [curator] Director under section [26] 22 and to make suggestions and recommendations thereon;

[(iii)] (v) to review from time to time the working and administration of all public libraries and to suggest ways and means to remove difficulties experienced by them in becoming more useful and effective instruments of public education ;

[(iv)] (vi) to make recommendations to the State Government as regards the measures which may be undertaken for the improvement of the administration of public libraries;

[(v)] (vii) to recommend to the state Government the libraries which may be recognised for the purpose of payment of grant-in-aid under this Act ;

[(vi)] (viii) to recommend to the State Government the libraries which may be declared as public libraries ;

[(vii)] (ix) to exercise [all other] such powers, and to perform [all other] such functions, as are conferred on, or entrusted to it by or under this Act or as may be prescribed.

5. The term of office of the members of the Council other than *ex-officio* members shall be [five] three years from the date on which the first meeting of the Council is held under the proviso to section 7.

Term of office of non-official members of Council.

6. A casual vacancy in the office of a member of the Council other than an *ex-officio* member, occurring otherwise than on the expiration of his term of office shall be filled by nomination by the State Government and that members so nominated shall hold office so long only as the member in whose place he is nominated would have held office, if the vacancy had not occurred.

7. (1) The Council shall meet not less than [twice] thrice in a year on such dates and at such hours as may be fixed by the President but a period of more than [six] four months shall not in any case intervene between any two meetings :

Meetings of Council.

Provided that the first meeting of the Council after its constitution under sub-section (1) of section 3 shall be held within two months after the nomination of the members under sub-section (2) of section 3, on such date as may be fixed by the President.

(2) Every meeting of the Council shall be presided over by the President and in his absence, by the vice-President and in his absence by any other member of the Council chosen by the meeting to preside for the occasion.

8. For the performance of their duties under this Act, the members of the Council shall be entitled to payment of such compensatory allowances and at such rates as may be prescribed.

Payment of allowances to members of Council.

Power
of
Council
to
make
regu-
lation*.

9. (1) Subject to the provisions of section 7 and the previous sanction of the State Government, the Council shall, for the purpose of regulating the conduct of its business and the procedure at its meetings, make regulations consistent with the provisions of this Act and the rules made thereunder.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may make provision with reespect to the time and place of a meeting, the notice to be given and other procedure to be followed for calling a meeting, the quorum for such meeting, and the formation of sub-committees of the Council for perorming particular functions that may be assigned to them.

[(3) The Council may also make regulations for its own guidance providing for matters and principles to be taken into consideration by it for the purpose of approving rules relating to recognition of public libraries and public library associations under the proviso to sub-section (2) of section 27.]

CHAPTER III

DEPARTMENT OF LIBRARIES

Depart-
ment of
Libraries.

10. (1) For the purposes of this Act, a Department of Libraries shall be constituted by the State Government with a [Curator] Director of Libraries as its head and with such other officers and servant as the State Government may think fit.

(2) The [Curator] Director of Libraries shall be a whole-time officer having the prescribed qualifications and shall be appointed by the State Government.

[(3) The Curator shall be subordinat to the Director of Education, Gujarat State.]

Functions
of
[Curator]
Director.

11. (1) The [Curator] Director shall be responsible for the administration of this Act.

(2) In particular and without prejudice to the generality of the provision contained in sub-section (1), the [Curator] Director shall,—

(a) be responsible for the [planning, maintenance, organisation] promotion and development of public libraries,

(b) [superil.tend and direct] supervise all matters relating to public libraries,

(c) promote the establishment of public libraries to achieve the purposes of this Act,

(d) organise programmes for training members of the staff of public libraries and other candidates in library science and conduct examinations for the candidates of recognised library training course,

(e) maintain accounts of the State Library Fund constituted under section 17 and ensure its proper utilisation,

(f) [arrange for collecting and preserving] promote collection and preservation of old and rare books, manuscripts and other documents of educative value in public libraries,

(g) conduct inspection of and render advisory service to the public libraries,

(h) prepare and submit to the State Government every year a report on the working of the public libraries in the State,

(e) exercise such other powers, and perform such other functions and duties, as may be conferred or imposed on him by or under this Act.

CHAPTER IV

PUBLIC LIBRARIES IN THE STATE

[12. (1) The State Government shall establish and maintain a State Central Library as such place as may be determined by the State Government, for the use of the general public. [State Central Library.]

(2) The State Central Library shall be managed, organised and developed through the Department of Libraries by such Government officer or other authority as may be appointed or empowered by the State Government for such purpose.]

12. (1) Any library designated as State Central Library by an executive order of the State Government before the commencement of this Act, shall continue to be a State Central Library. State Central Library

(2) The State Government may establish and maintain a reference library, at Gandhinagar.

