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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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(Published by Authority)

PART IV (A) — PROVINCIAL COUNCILS

Provincial Council Notifications

SOUTHERN PROVINCIAL COUNCIL OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

Library Service Draft Statue No.of 2006 of the Southern Provincial Council

AS the Minister of Education, Local Government and Cultural hereby notify that the following Library Service draft statue No.of 2006 of the Southern Provincial Council will be presented to the Southern Provincial Council after two weeks of the publication of this notice in the *Gazette*.

If anyone wishes to make any representation or amendments regarding this statute, it should be forwarded to me within two weeks of publication of this Notice.

SHAN WIJAYALAL DE SILVA,
Chief Minister, Minister of Education,
Local Government and Cultural,
Southern Province

Chief Ministry,
Ministry of Education, Local Govt., and Cultural,
Dickson Road,
Galle.
11th August, 2006.

THE LIBRARY SERVICES STATUE No. of, 2006 OF SOUTHERN PROVINCIAL COUNCIL

A statue to provide for the establishment of a library services board for the Southern Province with a view to satisfying the needs and aspirations of the readers therein; and to provide for matters connected therewith or incidental thereto.

Be it enacted by the Southern Provincial Council as follows:

01. This Statute may be cited as the Library Services Statute No.... of 2006 of Southern Provincial Council and shall come into operation on such date as the Governor of the Southern Province may give his assent.

Short title and
date of
operation.

PART 1

ESTABLISHMENT OF THE LIBRARY SERVICES BOARD OF SOUTHERN PROVINCE

02. (1) There shall be established a Board called the “Library Services Board of the Southern Province” (hereinafter referred to as the “Board”)

Establishment of
the Library
Services Board
of Southern
Province.

	(2) The Board shall by the name assigned to it by Sub-section (1) be a body corporate with perpetual succession and a common seal and may sue and be sued in such name.
The principal function of the Board.	3. The Principal function of the Board shall be the planning, establishment, co-ordination, proper maintenance and administration of library services in the Southern Province, with a view to satisfying the needs and aspirations of the readers of the province.
Other functions of the Board.	4. Without prejudice to the generality of the provisions of Section 3 the other functions of the Board shall be as follows: <ul style="list-style-type: none"> (a) to advice the Minister on the subject of Library and Documentation Services; (b) to establish, maintain and administer of a provincial central library which shall be developed as the principal library of the Southern Province; (c) to establish, maintain and administer of District (Regional) Libraries for each District of the province; (d) to establish, maintain and administer of libraries for each local authority area of the Southern Province according to availability of funds; (e) to train personnel on library science and documentation; (f) to formulate an appropriate policy in relation to library services of the Southern Province and to introduce the standards to be maintained in each such library; (g) to establish of reader associations affiliated to each library established by the Board with a view to ensuring maintenance of such libraries and for that purpose, to function as a link between the Library and the Board; (h) to establish and maintain mobile library services affiliated to the libraries established under this Statute particularly to provide library services to inmates of Homes for the elders and prisons; (i) to collect and conserve books inscriptions and records relating to Southern Province; and (j) to collect and conserve books, inscriptions and records and manuscripts of historic value; (k) to co-ordinate and co-operate with other library services in Sri Lanka or abroad with a view to improving the library services in the Southern Province. (l) to organize lectures, seminars exhibitions and other appropriate programmes with a view to encouraging the younger generation to develop reading habits and to inculcate in them the value of subscribing to, (and patronising,) libraries ;
Functions of the central library.	05. (1) The Southern Province Central Library established under Section 4 shall function as the principal library of the Southern Province. <p>(2) The Director General appointed under Section 20 shall function as the Chief Librarian of the Central Library.</p>

