

The Goa Public Libraries Act, 1993

1. **The Goa Public Libraries Act, 1993 (14 of 1995) [29-7-1995]** published in the Official Gazette, Series I No. 19 (Supplement) dated 11-8-1995.
2. **The Goa Public Libraries (Amendment) Act, 1997 (14 of 1997) [17-4-1997]** published in the Official Gazette, Series I No. 5 dated 2-5-1997 and come into force on the date Principal Act came into.
3. **The Goa Public Libraries (Amendment and Validation) Act, 2013 (21 of 2013) [28-10-2013]** published in the Official Gazette, Series I No. 31(Extraordinary) dated 31-10-2013 and it shall deemed to come into force on 28th July 2009.

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GOVERNMENT OF GOA
Law (Legal and Legislative) Department

Notification

7-4-94/LA

The Goa Public Libraries Act, 1993 (Goa Act 14 of 1995) which has been passed by the Legislative Assembly of Goa on 26-11-1993 and assented to by the Governor of Goa on 29-7-1995, is hereby published for the general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 2nd August, 1995.

The Goa Public Libraries Act, 1993

(Goa Act No. 14 of 1995) [29-7-1995]

AN

ACT

to provide for the establishment, maintenance and development of public libraries in the State of Goa and for matter ancillary thereto.

Be it enacted by the Legislative Assembly of Goa in the Forty-fourth Year of the Republic of India as follows:—

1. Short title, extent and commencement.— (1) This Act may be called the Goa Public Libraries Act, 1993.

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

(3) It shall come into force on such date as the State Government may, by notification, in the Official Gazette appoint.

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

(a) “Aided Library” means a public library run by private initiative, receiving State Government assistance as per existing rules;

(b) “Council” means the State Library Council constituted under sub-section (1) of section 4;

(c) “document” means embodied thought, i.e. record of work on paper or other material, fit for physical handling, transport across space, and preservation through time, and includes the following conventional and non-conventional thought embodiments: printed books, manuscripts, Braille stenographs, music in notation, ciphers (where graphic is phonetic symbols) drawing pictures, maps, microfilms, micro-cards, micro-fiche, cassettes, audio/visual documents, floppy discs (non-book material) newspapers, periodicals and other serial documents.

(d) “book” includes—

(i) every volume, part or division of a volume, document be it a printed work or a manuscript or a micro-film, or a video/audio cassette or a photograph or a compact disc;

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

(iii) newspapers, periodicals and other such materials.

(e) “book service” means reference service, lending out books to members of public libraries, helping groups with books, helping people to know the whereabouts of a book or books and helping them to procure the books they need;

(f) “Departmental Library” means a library maintained by a Department of the Government;

(g) “Government” means the Government of the State of Goa;

(h) ¹[Public Library” means—

(i) any library established, maintained and managed by the Government and declared open to public;

(ii) any library declared to be eligible for grant-in-aid and receiving aid from the Government or from the Library fund of the Raja Ram Mohan Roy Library Foundation; and

(iii) any other library notified by the Government as a Public Library for the purpose of this Act.]

(i) “reference service” means assistance from the library staff to the reader or user of the library to enable him to know, locate and consult books and other materials and to secure from such books and materials information relevant to this purpose;

(j) “State” means the State of Goa;

(k) “Year” means the financial year.

3. Establishment of Library Service.— (1) The Government shall establish, maintain and develop Library Service in the State.

(2) For carrying out the purpose of sub-section (1), the Government may,—

(a) promote reading habit and the use of books for the benefit of the people;

(b) offer in its Public Library an adequate book, and reference service;

(c) acquire for its Public Library sufficient number of books;

(d) establish and sponsor organisations and institutions with a view to promote public interest and participation in the Public Library;

(e) gives adequate library service to all Government Departments and Offices subordinate or attached to these Departments;

(f) provide library training facilities to ensure adequately trained personnel for libraries in the State;

(g) provide or secure suitable conditions of service for the library personnel in the State;

(h) promote co-operation between the public libraries and cultural and educational Institutions;

(i) promote production and publication of useful literature;

(j) strengthen and start the libraries like prison libraries, hospital libraries for patients and home delivery libraries;

(k) promote mobile libraries, audio libraries for blind and special libraries for hearing impaired, text-book library, children library computerization, micro-filming of rare documents;

¹ Substituted by Amendment Act 14 of 1997.