13. (1) For every local area, comprising a district or a group of districts as may be determined by the State Government, the State Government may establish and maintain a District Library at the head-quarters of the district or any of the districts or at such other place in the local area as may be determined by the State Government. Establishment and management of District Libraries.

(2) Every such District Library shall be managed, organised and developed through the Department of Libraries by such Government officer or other authority as may be appointed or empowered by the State Government for such purpose.

(3) Where the State Government is of the opinion that in any local area,—

(a) the provision for library service to the general public is not made to the satisfaction of the Director by any local authority or any society registered under the Societies Registration Act, 1860, or any public trust registered under Bombay Public Trusts Act, 1950; or

(b) any such local authority, society, or trust is not willing or is incompetent to provide the library service to the general public to the satisfaction of the Director,

the State Government may establish a library for the use of general public in that area.

Organisation and functions of [State central Library and District] Libraries.

[Duty of local authorities to establish and maintain libraries.]

[Power of Curator to give directions to local authorities.]

14. The organisation and functions of the [State Central Library and of every District Library] Libraries established [respectively] under sections 12 and 13 shall be such as may be prescribed.

[15. Notwithstanding anything contained in the relevant local authority law, it shall be the duty of every local authority to establish and maintain in the areas within their respective jurisdiction a public library or public libraries at such place or places as may be determined, on the advice of the Council, by the State Government and to provide therein library service to the public to the satisfaction of the Curator :]

Provided that if any local authority which is required to establish and maintain a public library at any place satisfies the State Government that it is not in a position to provide adequate or satisfactory library service at such place or that any such service at such place is not likely to serve the purpose for which it is intended, the State Government may by order exempt such local authority from its obligation to establish and maintain a public library at such place.]

[16. The Curator may, from time to time, issue such directions as thinks necessary to local authorities for the purpose of ensuring that satisfactory and adequate library service is being provided to the public in the libraries established and maintained by them under section 15 and in regard to the maintenance, organisation and development of such libraries and it shall be the duty of the local authority concerned, to comply with such directions.]

CHAPTER V

FINANCE OF PUBLIC LIBRARIES

State Library Fund.

[17.] 15. (1) The State Government shall constitute a fund to be called the State Library Fund.

(2) There shall be credited into the State Library Fund constituted under sub-section (1),—

(a) an amount of [fifty lakhs] one crore of rupees, to be initially provided by the State Government from the Consolidated Fund of the State and thereafter such amount every year as the State Government may determine, from the Consolidated Fund of the State, after due appropriation made by law in this behalf ;

(b) all moneys received by way of contributions or special grants from the Central Government and any other State Government;

(c) all moneys received by way of contribution or gifts made by the public for the establishment, maintenance and development of public libraries.

Application of state Library Fund.

[18] 16. (1) The moneys in the State Library Fund shall be utilised by the State Government for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the provision contained in sub-section (1), moneys in the State Library Fund shall be utilised

by the State Government to defray the expenditure for the following purposes, namely :—

(a) establishment, maintenance and development of public libraries in the State;

(b) payment of grants-in-aid to the public libraries and to public library associations recognised for the purpose by the [Curator;] Director;

(c) payment of allowances to the members of the Council under section 8;

(d) such other purposes as may be prescribed.

[19] 17. All property, movable and immovable, held or acquired for the purpose of any public library established or maintained by the State Government shall vest in the State Government.

Vesting of properties held for purpose of State public library.

[20. Notwithstanding anything contained in the relevant local authority law, every local authority shall, out of its fund, constitute a fund to be called the Library Fund, which shall consist of :—

[Constitution of Library Fund by a local authority]

(a) such amount as the State Government may, in respect of each local authority or class of local authorities, by a general or special order, direct from time to time, to be credited to the said Fund.

(b) such amount as may be allocated by the State Government to the said Fund from the State Library Fund,

(c) such amount as may be received as contributions or gifts made by the public for the establishment, maintenance and development of public libraries in the areas under the jurisdiction of the local authority concerned.]

[21. (1) The moneys in the Library Fund constituted by a local authority shall be utilised by the local authority for carrying out the purposes of this Act.

[Application of Library Fund of local authority]

(2) In particular and without prejudice to the generality of the provision contained in sub-section (1), the moneys in the Library Fund of a local authority shall be utilised by the local authority to defray the expenditure on the following purposes :—

(a) establishment, maintenance and development of public libraries in the areas under the jurisdiction of the local authority;

(b) payment of grant-in-aid to public libraries in such areas for carrying out the purposes of this Act;

(c) such other purposes as may be prescribed.]

CHAPTER VI

RECOGNITION OF PUBLIC LIBRARIES AND LIBRARY ASSOCIATIONS

Recog-
nition of
libraries
as public
libraries.

