



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक ८०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Public Libraries (Amendment) Bill, 2024 (L.C. Bill No. X of 2024), introduced in the Maharashtra Legislative Council on the 16th December 2024, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

SATISH WAGHOLE,
Secretary (Legislation) to Government,
Law and Judiciary Department.

L. C. BILL No. X OF 2024.

A BILL

further to amend the Maharashtra Public Libraries Act, 1967.

WHEREAS both Houses of the State Legislature were not in session;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Public Libraries Act, 1967 for the purposes hereinafter appearing; and, therefore, promulgated the Maharashtra Public Libraries (Amendment) Ordinance, 2024 on the 15th October 2024 ;

Mah.
XXXIV
of 1967.
Mah.
Ord. XIII
of 2024.

AND WHEREAS, it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Seventy-fifth Year of the Republic of India as follows :—

Short title and commencement.

1. (1) This Act may be called the Maharashtra Public Libraries (Amendment) Act, 2024.

(2) It shall be deemed to have come into force on the 15th October 2024.

Amendment of section 2 of Mah. XXXIV of 1967.

2. In section 2 of the Maharashtra Public Libraries Act, 1967 (hereinafter referred to as “the principal Act”), in clause (i), after the words “discs or tapes used for audio-visual information” the words “e-resources such as e-book, e-periodicals, e-database” shall be inserted.

Mah. XXXIV of 1967.

Amendment of section 3 of Mah. XXXIV of 1967.

3. In section 3 of the principal Act,—

(a) in sub-section (2),—

(i) after clause (iii), the following clauses shall be inserted, namely :—

“(iii-a) the Principal Secretary or Secretary, School Education and Sports Department of Government of Maharashtra;

(iii-b) the Director, Information Technology Department, Government of Maharashtra;”;

(ii) clauses (v), (viii), (ix) and (x) shall be deleted;

(iii) for clause (xii), the following clause shall be substituted, namely :—

“(xii) President of each Divisional Library Association;”;

(iv) for clause (xiv), the following clause shall be substituted, namely :—

“(xiv) three members to be nominated by the State Government from amongst persons who, in its opinion, have special knowledge or interest or practical experience in matters connected with library service:

Provided that, from amongst the three members, the Director, Knowledge Resources Center of the university under the Maharashtra Public Universities Act, 2016 shall be the *ex-officio* member and one member shall be a woman;”;

(b) in sub-section (3), for the word “elected” the word “nominated” shall be substituted.

Insertion of section 4A in Mah. XXXIV of 1967.

4. After section 4 of the principal Act, the following section shall be inserted, namely :—

Other Committees.

“**4A.** (1) The Council may constitute Committees for such purposes as it thinks necessary for its efficient functioning.

(2) The number of members of every such Committee constituted by the Council under sub-section (1), the term of office of the members, the duties to be performed and functions to be discharged by the members of such Committee shall be such as may be decided by the Council.”.

Mah. VI of 2017.

5. For section 6 of the principal Act, the following sections shall be substituted, namely :—

Amendment of section 6 of Mah. XXXIV of 1967.

“6. A vacancy in the office of a nominated member of the Council occurring otherwise than by efflux of time shall be filled by nomination and such person shall hold office only for the remainder of the term for which the member whose place he was nominated.

Casual vacancies in Council.

6A. (1) The Government may, after making such inquiry, as it may think fit, by order, remove any nominated member of the Council, if such member,—

Removal of member.

(a) has been convicted by a court in India for any offence involving moral turpitude; or

(b) become an undischarged insolvent and stands so declared by a competent Court; or

(c) become physically unfit and incapable of discharging the functions or duties of the office due to protracted illness or physical disability; or

(d) is of unsound mind and stands so declared by the competent Court; or

(e) is acting in a way detrimental to the aims and objects of the Council :

Provided that, no order under clause (e) shall be made for removal of a member unless he has been given a reasonable opportunity of being heard.

(2) The Government may *suo motu* by an order remove any member of the Council nominated or appointed, whose activities, in the opinion of the Government are detrimental to, or obstruct the proper functioning of the Council:

Provided that, no member shall be removed from office unless he has been given a reasonable opportunity of being heard.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the nominated member of the Council shall hold office during the pleasure of the Government and shall be removed at any time by the Government, if it deems fit.”.

6. In section 9 of the principal Act, in sub-section (2),—

Amendment of section 9 of Mah. XXXIV of 1967.

(a) in clause (d), after the word “Divisional” the word “District” shall be inserted;

(b) after clause (h), the following clause shall be inserted, namely :—

“(h-1) organize and conduct programmes for training of the persons working with the public libraries;”.

7. In section 11 of the principal Act,—

Amendment of section 11 of Mah. XXXIV of 1967.

(1) in sub-section (1), for the words “and a Divisional Library for every Division” the words “a Divisional Library for every Division and a District Library for every District” shall be substituted;

(2) in sub-section (2), for the words and figures “Bombay Public Trusts Act, 1950” the words “Maharashtra Public Trusts Act” shall be substituted.