(l) make special efforts to create the love for books in the masses and specially in children and the youth;

(m) promote the practice of adoption of libraries by the public undertakings sectors like Banks;

(n) make compulsory enrolment of every student in the Public Libraries on reaching standard eighth;

(o) compulsorily require to produce enrolment/membership certificate of the Public Libraries by the unemployed youth during the registration in the Employment Exchange for those jobs where literacy is required.

(3) The Government shall discharge its functions and responsibilities under this section through—

- (a) The State Library Council;
- (b) The State Library Development Cell;
- (c) The State Public Library; and
- (d) The Co-operating Institutions.

4. Constitution and establishment of Council.— (1) With effect from such date as the Government may, by notification, specify in this behalf, the Government shall establish, for the purpose of this Act, a Council to be known as State Library Council, with headquarters at such place as the Government may specify.

(2) The Council shall consist of —

(i) The following ex officio members:—

- (a) The Minister-in-charge of libraries, who shall be the Chairman;
- (b) The Secretary, Education;
- (c) The Secretary, Finance;
- (d) The Chairman or President, State Library Association;
- ²[(e) the State Library Officer who will be the Member Secretary of the Council;]
- (f) Director, Directorate of Historical Archives and Archaeology;
- (g) Librarian, Goa University;
- ³[(h) Director of School Education;
- (i) State Librarian.]

(ii) Two Members of the State Legislative Assembly interested in library development to be elected by the Legislative Assembly of Goa;

² Substituted by Amendment Act 14 of 1997.

³ Clauses (h) and (i) have been inserted by Amendment Act 14 of 1997.

(iii) One Member who is expert in Library Science to be nominated by the Chairman of the Council;

(iv) One Member of the voluntary organisation involved in the Library on literature;

(3) The Council shall advise the Government on all matters mentioned under section 3 and also in regard to promotion and development of library service in the State.

(4) The Council shall advise the State Library Development Cell in all technical matters relating to the Library, development and organisation.

(5) The Council shall meet at least twice in a year, but not more than six months shall intervene between two meetings.

(6) A nominated member of the Council shall hold office for the period of four years.

(7) When any members dies, resigns, becomes incapable of acting as a member except the member referred to in item (ii) of sub-section (2) of section 4 or its otherwise removed, the Government may nominate any other person for the unexpired period of the term of such member.

⁴(8) [Omitted]

5. State Library Development Cell.— (1) The Government shall constitute a State Library Development Cell which shall be ⁵[a cell of the Directorate of School Education] of the Government. The functions of the State Library Development Cell shall be as follows:

(a) to prepare the annual as well as short or long term plan for libraries in the State in co-operation with the development and other concerned departments of the Government and of the Central Government;

(b) to prepare and publish descriptive and statistical reports on the working of all the Public Libraries;

(c) to arrange or to secure training of various categories of library employees;

(d) to conduct inspection of and render advisory service to the district talukas and other libraries in the State;

(e) to administer the system of grant-in-aid to the aided libraries, and to undertake their inspection.

⁶[(2) The Head of State Library Development Cell (hereinafter called the “State Library Officer), shall be a person appointed by the Government as per the recruitment rules to be notified by the Government for the said post.]

⁴ Sub-section (8) omitted by Amendment Act 14 of 1997.

⁵ Substituted by Amendment Act 14 of 1997.

⁶ Sub-section (2) has been substituted by Amendment Act 14 of 1997.

(3) The ⁷[State Library Officer] shall perform the following duties:—

(a) he shall participate in all meetings of the Council and the Committees which may be set up by the Council;

(b) he shall be responsible for carrying out such of the recommendations of the Council as have been approved by the Government.