[22.] 18. The [Curator] Director shall, in accordance with the rules and subject to any general or special orders of the State Government made in this behalf, recognise any library open for use to the public as a public library for the purpose of payment of grant-in-aid to it from the State library Fund and sanction and disburse such grant-in-aid to such public library.

Recog-
nition of
public
library
associa-
tions.

[23]19. The [Curator) Director shall recognise any library association in the State or in any local areas which is connected with library activities, and which is formed for carrying out prescribed objects and functions and which satisfies the other prescribed requirements, as a public library association for the purpose of payment of grant-in-aid to it from the State Library Fund with a view to giving incentive to library activities in the State, and sanction and disburse such grants- in-aid to such recognised associations in accordance with rules made in this behalf.

CHAPTER VII

REPORTS AND INSPECTION

Reports
and
returns.

[24.] 20. Every persons who is in charge of the management of a public library shall submit such reports and returns and furnish such information as the [Curator] Director may from time to time require, to the [Curator] Director or any person authorised by him in this behalf.

Inspection
of public
libraries.

[25.] 21. The [Curator] Director or any person authorised by him in this behalf shall have power to inspect any public library or any institution attached thereto for the purpose of satisfying himself that the provisions of this Act and the rules made thereunder are carried out.

Sub-
mission of
annual
report
by
[Curator]
Director.

[26]22. Within six months from the end of every year, the [Curator] Director shall prepare an annual report, descriptive as well as statistical, on the working and administration of and the progress made by, public libraries in that year and submit it to the State Government, together with such information and particulars as may be prescribed:

Provided that no such report shall be submitted to the State Government unless it is approved by the Council.

CHAPTER VIII

MISCELLANEOUS

Power of
State
Govern-
ment to
make
rules.

[27] 23. (1) The State Government may, by notification in the *Official Gazette*, subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the following matters, namely:--

(a) matters to be considered by the State Government for the purpose of making nominations of members of the Council under clause (v) of sub-section (2) of section 3;

(b) Other powers and functions which may be exercised and performed by the Council under clause [(vi)] (ix) of section 4;

(c) the compensatory allowances payable to members of the Council and the rates at which they shall be payable under section 8;

(d) the qualifications required for being appointed as the [Curator] Director under sub-section (2) of section 10;

(e) other powers, functions and duties to be exercised and performed by the [Curator] Director under clause (i) of sub-section (2) of section 11;

(f) the organisation and functions of the [Central Library and District Libraries] libraries under section 14;

(g) other purposes for which State library Fund may be utilised under clause (d) of sub-section (2) of section [18]16;

(h) Other purposes for which the Library Fund of a local authority may be utilised under clause (c) of sub-section (2) of section 21;

[(i)](h) matters to be taken into consideration, and procedure to be followed for recognising libraries as public libraries under section [22]18.

[(j)] (i) objects and functions required to be carried out by public library associations, and other requirements required to be satisfied by them, for the purposes of being recognised under section [23] 19;

Provided that the rules relating to the recognition of public libraries under section [22]18 and public library associations under section [23]19 shall be made in consultation with the Council.

(c) All rules made under this section shall be laid for not less than thirty days before the State legislature as soon as possible after they are made and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *official Gazette*, and shall thereupon take effect.

APPENDIX—I

(vide para 2 of the Report)

Motion as adopted by the House in its sitting held on 17th February 1978 for reference of the Bill to Select Committee.

“That the Bill No. 55 of 1977 the Gujarat Public Libraries Bill 1977 be referred to a Select Committee consisting of following 11 members with instructions to report before the 15th March, 1978.

Shri Navalbhai Shah, Minister for Education,

Shri Navinchandra Barot, Minister for Law.

Shri Maneklal Gandhi, Minister for Panchayats,

Shri Arvinbhai Maniar,

Shri Govinbhai Boda,

Shri Jashvantlal Shah,

Shri Gosaibhai Patel.

Shri Gokalbhai Parmar,

Shri Vijaykumar Trivedi,

Shri Sanat Mehta,

Shri Hariharbhai Khambholja”

The Speaker appointed Shri Navalbhai Shah as the Chairman of the Committee under rule 156(I) of the Gujarat Legislative Assembly Rules.

APPENDIX--II

(Vide para 6 of the Report)

List of Associations/Individuals etc. from whom Memoranda containing amendments/ suggestions etc. were received by the Select Committee.

