



The Uttar Pradesh Public Libraries Act, 2006
Act 21 of 2006

Keyword(s):

Book, Chairman, Council, District, Officer, Public Library, Aided Library

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IN pursuance of the provisions of clause (3) of Article 348 of the Constitution of India the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Sarvajanik Pusthaleya Adhiniyam, 2006 (Uttar Pradesh Adhiniyam Sankhya 21 of 2006) as passed by the Uttar Pradesh Legislature and assented to by the Governor on September 01, 2006.

THE UTTAR PRADESH PUBLIC LIBRARIES ACT, 2006

(U.P. ACT No. 21 of 2006)

[As passed by the Uttar Pradesh Legislature]

AN

ACT

to provide for the establishment, organization, maintenance and development of Public Libraries.

WHEREAS it is expedient to provide for the establishment, organization, maintenance and development of free and effective rural and urban Public Libraries and other allied services in the State of Uttar Pradesh;

IT, IS HEREBY, enacted in the Fifty-seventh Year of the Republic of India as follows:—

CHAPTER- I

PRELIMINARY

Short title and commencement

1. (1) This Act may be called the Uttar Pradesh Public Libraries Act, 2006.
- (2) It shall be deemed to have come into force on August 11, 2006.

Definitions

2. In this Act,—

(a) 'Book' includes,—

(i) every volume, a part or division of a volume and pamphlet, in any language, newspapers, periodicals, serial publications and manuscripts;

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

(iii) Audio-visual, Audio and Visual materials such as tapes, cassettes, films, filmstrips, micro card, microfilm, computer, floppy, compact disk photograph etc. ;

(b) 'Chairman' means the Chairman of the State Library Council constituted under this Ordinance;

(c) 'Council' means the State Library Council constituted under this Ordinance;

(d) 'Director' means the Director of Public Libraries, referred to in section 6;

(e) 'District' means a Revenue District of the State;

(f) 'Officer on Special Duty(Libraries)' means an officer having professional qualification in Library Science not below the rank of Deputy Director appointed by the State Government to look after the affairs of Libraries;

(g) 'Public Library' means a library established, maintained and managed by the State Government, a local body or other organisation receiving aid from State Government and declared open to the public and shall include any other library recognized by notification by the State Government;

(h) 'Aided Library' means a Library declared as such by the State Government;

(i) 'Year' means a period of twelve months commencing on the first day of April of a calendar year.

CHAPTER-II

ADVISORY COMMITTEES

3. (1) As soon as may be after the commencement of this Act, the State Government shall by notification, constitute for the purpose of this Act, a Council to be known as the State Library Council.

Constitution and function of the State Library Council

(2) The State library Council shall consist of :—

1. the Minister, Secondary Education Department, Government of Uttar Pradesh ; *Chairperson*

2. the Principal Secretary or the Secretary as the case may be, to the Government of Uttar Pradesh, Secondary Education Department ; *Vice-Chairperson*

3. the Principal Secretary to the Government of Uttar Pradesh, Finance Department or his nominee not below the rank of Special Secretary ; *Member*

4. the Principal Secretary to the Government of Uttar Pradesh, Culture Department or his nominee not below the rank of Special Secretary ; *Member*

5. the Principal Secretary to the Government of Uttar Pradesh, Planning Department or his nominee not below the rank of Special Secretary ; *Member*

6. the Special Secretary, to the Government of Uttar Pradesh, Secondary Education Department nominated by the Secretary, Secondary Education ; *Member*

7. the Director, Secondary Education Department, Uttar Pradesh ; *Member*

8. the Librarian, Central State Library, Secondary Education Department, Uttar Pradesh ; *Member*

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| 9. one person nominated by the Uttar Pradesh Library Association ; | <i>Member</i> |
| 10. one Library Officer nominated by the State Government ; | <i>Member</i> |
| 11. one person nominated by the Chairman Raja Ram Mohan Roy Library Foundation, Kolkata ; | <i>Member</i> |
| 12. the Officer on Special Duty (Library Cell), Secondary Education Department, Government of Uttar Pradesh. | <i>Member/
Secretary</i> |

(3) The Council shall advise the State Government on all matters arising in the administration of this Act. It shall exercise such powers and perform such functions as may be prescribed.