- (3) Minister in consultation with the Board, shall appoint appropriate staff to the central library.
 - (4) Central Library may provide professional advice, technical assistance, and other material assistance to other libraries maintained by the Board.
06. (1) The Board shall consist of the following members appointed by the Chief Minister in consultation with the Minister. Constitution of the Board.
- (a) the Secretary of the Ministry of the Minister of the Board of Ministers in charge of the subject of library services who shall be the Chairman of the Board;
 - (b) the Provincial Commissioner of Local Government;
 - (c) the Provincial Director of Education or an Additional Provincial Director of Education nominated by the Provincial Director.
 - (d) a member nominated by the Sri Lanka Library Services Board;
 - (e) a member nominated from Chief Librarians of Universities, Higher Educational institutions or Technical Colleges in the Southern Province;
 - (f) a member nominated by Local authorities conference of Southern Province; and
 - (g) two permanent residents of Southern Province nominated by the Minister, from persons qualified in any discipline and who have shown interest in promoting and developing libraries.
- (2) A member appointed under paragraphs (d), (e), (f) and (g) of subsection (1) shall hereinafter referred to as an "appointed member".
07. (1) Every appointed member unless he vacates office earlier by death, resignation or removal, shall hold office for a period of three years from the date of his appointment and unless he has been removed from office, shall be eligible for re-appointment. Term of office of the members.
- (2) The ex-officio members referred to in paragraphs (a), (b) and (c) of Section 6 shall hold office as long as they hold the office by virtue of which he is appointed as a member of the Board.
08. A person shall be disqualified from being appointed or continuing as a member of the Board if - Disqualifications from being a member
- (a) he is or becomes a member of Parliament or any Provincial Council or any Local Authority ;
 - (b) he is not, or ceases to be a citizen of Sri Lanka;
 - (c) he holds or enjoys any right or benefit under any contract made by or on behalf of the Board;
 - (d) he has any financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Board; or

	(e) he is under any law in force in Sri Lanka or in any other country found or declared to be unsound mind.
Removal and registration of appointed members	<p>09. (1) The Chief Minister may, in consultation with the Minister give reasons and remove any appointed member from office.</p> <p>(2) In the event of any vacancy of office by death, resignation or removal of any appointed member, the Chief Minister may, in consultation with the Minister, and having regard to the provisions of section 3, appoint any other person to succeed such member. Any member so appointed shall hold office for the unexpired term of office of the member whom he succeeds.</p> <p>(3) Any appointed member may at any time resign from office by letter to that effect addressed to the Chief Minister.</p> <p>(4) (a) Where an appointed member, by reasons of illness, infirmity or absence from Sri Lanka for a period of not less than six months, is temporarily unable to perform the duties of his office, it shall be the duty of such member to inform the Chief Minister in writing of such inability. There upon the Chief Minister may, in consultation with the Minister, and having regard to the provisions of Section 3, appoint some other person to act in his place.</p> <p>(b) Any appointed member who has failed to attend three consecutive meetings without prior notice shall be considered to have vacated membership of the Board with effect from the date of the third of such meetings unless he is re-appointed.</p>
Remuneration of members	10. The members of the Board may be paid such allowance as the Minister may determine in consultation with the Chief Minister.
The Chairman and the conduct of business at meeting	<p>11. (1) The Chairman shall preside at all meetings of the Board at which he is present. Where the Chairman is absent from any meeting of the Board, the members present at such meeting shall choose from among themselves another member to preside at that meeting.</p> <p>(2) The quorum for any meeting of the Board shall be five members.</p> <p>(3) All questions for decision at any meeting of the Board shall be decided by the vote of a majority of the members present. In the case of an equality of votes the Chairman or the member presiding, shall in addition to his own vote have a casting vote.</p> <p>(4) The Board shall meet as often as necessary, and in any case at least once in every two months, at such time and place as the Board may determine, and may, subject to the other provisions of this statute and any rule made there under, regulate the procedure in regard to its meetings and the transaction of business at such meetings.</p> <p>(5) The chairman shall summon a special meeting of the Board within seven days after being requested in writing to do so by three members of the Board.</p>
Acts not invalidated by reason of a vacancy	12. No act, decision or proceeding of the Board shall be deemed to be invalid by reason only of the existence of any vacancy in the Board or any defect in the appointment of any member thereof.