1. Dr. C. P. Shukla, Baroda.
2. Shri Jethalal Gandhi, Secretary, Gujarat Pustakalaya Mandal, Ahmedabad.
3. Shri Pravin Shah, Secretary, Gujarat Granthalaya Seva Sangh, Ahmedabad.
4. Shri H. K. Vyas, Baroda.
5. Shri Bhaidasbhai Parikh, President, Gujarati Sahityak Prakashaka and Vikreta Mandal, Ahmedabad.
6. Shri Chimanbahi Amin, Ex- M.L.A. Baroda.
7. Shri Naranbhai Gadhvi, Librarian, Shree Sarvajanic Library, Surendranagar,
8. Shri Hasmukhlal Ambalal Shah, Librarian, Borsad, Dist : Kaira.
9. Shri Dahyabhai Nayak, Vice-Chancellor, Gujarat Vidyapith, Ahmedabad.
10. Shri Kishorkumar J. Gandhi, Ahmedabad.
11. Shri Vinod C. Shah Librarian, Bhuj.
12. Shri Dahyabhai S. Patel, Secretary, Kaira District Pustakalaya Mandal Piplag, Taluka Nadiad.
13. Shri Revabhai K. Patel, President, Shree Sanskar Yuvak Mandal, Vaghrota.
14. Shri V. M. Doshi, Hon. Secretary, the Lang Library, Rajkot,
15. Shri Ishwer Petlikar, Ahmedabad.
16. Shri Vanraj Malvi, Secretary, Gujarat Sahitayak Prakashan and Viketra Mandal Ahmedabad.
17. Shri Niranjana Bhagat, and twelve other persons, Ahmedabad.
18. Shri Bharati Gosai, Baroda.
19. Shri Manharprasad Bhavsar, Kapadvanj.
20. Shri Pravinchandra Radhanpura, Dhrangadhra,
21. Librarian, Shri M. R. Sarvajanic Pustakalaya, Atarsumba.
22. Librarian, Shree Devachandraji Public Library, Limbadi (District : Surendranagar)
23. Shri B. B. Raval, Amreli.
24. Kum. Chhaya Chauhan, Beggars' Home, Baroda.
25. Shri B. J. Mehta, Ahmedabad.
26. Dr. Ramesh M. Desai, Navsari.
27. Shri Gajanan Dave, Librarian, Roychand Dipchand Library, Broach.
28. Shri Manielal M. Kashivala, President, Baroda District library, Baroda.
29. Shri Shankarbhai N. Patel, Hon. Secretary, Sardar Patel Yuvak Mandal, Bhudasan.

APPENDIX III

(Vide para 6 of the Report)

List of persons who represented personally before the Committee.

1. Shri Dayhabhai Nayak, Vice-chancellor, Gujarat Vidyapith, Ahmedabad.
2. Shri Ramlal Parikh, M. P. and Managing Trustee, Gujarat Vidyapith, Ahmedabad.
3. Dr. R. D. Adatiya, Mahamatra, Gujarāt Vidyapith, Ahmedabad.
4. Shri Vinodbhai Tripathi, Registrar, Gujarat Vidyapith, Ahmedabad.
5. Shri Pravin Shah, Secretary, Gujarat Granthalaya Seva Sangh, Ahmedabad.
6. Shri Mohanbhai Patel, President, Gujarat Granthalaya Seva Sangh, Ahmedabad.
7. Dr. C. P. Shukla, Librarian, Maharaja Sayaji Rao University, Baroda.
8. Shri Tarachandbhai Ravani, Ahmedabad.
9. Shri Bhagatbhai, Shri R. R. Sheth and Co., Ahmedabad.
10. Shri Thakorbhai Shah, Gurjar Granth Ratna Karyalaya, Ahmedabad.
11. Shri Raghuvirbhai Chaudhari, Ahmedabad.
12. Shri Vanraj Malavi, Ahmedabad.
13. Shri Shivajibhai Ashar, Vora and Co. Ahmedabad.
14. Shri Jethalal Gandhi, Ahmedabad.
15. Shri Jivram Joshi, Ahmedabad.
16. Shri B. J. Mehta, Modern High School, Ahmedabad.
17. Shri Jasvantray Khokhanihang Library, Rajkot.
18. Shri V. M. Doshi, Hon. Secretary, Lang Library, Rajkot.
19. Shri Ravabhai Khambhai, President, Shree Sanskar Yuvak Mandal, Vaghrota.

APPENDIX IV

(Vide para 7 of the Report)

Minutes of the sittings of the Select Committee on the Gujarat .
Public Libraries Bill, 1977.

I

PRELIMINARY SITTING

The Committee met on Thursday, the 23rd February, 1978 at 2.30 p. m.
in the Honourable Speaker's Committee Room.