(4) The tenure of the members specified at serials 9 to 11 shall be two years.

(5) The Headquarters of the Council shall be at Lucknow.

4. (1) There shall be a State Standing Committee consisting of,—

Constitution
and function
of the State
Standing
Committee

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| 1. the Principal Secretary or the Secretary as the case may be, to the Government of Uttar Pradesh, Secondary Education Department; | <i>Member</i> |
| 2. the Principal Secretary to the Government of Uttar Pradesh, Finance Department or his nominee not below the rank of Special Secretary; | <i>Member</i> |
| 3. the Principal Secretary to the Government of Uttar Pradesh, Planning Department or his nominee not below the rank of Special Secretary; | <i>Member</i> |
| 4. the Special Secretary to the Government of Uttar Pradesh, Secondary Education Department nominated by the Secretary, Secondary Education; | <i>Member</i> |
| 5. the Director, Secondary Education Department, Uttar Pradesh; | <i>Member</i> |
| 6. the Officer on Special Duty (Library Cell), Secondary Education Department, Government of Uttar Pradesh. | <i>Member/
Secretary</i> |

(2) The State Standing Committee shall ensure the implementation of the decisions and suggestions made by the State Library Council. It shall plan, monitor and execute plans and projects in connection with the Public Library Development in the State. It shall also look after the library work entrusted to it by the Ministry of Education, Government of India, Department of Culture, the State Library Council or any other outside agency connected with the Public Library Development.

(3) Without prejudice to the provisions contained in sub-section (2) the functions of State Standing Committee shall also be,—

- (a) to enunciate and promote public library policy and system;
- (b) to process, plan and prepare budget and other financial proposals in connection with the development of public libraries;
- (c) to monitor and evaluate the growth of public libraries and library system;
- (d) to plan, supervise, control and coordinate central acquisition, procurement and distribution of books and other material;

- (e) to recognize voluntary public libraries and library associations;
- (f) to coordinate and supervise the activities of the public libraries of the State;
- (g) to process matters concerning the library council and the standing committee;
- (h) to adopt measures for establishing cooperation and liaison among library services rendered by other departments;
- (i) to process matters concerning other library services under the Education Department;
- (j) to establish liaison with professional bodies and associations within and outside the State;
- (k) to advise on matters concerning libraries under other departments of the State Government ;
- (l) to organize "continuing education programs" for librarians in public library system such as refresher course etc. ;
- (m) to perform such other functions as may be assigned to it by the State Government from time to time.

5. (1) There shall be a District Library Committee in each district of the State consisting of,—

Constitution and functions of a District Library Committee

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| 1. the District Magistrate | <i>Chairperson</i> |
| 2. the Chief Development Officer | <i>Vice-Chairperson</i> |
| 3. the Principal, District Institute for Education & Training. | <i>Member</i> |
| 4. the Secretary, District Literacy Committee | <i>Member</i> |
| 5. the District Yuva Kalyan Adhikari | <i>Member</i> |
| 6. one person nominated by the Pensioners Association | <i>Member</i> |
| 7. the District Inspector of Schools | <i>Member</i> |
| 8. the District Information Officer or the Assistant Director Information | <i>Member</i> |
| 9. the Nominee of Chairman, Zila Panchayat | <i>Member</i> |
| 10. the Chairman, Nagar Panchayat or his Nominee | <i>Member</i> |
| 11. the Librarian of a Degree College of the district to be nominated by the District Magistrate. | <i>Member</i> |
| 12. the Principal of a Government Inter College to be nominated by the District Magistrate. | <i>Member</i> |
| 13. one representative of Mahila Mangal Dal | <i>Member</i> |
| 14. one representative of District Library Association | <i>Member</i> |
| 15. the Coordinator, Nehru Yuva Kendra | <i>Member</i> |
| 16. the Librarian District Government Library, if any | <i>Member/Secretary</i> |

(2) Where there is no Librarian of District Government Library in any district the member specified at serial 12 shall be the Member-Secretary.

(3) The District Library Committee shall prepare plans for the development of Public Library System in the district and monitor the progress thereof. It shall also perform such other functions as may be prescribed.

CHAPTER- III

DIRECTOR OF PUBLIC LIBRARIES

The Director of
Public Libraries

6. The Director of Secondary Education, Uttar Pradesh shall be the Director of Public Libraries and be responsible for the proper administration and operation of the provisions of this Act.