(c) he shall perform such other duties as may be prescribed in the regulations made by the Council.

(d) subject to any rules made by the Government State Library Development Cell:

(i) shall be responsible for implementing the programme of work for the year as approved by the Council;

(ii) shall administer the Grant-in-aid scheme for aided libraries;

(iii) shall decide where district and other Libraries in the State are to be set up and approve the constitution and bye-laws of a Public Library;

(iv) may absorb an aided library into the Public Library of the State.

6. State Library.— The Government shall by an order establish a State Library located in the State.

7. Book Stock of the State Library.— (1) The stock of books in the State Library shall consist of books obtained through any legislation, for the time being in force providing for compulsory acquisition of two copies of books of every author published in the State, books acquired otherwise by purchase, exchange, gifts and bequests and its own publications.

(2) Materials in the State Library may also include films, filmstrips, slides, tapes and gramophone records, maps, charts, bulletins, photos, pictures, compact disc.

8. Certain volumes to be delivered to State Librarian/Curator.— (1) The Head of a Department in the Government shall deliver to the State Library all books in his office no longer needed there, but which in the opinion of the State Librarian/Curator will be of use in the State Library.

(2) All books and other materials which have to be purchased by the State Librarian/Curator shall only be purchased on the advice of Book Selection Committee to be constituted by the Council.

9. Department of State Library.— (1) The State Library shall have at least two sections, viz. State Reference Library Section and the State Lending Library Section.

(2) The functions of the State Reference Library Section shall be as follows:—

(a) to maintain a representative collection of reference books and publications such as those mentioned in clause (b) of sub-section (2) of section 3;

⁷ Substituted by Amendment Act 14 of 1997.

(b) to procure and maintain in a readily available manner all books, reports, especially the reports of the House of Parliament and the State Legislative Assembly and Central and State Governments report and publications together with their indices as well as other reference materials needed for consultation;

(c) to maintain a catalogue of the important academic libraries in the State;

(d) to undertake bibliographical work, including special bibliographies for the use of scholars and research workers and to prepare useful catalogues and bibliographies in the regional languages;

(e) to offer, in co-operation with departmental and research libraries, book and bibliographical service to institutions, groups and individuals engaged in higher studies and research;

(f) to promote library services for children;

(g) to organize library conferences and book exhibitions;

(h) to provide technical assistance and information to the district and other librarians in the State;

(i) to act as the centre of book exchange and inter-library lending within and outside the State;

(j) to prepare and issue reports on the working of libraries, especially the public libraries in the State;

(3) The State Reference Library shall not lend books for use outside the premises of the library.

(4) The functions of the State Lending Library Section shall be as follows:—

(a) to render home-lending service;

(b) to replenish from time to time the stocks of district libraries;

(c) to give book service to Cultural and Educational Institutions and Social Welfare Organisation;

(d) to arrange book-exhibitions and book display on suitable occasions;

(e) to publicise its book-stock and to arrange for extension service;

(f) to publish library reports and literature.

10. Officer in charge of the State Library.—⁸[The Officer-in-charge of the State Library (hereinafter called the “State Librarian”) shall]:—

(a) be responsible for the management of all the departments of the State Library;

(b) to maintain the stock of books and conduct all approved activities of the State Library;

(c) advise the Council on all technical matters;

⁸ Substituted by Amendment Act 14 of 1997.

(d) submit to the Council a report on the working of the Library during the previous financial year, which report shall also include the detailed statement of receipt and expenditure on account of State Library;

(2) The State Librarian shall be assisted by professional, technical and general staff running the State Library;

⁹[(3) The State Librarian shall be a person appointed by the Government as per recruitment rules to be notified by the Government for the said post.]

11. The District Library.— (1) There shall be a District Library in each District rendering book service to the residents of a District.

(2) In addition to the District Library under sub-section (1), there shall also be the following types of Libraries, namely:—

(a) Municipal Library,

(b) Taluka Library and

¹⁰[(c) Panchayat Library.]