Present

Shri Navalbhai Shah, Minister for Education, Chairman.
Shri Maneklal Gandhi,
Shri Navinchandra Barot,
Shri Govindbhai Boda,
Shri Vijaykumar Trivedi,
Shri Hariharbhai Khambholja,
Shri Arvindbhai Maniar,
Shri Gokalbhai Parmar,

Legislature Secretariat

Shri Dwijen Desai, Secretary,
Shri A. J. Trivedi, Deputy Secretary,
Shri V. H. Dave, Under Secretary,
Shri S. S. Makwana, Section Officer.

Government Representatives

Shri R. V. Chandramauli, Secretary, Education Department.
Shri N. C. Buch, Joint Secretary, Legal Department.

As the Committee had to submit its report to the House by the 15th March 1978, the following decisions were taken in that context in the meeting:

(1) The Committee decided to invite written suggestions from the public, particularly from individuals and institutions interested in the Bill and also to hear in person those who wished to be heard in person, and for this purpose the Committee decided to issue a Press Note requesting members of the public and institutions interested in the Bill to send their written suggestions or representations to the Secretary, Gujarat Legislature Secretariat before 5.00 p. m. on 28th February, 1978 for consideration by the Committee. Those who desired to express their views to the Committee in person may remain present before the Committee on Friday, the 3rd March, 1978 in the Committee Room situated on the first floor of Gujarat Legislature Secretariat and for this purpose

the Committee will meet on Friday, the 3rd March, 1978 between 2.00 p. m. and 6.00 p. m. Those who desired to represent in person before the Committee should inform the Secretary, Legislature Secretariat before Tuesday, the 28th February, 1978.

(2) The Committee also decided that those members of Gujarat Legislative Assembly who desire to submit their suggestions or amendments to the Bill before the Committee should send their suggestions or amendments to the Secretary, Gujarat Legislature Secretariat before 5.00 p. m. on 28th February, 1978 and those members who desire to represent before the Committee in person may be asked to appear before the Committee on Tuesday, the 7th March, 1978 at 5.30 p. m. in the Committee Room situated on the first floor of the Gujarat Legislature Secretariat after intimating to that effect to the Secretary, Gujarat Legislature Secretariat before 5.00 p. m. on Tuesday the 28th February, 1978. For this purpose the Committee decided to hold its sitting between 5.30 p. m. and 8.30 p. m. on Tuesday, the 7th March, 1978.

(3) The Committee decided to hold its sitting between 5.30 p. m. to 8.30 p. m. on Thursday, the 9th March, 1978 for considering the suggestions received from Public Institutions, members of the Public and the M. L. As. The Committee also decided to hold its sittings between 2.00 p. m. to 5.00 p. m. on Friday, the 10th March, 1978 for taking final decisions in the matter and to hold its last sitting on Monday, the 13th March 1978 for approving the draft Report of the Committee.

(4) In light of the discussion on the Bill in the House and the amendments received from the M. L. As., the Chairman of the Committee circulated among Honourable Members of the Committee a note prepared by the Education Department of the Government and gave an idea of the important issues to be considered by the Committee.

The sitting of the Committee adjourned at 3.05 p. m.

(For the reason given in para 5 the above programme was changed by the Chairman subsequently).

II

SECOND SITTING

The Committee met on Friday, the 10th March, 1978, at 2.00 p. m. in the Committee Room of the Gujarat Legislature Secretariat

Present

Shri Navalbhai Shah, Chairman,
 Shri Maneklal M. Gandhi,
 Shri Jashvantlal S. Shah,
 Shri Sanat Mehta,
 Shri Arvindbhai Maniar,
 Shri Hariharbhai Khambholja,

Legislature Secretariat

Shri D. G. Desai, Secretary,
 Shri A. J. Trivedi, Deputy Secretary,
 Shri V. H. Dave, Under Secretary,
 Shri S. S. Makwana, Section Officer.

Government Representatives

Shri R. V. Chandramauli, Secretary, Education Department.
 Shri S. L. Talati, Secretary, Legal Department.

After some informal discussion, the Committee heard the following persons.

1. Shri Dahyabhai Naik, vice chancellor Gujarat Vidyapith, Ahmedabad.
2. Shri Ramlal Parikh, M. P. and Managing Trustee Gujarat Vidyapith, Ahmedabad.
3. Shri R. D. Adatiya, Mahamatra, Gujarat Vidyapith, Ahmedabad.
4. Shri Vinodbhai Tripathi, Registrar, Gujarat Vidyapith, Ahmedabad.
5. Shri Pravin Shah, Secretary, Gujarat Granthalaya Seva Sangh, Ahmedabad.
6. Shri Mohanbhai Patel, President, Gujarat Granthalaya Seva Sangh, Ahmedabad.
7. Dr. C. P. Shukla, Vadodara,
8. Shri Tarachandbhai Ravani, Ahmedabad.
9. Shri Bhagatbhai, Ahmedabad.
10. Shri Thakorbhai Shah, Ahmedabad.
11. Shri Raghuvir Chaudhari, Ahmedabad.
12. Shri Vanraj Malvi, Ahmedabad.
13. Shri Shivjibhai Asher, Ahmedabad.
14. Shri Jethalal Gandhi, Ahmedabad.
15. Shri Jivram Joshi, Ahmedabad.
16. Shri B. J. Mehta, Ahmedabad.
17. Shri Vasantrai Khokhani, Lang Library, Rajkot.
18. Shri V. M. Doshi, Rajkot.
19. Shri Revabhai Khemabhai Vaghrota, Taluka Prantij.