Functions of the
Director

7. Subject to the control of the State Government, the Director shall,—

(a) prepare and submit to the Government the annual budget, annual and five year plans for the development of Public Library System and services in the State;

(b) collect descriptive and statistical report and data on the working of all Public Libraries, including Government Aided Public Libraries;

(c) fix minimum standards of library and information services by various Public Libraries and ensure that the Public Libraries of the State maintain such standards;

(d) ensure, organize, support the in-service training of various types of library workers;

(e) ensure the proper inspection of the Public Libraries in the State;

(f) supervise and coordinate the performance of all Public Libraries;

(g) ensure proper functioning of the Library Committees at District level;

(h) prepare and submit annual report in connection with the development of Public Library Services;

(i) exercise such other powers and perform such other duties as may be conferred on or assigned to him by the State Government from time to time.

CHAPTER-IV

STRUCTURE OF THE PUBLIC LIBRARY SYSTEM AND FUNCTIONS OF

VARIOUS STATE CENTRES LIBRARIES

State Level
Libraries

8. There shall be two State Level Libraries in the State, of which one shall be the State Central Library at Allahabad and the other shall be the State Reference Library at Lucknow.

Functions of the
State Central
Library

9. The functions of the State Central Library shall be,—

(a) to procure and organize all reading material useful for the general public;

(b) to provide facility of self-reading to the general public;

(c) to act as a supplement to other Public Libraries in the State;

(d) to organize book exhibitions, lectures, seminars and other activities, etc. for promoting reading habits among public at large;

(e) to act as an agency to disseminate information relating to various development schemes/welfare programmes of the State and the Central Government;

(f) to provide book lending services to the general public in such manners as may be prescribed;

(g) to plan and co-ordinate library co-operation among Public Libraries in the State including inter-library loan service;

- (h) to provide reading facilities and special services to handicapped;
- (i) to work as an apex institution in Public Library System of the State;
- (j) to procure and make available literatures suitable for neoliterates as a support system for various adult education programmes in the State;

(k) to promote Computerization in Public Libraries of the State and organize training programmes for the benefit of professionals working in Public Libraries;

(l) to carry out such other work as may be entrusted to it by the State Library Council or the Director for the Development of Public Library System and service in the State.

10. The functions of the State Reference Library shall be,—

Functions of the
State Reference
Library

- (a) to procure all useful material published in the State;
- (b) to compile a computerized union catalogues of Public Libraries in the State;

(c) to compile and publish comprehensive bibliographies on various subjects for the benefits of scholars and researchers, especially in the field of "humanities" and "social sciences";

(d) to provide reading facilities to general public for reference and research purposes;

(e) to acquire the handwritten rare manuscripts available at different places in the State and to compile and publish comprehensive bibliographies of such rare manuscripts;

(f) to preserve rare manuscripts with the help of chemical treatment or/and microfilming;

(g) to compile a union catalogue of manuscripts available in different libraries of the State;

(h) to carry out various documentation activities and news paper clippings on important aspects of general interest;

(i) to examine and evaluate the old and unuseful collection of public libraries for declaring such material unuseful after identifying the material having permanent significance;

(j) to promote library co-operation on different aspects of library operations including inter-library lending for the benefit of readers in other public libraries;

(k) to participate, in various existing computerized library network such as "DELNET" etc. for the benefit of users;

(l) to carry out any work entrusted by State Library Council or Director for the development of public library system in the State;

11. There shall be a Government District library in each District. A District library shall function as an apex library for the district library system in addition to functioning as a lending and reference library for the district. The District library shall,—

District Libraries

(a) collect useful and standard literature and other reading material, audio-visual equipment for the use of the public;

(b) collect material of regional/local interest;

(c) provide reference, information and lending services and help in promotion and extension of reading habits;

(d) supplement the collection of branch/tehsil/block/village libraries and libraries run by other agencies;

(e) encourage and supervise inter library co-operation in the district;

(f) provide mobile library services and establish book delivery centers wherever necessary;

(g) coordinate and supervise the activities of other Government branch/ Tehsil/ Block/ Village libraries of the district and mobile library services;

(h) inspect periodically the other government libraries and other aided libraries in the district;

(i) provide assistance to the district library committee in the task of preparation of development plans for the district library system;

(j) perform such other functions as may be entrusted to it by the District Library Committee.