Bom.
XXIX of
1950.
XXIX of
1950.

Amendment of
section 13
of Mah.
XXXIV of
1967.

8. In section 13 of the principal Act,—

(a) for sub-section (2), the following sub-section shall be substituted, namely :—

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

Sr. No.	Designation	Designation of the Committee
(1)	(2)	(3)
(i)	Collector of the District or his nominee not below the rank of Additional Collector,	Chairperson;
(ii)	Planning Officer of the District,	Member;
(iii)	Education Officer (Secondary) of the District,	Member;
(iv)	President of the District Library Association,	Member;
(v)	two persons to be nominated by the State Government, who shall be well-known literary personality from the district of whom one shall be a woman,	Member;
(vi)	three persons nominated by the Collector from the District of whom one shall be an office bearer of a public library, a librarian of public library and a college librarian and one of whom shall be a women,	Member;
(vii)	District Library Officer of the respective District Library,	Member-Secretary.”;

(b) sub-section (3) shall be deleted.

Insertion of
section 15A in
Mah. XXXIV
of 1967.

9. After section 15 of the principal Act, the following section shall be inserted, namely :—

Removal of
member of
Committee.

“15A. The provision of section 6A shall be *mutatis mutandis* applicable for the removal of any nominated member of the Committee.”.

Amendment
of section
16 of Mah.
XXXIV of
1967.

10. In section 16 of the principal Act, for clause (i), the following clause shall be substituted, namely :—

“(i) to advise the Council on all matters relating to development of library service in the District;”.

Amendment of
section 18 of
Mah. XXXIV of
1967.

11. In section 18 of the principal Act, in sub-section (2),—

(a) in clause (c),—

(i) after the words “for development” the words “and modernization” shall be inserted;

(ii) the word “and” shall be deleted.

(b) in clause (d), for the words “public libraries” the words “public libraries; and” shall be substituted;

(c) after clause (d), the following clause shall be added, namely :—

“(e) any contribution or donations made by public trust, private trust, co-operative society, local authority, company and industrial enterprises for public libraries.”.

12. After section 26 of the principal Act, the following sections shall be added, namely :—

Insertion of sections 27 and 28 in Mah. XXXIV of 1967.

“27. No act or proceedings of the Council or any Committee shall be invalid merely by reason of any vacancy in or any defect in the constitution of such Council or Committee.

Acts and proceedings not invalid merely on ground of defect in constitution and vacancy.

28. No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done under this Act or any rules made thereunder.”.

Protection of action taken in good faith.

13. (1) The Maharashtra Public Libraries (Amendment) Ordinance, 2024, is hereby repealed.

Repeal of Mah. Ord. XIII of 2024 and saving.

Mah. Ord. XIII of 2024.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or, as the case may be, issued under the corresponding provisions of the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Public Libraries Act, 1967 (Mah. XXXIV of 1967) has been enacted to provide for the establishment, maintenance, organisation and development of public libraries in the State of Maharashtra.

2. To cope up with, changing needs of reading habits in the society, use of modern technological devices for reading, to develop and flourish reading culture and library movement in the changing environment of the society, it was considered expedient to reconstruct and to streamline the work procedure of the State Library Council and District Library Committee by amending sections 2, 3, 6, 9, 11, 13, 16 and 18 and by adding new sections 4A, 15A, 27 and 28 in the Maharashtra Public Libraries Act, 1967, suitably.

3. The salient features of the amendments are as follows, namely :—

(a) to include the e-resources such as e-book, e-periodicals, e-database in the definition of the book;

(b) to include such other persons from concerned Government Departments as member of the Council;

(c) to provide for constitution of other committees by the Council;

(d) to provide for removal of members of the Council;

(e) to include the District libraries for the recognition for the purpose of grant- in-aid from the library fund and disburse it;

(f) to provide for organisation and conduct of programmes for training;

(g) to make provision for establishment of District library for every District;

(h) to provide that the Library Fund shall also consist of any contribution or donations by public trust, private trust, co-operative society, local authority, company and industrial enterprise for public libraries.

4. As both the Houses of State Legislature were not in session and the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action further to amend the Maharashtra Public Libraries Act, 1967, for the purposes aforesaid, the Maharashtra Public Libraries (Amendment) Ordinance, 2024 (Mah. Ord. XIII of 2024), was promulgated by the Governor of Maharashtra on the 15th October 2024.

5. The Bill is intended to replace the said Ordinance by an Act of the State Legislature.

Nagpur,
Dated the 15th December 2024.

DEVENDRA FADNAVIS,
Chief Minister.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The Bill involves the following proposal for delegation of legislative power, namely :—

Clause 6A.— Under this clause, power is taken to the State Government to issue an order for removing any nominated member of the Council.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.