The Sitting of the Committee then adjourned at 5.17 p. m.

III

THIRD SITTING .

The Committee met on Tuesday, the 14th March, 1978 at 5.30 p. m. in the Committee Room of the Gujarat Legislature Secretariat.

Present

Shri Navalbhai Shah, Chairman,

Shri Maneklal M. Gandhi,

Shri Navinchandra Barot,

Shri Arvindbhai Maniar,

Shri Sanat Mehta,

Shri Jashvantlal S. Shah,

Shri Gokalbhai D. Parmar,

Shri Govindbhai Boda,

Shri Gosaibhai Patel,

Legislature Secretariat

Shri D. G. Desai, Secretary,

Shri A. J. Trivedi, Deputy Secretary,

Shri V. H. Dave, Under Secretary,

Shri S. S. Makwana, Section Officer.

Government Representatives

Shri R. V. Chandramauli, Secretary, Education Department,

Shri S. L. Talati, Secretary, Legal Department.

After some discussion the Committee felt that it was necessary to discuss and consider the basic principles, basic structure and several aspects of the Bill, but it was not possible to do so during the current session.

The Committee therefore decided to postpone the consideration of the Bill till the next Session and asked the Chairman, the Minister in charge of the Bill to request the Honourable the Speaker for extension of time till next session and also to inform the House about the same.

The Committee further decided to cancel its next sittings fixed during the current Session and to fix next sittings after the current Session was over.

The sitting of the Committee then adjourned at 6.15 p. m.

IV

FOURTH SITTING

The Committee met on Monday, the 19th June, 1978 at 1:00 p.m. in the Committee Room of Honourable the Speaker, Gujarat Legislative Assembly.

Present

Shri Navinchandra Barot,
Shri Hariharbhai Khambholja.

Legislature Secretariat

Shri D. G. Desai, Secretary,
Shri V. H. Dave, Under Secretary,
Shri S. S. Makwana, Section Officer.

Government Representatives

Shri R. V. Chandramauli, Secretary, Education Department,
Shri S. L. Talati, Secretary, Legal Department.

2. As there was no quorum, the sitting of the Committee was adjourned to meet on Tuesday, the 20th June, 1978.

V

FIFTH SITTING

The Committee met on Tuesday, the 20th June, 1978 at 1.00 p.m. in the Committee Room of Hon. the Speaker, Gujarat Legislative Assembly.

PRESENT

Shri Navalbhai Shah, Chairman,
Shri Maneklal Gandhi,
Shri Navinchandra Barot,
Shri Govindbhai Boda,
Shri Gosaibhai Patel,
Shri Jashvantlal Shah,

LEGISLATURE SECRETARIAT

Shri D. G. Desai, Secretary,
Shri V. H. Dave, Under Secretary,
Shri S. S. Makwana, Section Officer,

GOVERNMENT REPRESENTATIVES

Shri R. V. Chandramauli, Secretary, Education Department.
Shri S. L. Talati, Secretary, Legal Department.

2. The Committee commenced clause by clause consideration of the Bill along with the amendments and suggestions received by it.

3. *Long title.*—The Committee decided to substitute the word “promotion” for the words “establishment, maintenance, organisation” in the long title of the Bill.

4. *Clause 1.*— Approved as it is.

5. *Clause 2.*— *sub-clause (a), item (i) and (ii)* approved as they are.

6. *Clause 2.*— *sub-clause (a) item (iii).*—The Committee decided to substitute the words “slides, microfilms” for the word “slides” and item (iii) approved as amended.

7. *Clause 2.*— *sub-clause (b).*—The Committee decided to amend the definition of the word “Council” by inserting the word “Advisory” after the word “Library” and sub-clause (b) approved accordingly.

8. *Clause 2, Sub-Clause (c).*—The Committee decided to substitute the word “Director” for the word “Curator” and sub-clause (c) approved accordingly.

9. *Clause 2, sub-clause (d), (e), (f), (g), (h) and (i),* approved as they are.