CHAPTER-V

FINANCE

Finance

12. The library development plan shall form an integral part of the centralized and decentralized annual and five year plan and non plan budget of the State. The State Government, if it considers necessary may also find means and ways to raise additional resources to support and develop the Public Library System.

CHAPTER-VI

RECOGNITION

Recognition of
Public Libraries
and Public Library
Associations

13. (1) The State Government may recognize any library run by the voluntary organizations registered under the Societies Registration Act, 1860, or any library run by local authority open for use to the public, as public library for the purpose of payment of grant-in-aid or other financial assistance to it.

(2) The State Government may, in accordance with the rules, recognise any public library association in the State registered under the Societies Registration Act, 1860 for the purpose of payment of grant-in-aid or other financial assistance to it.

CHAPTER-VII

REPORTS AND INSPECTIONS

Reports and
Inspections

14. (1) Every person who is in-charge of the management of a public library and every person who is in-charge of public library association shall submit such reports and returns and furnish such information as the State Government, may from time to time require.

(2) The Director or an officer authorized by him in this behalf shall have powers to inspect public libraries and public library associations or any institution attached thereto or any institution conducting the training courses in library service and library and information science receiving financial assistance, for the purpose of satisfying himself that the provisions of this Ordinance and the rules made thereunder are being carried out.

(3) Within six months from the close of every year, the director shall prepare an annual report on the working and administration of and the progress made by, public libraries and public library associations in that year together with such information and particulars as may be prescribed and submit the same to the State Government.

CHAPTER VIII

MISCELLANEOUS

Members of the
Council shall be
public servants

15. All the members of the Council while acting or purporting to act in pursuance of the provisions of this Act or any rules and regulations made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

16. No suit, prosecution or other legal proceedings shall lie against the Council or any member or servant thereof for anything done or intended to be done in good faith in pursuance of the provisions of this Act or the rules and regulations made there under.

Protection of action taken in good faith

17. No act or proceeding of the Council or any of its committees shall be invalid merely by reason of, —

Acts and proceedings of the council presumed to be valid

- (a) any vacancy therein or any defect in constitution thereof, or
- (b) any irregularity in its procedure.

18. (1) The State Government may, by notification make rules for carrying out the purposes of this Act.

Power to make rules

(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) manner for electing representatives from public library associations or Library Officers;
- (b) the powers, duties and function to be performed by the Chairperson;
- (c) such other powers and functions as may be exercised and performed by the Council;
- (d) the allowances payable to the members of the Council and its Committees and the rates at which they shall be payable;
- (e) other powers, functions and duties to be exercised and performed by the Director of the Library Cell;
- (f) the functions to be performed by the district library committees;
- (g) recognition of public libraries and public library associations;
- (h) the information and particulars to be included in the annual report;
- (i) any other matter which is to be or may be prescribed.

19. (1) The Council may make regulations not inconsistent with the provisions of this Act and the rules made thereunder to discharge its function under this Act.

Power to make regulations

(2) In particular and without prejudice to the foregoing powers, such regulations may be made for all or any of the following matters namely —

- (a) the date and place at which the Council shall meet and the manner in which the Council shall observe in regard to transaction of its business;
- (b) the committees which council may constitute, the number of members thereof and the functions which may be performed by such committees;

The Uttar Pradesh Public Libraries Ordinance, 2006 is hereby repealed.

Repeal and savings

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under this Act as if the provisions of this Act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

The State Government had been considering for the last ten years to make a law to provide for regulating, strengthening and extending library services in the State. Requests for such action have also been made from the Government of India and other sources but due to additional financial implication it could not be done. Meanwhile enactment on said subject had been enforced in several states and continued demands for the enforcement of Library Act were being made from various spheres. After due consideration it was decided to make a law to provide for the establishment, organization, maintenance and development of public Libraries in the State.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid division the Uttar Pradesh Public Libraries Ordinance, 2006 (U.P. Ordinance no. 7 of 2006) was promulgated by the Governor on July 31, 2006

This Bill is introduced to replace the aforesaid Ordinance.

By order,
R. M. CHAUHAN,
Pramukh Sachiv.