12. Functions of a District Library.— The functions of a District Library shall be as follows:—

(a) to provide reference and bibliographical service in the district;

(b) to extend library service in the urban and rural areas by setting up taluka branch libraries, mobile libraries and deposit centres and to extend similar service in the district through the various taluka libraries and other library units;

(c) to feed taluka libraries with supply of suitable books;

(d) to co-operate with and help the aided libraries in the district in accordance with the instructions of the ¹¹[State Library Officer];

(e) to co-operate with other institutions and groups especially the social, educational institutions and workers, in promoting adult education and library mindedness among the people;

(f) to arrange conferences, camps and seminars of librarians and other library workers in the district.

¹²[(13) omitted]

(14) omitted

(15) omitted

(16) omitted]

⁹ Sub-section (3) added by Amendment Act 14 of 1997.

¹⁰ Clause (c) has been substituted by Amendment Act 14 of 1997.

¹¹ Substituted by Amendment Act 14 of 1997.

¹² Sections 13, 14, 15, 16 and 20 are omitted vide Amendment Act (14 of 1997).

17. Library Fund.— (1) The Government shall constitute a fund called Library Fund.

(2) The Library Fund shall consist of:-

(a) Contribution made by the Government;

(b) Any grants given by the Government of India to the State Government for Development of Public Library;

(c) Any special grants given by the Government;

(d) Any contribution of gifts made by the public for the development of Public Libraries.

18. Library Cess.—¹³[(1) The Government shall, by notification in the Official Gazette, levy a library cess, at such rate as may be specified therein, in the form of a surcharge on the excise duty or other duties or any fees payable on Indian made foreign liquor, foreign liquor, beer and/or wine under the Goa Excise Duty Act, 1964 (Act 5 of 1964).]

(2) The cess levied under sub-section (1) shall be collected to utilise for the purpose of implementation of this Act by the Government.

19. Public Library Finance.— The Government shall frame the annual budget of Public Libraries in the State within the broad frame work of the plan, and shall provide one per cent of the Education Budget for promoting the service of Public Libraries in the State.

¹⁴(20). [omitted]

21. State Library Association.— (1) Council shall recognise only one State Library Association as Co-operating Institution, the constitution of which shall be approved by the Council.

22. Power to make Rules.— (1) Government may by notification make rules for carrying out the purpose of this Act.

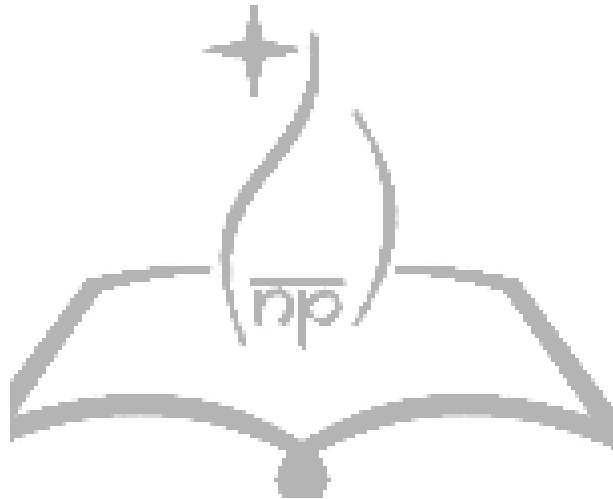
(2) Every rule made under this section shall be laid down as soon as may be after it is made before the House of the State Legislature while it is in session for a total period of ten days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, the House agrees in making any modification in the rules or the House agrees that the rules should be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or amendment shall be without prejudice to the validity of anything previously done under this rule.

¹³ Substituted vide Amendment and Validation Act 2013. Original sub-section read as follows: - (1) The Government shall levy a library cess in the form of a surcharge on the Excise Duty payable under Goa Excise Duty Act, 1964 at the rate of 0.50 (paise fifty only) per proof liter of the (I.M.F.L.) Indian made Foreign Liquor and at the rate of Rs. 0.50 (paise fifty only) per bulk liter of beer."

¹⁴ Section 20 stands omitted by Amendment Act (14 of 1997).