10. *Clause 2, sub-clause (j).*—After some discussion the Committee felt that Government will frame the rules and will prescribe standards by which a Library can be recognised as Public Library. Therefore, it is not necessary to elaborate the definition of public Library as proposed by some members.

The Committee decided to substitute the word “Director” for the word “Curator” in sub-clause (j)

11. *Clause 2, sub-clause (k), (l), (m), (n), (o)* approved as they are.

12. *Clause 3, sub-clause (1).*—The Committee decided to substitute the words “Library Advisory Council” for the words “Library Council”. Sub-clause (1) approved accordingly.

13. *Clause 3, sub-clause (2), item (i).*—After some discussion the Committee felt that the provision making the Minister for Education the President of the “Council” should remain as it is and therefore, the Committee decided not to accept the amendment proposed in item (i).

14. *Clause 3, sub-Clause (2), item (ii)*—The committee decided to substitute the words “the Secretary, Education Department” for the words “the Director of Education”.

15. The Committee decided to insert a new item, after item (ii) providing for three members to be elected by the Gujarat Legislative Assembly from amongst its members.

16. *Clause 3, sub-clause (2), item (iii),* approved as it is.

17. *Clause 3, sub-clause (2), item (iv)*, approved as it is.

18. *Clause 3, sub-clause (2), item (v)*.—The Committee decided to reduce the number of representatives of the recognised library associations from four to three and to include two more representatives from men of letters. The Committee further decided to delete the words "in accordance with rules to be made by the State Government in this behalf";

Item (v) approved accordingly.

19. *Clause 3, sub-clause (2), item (vi)*.—The committee decided to amend item (vi) as under,—

"(vi) three persons to be nominated by the State Government from amongst persons having interest in the development of libraries in the State, one of whom shall be an expert in the Library Science."

Item (vi) approved as amended.

20. The Committee decided to insert following new item after item (vi),—

"(vii) one representative to be nominated by the State Government from amongst persons holding the post of a Librarian in the State in any Public Library";

21. *Clause 3, sub-clause (2) item (vii)* :—The Committee decided to substitute the word "Director" for the word "Curator". Item (vii) approved accordingly.

22. The Committee felt that as sufficient provision has been made for representatives from the recognised Library Associations, from men of Letters and also from Libraries, it is not necessary to accept the amendment proposed to include 2 representatives of the city level libraries in the council.

23. As the Committee has decided that the Minister for Education should be the *ex-officio* President of the Council, the Committee felt that it is not necessary to provide for election of the President.

24. *Clause 3, sub-clause (3)*.—The Committee decided to redraft this sub-clause as under :—

"The State Government shall appoint from amongst the non-official members of the Council, a person as the Vice-President of the Council".

25. *Clause 3, sub-clause (4) and (5)*.—Approved as they are.

26. *Clause 4—sub-clause (i)*.—The Committee decided to insert following items (ii) and (iii) after item (i) and renumber items (ii) to (vi) as (iii) to (ix).

"(ii) to recommend measures to be taken for development of public Libraries in the State.

(iii) to recommend measures to be taken for promotion of use of books; Sub-clause (i) approved as amended.

27. *Clause 4, sub-clause (ii)*.—The committee decided to substitute the word "Director" for the word "curator".

28. *Clause 4, sub-clause (iii)*.—Approved as it is.

29. *Clause 4, sub-clause (iv), (v) and (vi).*—Approved as they are.
30. *Clause 4, sub-clause (vii).*—The Committee decided to substitute the word “such” for the words “all other” occurring at two places in this sub-clause. Sub-clause (vii) approved accordingly.
31. *Clause 5.*—The Committee decided to reduce the term of office of the non-official members of the Council from five years to three years. Clause 5 approved accordingly.
32. *Clause 6,* approved as it is.
33. *Clause 7, sub-clause (1).*—The Committee decided to substitute the words “thrice” and “four” for the words “twice” and “six” respectively. sub clause (1) approved as amended.
34. *Clause 7, sub-clause (2).*—The Committee decided to amend sub-clause (2) as under :—
- “(2) Every meeting of the Council shall be presided over by the President and in his absence by the Vice-President and in his absence, by any other member of the Council chosen by the meeting to preside for the occasion.”
35. *Clause 8,* approved as it is.
36. *Clause 9, sub-clause (1).*—After some discussion, the Committee approved sub-clause (1) as it is.
37. *Clause 9, sub-clause (2).*—Approved as it is.
38. *Clause 9, sub-clause (3).*—The Committee decided to delete sub-clause (3).
39. *Clause 10, sub-clause (1) and (2).*—The Committee decided to substitute the word “Director” for the word “Curator” wherever it occurs. Sub-clauses (1) and (2) approved as amended.
40. *Clause 10, sub-clause (3).*—The Committee decided to delete sub-clause (3).
41. *Clause 11, sub-clauses (1) and (2).*—The Committee decided to substitute the word “Director” for the word “Curator” wherever it occurs in this clause.
42. *Clause 11, sub-clause (2), item (a).*—The Committee decided to substitute the word “promotion” for the words “planning, maintenance, organisation”. Item (a) approved as amended.
43. *Clause 11, sub-clause (2), item (b).*—The Committee decided to substitute the word “supervisor” for the words “superintendent and direct”. Item (b) approved as amended.
44. *Clause 11, sub-clause (2), item (c), (d) and (e).*—Approved as they are.
45. *Clause 11, sub-clause (2), item (f).*—The Committee decided to substitute the words “promote collection and preservation of” for the words “arrange for collecting and preserving”. Item (f) approved as amended.
46. *Clause 11, sub-clause (2) item (g), (h) and (i).*— Approved as they are.

47. *Clause 12.*—The Committee carefully considered the amendments proposed to this clause and decided to redraft clause 12 as under :—

“12(1) Any library designated as State Central Library by an executive order of the State Government, before commencement of this Act, shall continue to be a State Central Library.

(2) The State Government may establish and maintain a Central Reference Library at Gandhinagar”.

The Committee also decided that the Status accorded to Gujarat Vidyapith and M. S. Library, Baroda should continue.

Clause 12 approved as amended.

48. *Clause 13, sub-clauses (1) and (2).*—Approved as they are.

The Committee decided to add the following sub-clause (3), as under:—

“(3) Where the State Government is of the opinion that in any local area,—

(a) the provision for library service to the general public is not made to the satisfaction of the Director by any local authority, or any society registered under the Societies Registration Act, 1860, or any public trust registered under Bombay Public Trusts Act, 1950; or

(b) any such local authority, society or trust is not willing or is incompetent to provide the library service to the general public to the satisfaction of the Director,

the State Government may establish a library for the use of the general public in that area.”

49. *Clause 14.*—The Committee decided to substitute the words “Libraries established” for the words “State Central Library and of every District Library established respectively”.

Clause 14 approved as amended.

50. *Clause 15.*—The Committee decided to delete clause 15.

51. *Clause 16.*—The Committee decided to delete clause 16.

52. *Clause 17, sub-clause (1).*—Approved as it is.

53. *Clause 17, sub-clause (2), item (a).*—The Committee decided to substitute the word “hundred” for the word “fifty”.

Item (a) approved as amended.

54. *Clause 17, sub-clause (2), item (b) and (c).*—Approved as they are.

55. *Clause 18.*—Approved as it is.

56. *Clause 19.*—Approved as it is.

57. *Clauses 20 and 21.*—The Committee decided to delete clauses 20 and 21.

58. *Clauses 22, 23, 24, 25, 26 and 27.*—The Committee decided to substitute the word “Director” for the word “Curator” wherever it occurs in these clauses.

The Committee then adjourned at 4.30 p.m.

SIXTH SITTING

The Committee met on Tuesday the 3rd October, 1978 at 12.00 noon in the Committee Room of the Gujarat Legislature Secretariat.

Present

Shri Navalbhai Shah, Chairman
 Shri Navinchandra Barot,
 Shri Jashvantlal Shah,
 Shri Gosaibhai Patel,
 Shri Gokalbhai Parmar,
 Shri Vijaykumar Trivedi,
 Shri Hariharbhai Khambholja.

Legislature Secretariat

Shri D. G. Desai, Secretary,
 Shri P. N. Thakker, Under Secretary,
 Shri K. M. Panchal, Section Officer.

Government Representatives

Shri R. V. Chandramauli, Secretary, Education Department,
 Shri S. L. Talati, Secretary, Legal Department,

2. The Committee considered the Draft Report and approved it subject to the following amendments :—

(1) The Committee rectified the clerical error and inserted the word “not” after the word “should” in para 17 of the Report.

(2) The Committee decided to substitute the words “reference Library” for the words “Central Library” and to delete the words “for the use of the general public” in the newly substituted clause 12(2) of the Bill.

3. The Committee also decided that any member of the Select Committee who desires to record a minute of dissent should submit it by the 13th October, 1978.

4. The Committee also considered the letter dated the 2nd October 1978 of Hon'ble Shri Sanat Mehta, member of the Select Committee forwarding the minute of dissent. The Committee decided that as Shri Sanat Mehta was absent on 20th June 1978 when the Bill was considered clause by clause his minute of dissent can not be appended along with the Report of the Select Committee as per rule 135(2) of the Gujarat Legislative Assembly Rules.

The Committee concluded its deliberations at 1.15 p.m.