Secretariat Annexe,
Panaji.
Dated: 3-8-1995.

B. S. SUBBANNA,
Secretary to the Government of Goa,
Law Department (Legal Affairs).



GOVERNMENT OF GOA
Department of Law & Judiciary
Legal Affairs Division

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Notification

7/21/2013-LA

The Goa Public Libraries (Amendment and Validation) Act, 2013 (Goa Act 21 of 2013), which has been passed by the Legislative Assembly of Goa on 15-10-2013 and assented to by the Governor of Goa on 28-10-2013, is hereby published for general information of the public.

Sharad G. Marathe,
Joint Secretary (Law).

Porvorim,
31st October, 2013.

The Goa Public Libraries (Amendment and Validation) Act, 2013
(Goa Act 21 of 2013) [28-10-2013]

AN
ACT

further to amend the Goa Public Libraries Act, 1993 (Goa Act No. 14 of 1995) and to validate the levy and collection of library cess.

BE it enacted by the Legislative Assembly of Goa in the Sixty-fourth Year of the Republic of India as follows:—

1. Short title and commencement.— (1) This Act may be called the Goa Public Libraries (Amendment and Validation) Act, 2013.

(2) It shall be deemed to have come into force on the 28th day of July, 2009.

2. Amendment of section 18 of Goa Act No. 14 of 1995.— In section 18 of the Goa Public Libraries Act, 1993 (Goa Act No. 14 of 1995) (hereinafter referred to as the “principal Act”), for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) The Government shall, by notification in the Official Gazette, levy a library cess, at such rate as may be specified therein, in the form of a surcharge on the excise duty or other duties or any fees payable on Indian made foreign liquor, foreign liquor, beer and/or wine under the Goa Excise Duty Act, 1964 (Act 5 of 1964).”.

3. Validation.— (1) Notwithstanding anything contained in any judgment, decree or order of any Court, Tribunal or other authority to the contrary,—

(a) the Government Notification No. 1/1/ /2008-Fin (R&C) dated 28-07-2009, published in the Official Gazette, Extraordinary No. 2, Series I No. 17 dated 29-07-2009;

(b) the Government Notification No. 1/ /3/2011-Fin (R&C)/Part dated 09-12-2011, published in the Official Gazette, Extraordinary, Series I No. 36 dated 09-12-2011;

(c) any library cess levied or collected or purported to have been levied or collected under the said notifications; and

(d) any action taken or thing done in relation to such levy or collection under the provisions of the principal Act, shall, for all purposes, be deemed to be and to have always been validly issued or levied or collected or taken or done, as the case may be, in accordance with the provisions of section 18 of the principal Act as amended by this Act, and accordingly,—

(i) no suit or other proceeding shall lie or be maintained or continued in any Court or before any Tribunal, officer or other authority, for the refund of any library cess so paid;

(ii) no Court, Tribunal, officer or other authority shall enforce any decree or order directing the refund of any library cess so collected;

(iii) any library cess levied or purported to have been levied but not collected, may be recovered under the principal Act as amended by this Act; and

(iv) anything done or any action taken or purported to have been done or taken, under or for the purposes of the principal Act and/or under the said notifications, shall be deemed to have been validly done or taken in accordance with law as if the provisions of section 18 of the principal Act, as amended by this Act, had been in force at all material times.

(2) For the removal of doubts, it is hereby declared that nothing in sub-section (1) shall be construed as preventing a person,—

(a) from questioning in accordance with the provisions of the principal Act, as amended by this Act, or the said notifications, the levy or collection of library cess referred to in sub-section (1); or

(b) from claiming refund of any library cess paid by him in excess of the amount due from him under the principal Act, as amended by this Act, or the said notifications.

4. Repeal and saving.— (1) The Goa Public Libraries (Amendment and Validation) Ordinance, 2013 (Ordinance No. 2 of 2013) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

Secretariat,

Porvorim-Goa,

Dated: 31-10-2013.

PRAMOD V. KAMAT,

Secretary to the Govt. of Goa,

Law Department (Legal Affairs).

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