13. The Board may delegate to any member of the Board, any power, duty or function conferred or imposed on, or assigned to, the Board by this Statute, and in the exercise, performance or discharge of such power, duty or function such member shall be subject to the general or special directions of the Board. Delegation of powers to members.
14. (1) The seal of the Board may be determined and devised by the Board, and may be altered in such manner as may be determined by the Board. Seal of the Board
 - (2) The seal of the Board shall be in the custody of such person as the Board may decide from time to time.
 - (3) The seal of the Board shall not be affixed to any instrument or document except with the sanction of the Board and in the presence of the Chairman and one member of the Board who shall sign the instrument or document in token of their presence.
 - (4) The Board shall maintain a register of the instruments and documents to which the seal of the Board has been affixed.
15. The Board may exercise all such powers as may be necessary for the discharge of its functions, including the power- Powers of the Board
 - (a) to hold, take or give on lease or hire, mortgage, pledge or sell or otherwise dispose of, any movable or immovable property;
 - (b) to construct buildings on any land conveyed to or acquired by, the Board;
 - (c) to enter into and perform directly or through any officer or agent authorized in that behalf, all such contracts as may be necessary for the discharge of the functions, and the exercise of the powers, of the Board;
 - (d) to open and maintain current, savings or deposit accounts in any bank or banks;
 - (e) to borrow such sums of money as may be necessary for the purpose of discharging the functions of the Board;
 - (f) to accept and receive, grants, donations and bequests both movable and immovable, from sources in Sri Lanka and abroad and apply them for the discharge of its functions;
 - (g) to make rules in respect of the management of the affairs of the Board; and
 - (h) generally to do all such other acts and things as are necessary to facilitate the proper discharge of the functions of the Board.
16. The Board may, with the prior approval of the Minister Appointment of Committees
 - (a) appoint such committees consisting of such number of members as may be determined by the Board;
 - (b) determine the terms of reference, powers, functions and duties of such committees;
 - (c) make rules for the conduct of the business of such committees.

PART II

FINANCE

The Fund Account
of the Board

- 17 (1) The Board shall have a Fund Account.
- (2) There shall be paid into the Fund Account:
- (a) all such sums of money as may be voted from time to time by the Provincial Council;
 - (b) all such sums of money as may be received by the Board by way of donations, or bequests, aid or grants from any source whatsoever, whether in Sri Lanka or aboard; and ;
 - (c) all such sums of money as may be received by the Board by way of proceeds from the sale of any movable or immovable property of the Board.
- (3) There shall be paid out of the Fund Account:
- (a) all such sums of money as are required to defray any expenditure incurred by the Board, in the exercise, performance and discharge of its powers, duties and functions under this statute;
- and
- (b) all such sums of money as are authorized or required to be paid out of such Fund, by or under this Statute.
- (4) The Board shall cause proper accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Board.

PART III

APPOINTMENT OF THE DIRECTOR GENERAL OF THE BOARD AND STAFF OF THE BOARD

Appointment of
the Director
General of the
Board

18. (1) The Board shall appoint to the Staff of the Board a Director General from among persons who have experience and qualifications in library and Information Science.
- (2) The Director General shall be the principal executive officer and Secretary of the Board.
- (3) the Director General shall, subject to the general directions of the Board, be charged with the administration of the affairs of the Board and the control of the officers and servants of the Board. He shall also be responsible for the execution of all directions of the Board.
- (4) The Director General shall exercise perform and discharge such powers, functions and duties as may be delegated to him by the Board.
- (5) The Director General shall be entitled to be present and to speak, but not to vote, at any meetings of the Board or any committee established under this Statute.
- (6) The Office of the Director General shall become vacant upon the death of, or resignation by letter to that effect addressed to the Chairman by the Director General.

19. (1) The Board may appoint such officers and servants as the Board may deem necessary for the proper and efficient discharge of its functions. Other staff of the Board
- (2) Subject to the other provisions of this statute, the Board may –
- (a) exercise disciplinary control over or dismiss, any officer or servant of the Board ;
 - (b) fix the wages or salaries or other remuneration of such officers and servants ;
 - (c) determine the terms and conditions of service of such officers and servants ; and
 - (d) establish and regulate a provident fund and any other welfare scheme for the benefit of the officers and servants of the Board and may make contributions to any such fund or scheme.
20. (1) At the request of the Board, any officer in the Provincial public service of the Southern Province may, with the consent of that officer and the Secretary to the Ministry under which that officer is employed and the Governor of the Southern Province be temporarily appointed to the staff of the Board for such period as may be determined by the Board with like consent, or with like consent be permanently appointed to such staff. Appointment of public officers to the staff of the Board.
- (2) Where the Board employs any person who has entered into any contract with the Provincial Council by which he has agreed to serve the Provincial Council for a specified period, any period of service to the Board by that person shall be regarded as service to the Provincial Council for the purpose of discharging his obligations under such contract.
- PART IV
GENERAL
21. (1) No suit or prosecution shall lie –
- (a) against the Board for any act which in good faith is done or purported to be done by the Board under this Statute ; and
 - (b) against any member, officer, servant or agent of the Board for any act which in good faith is done or purported to be done by him under this Statute or on the direction of the Board.
- (2) Any expense incurred by the Board in any suit or prosecution brought by, or against, the Board before any Court shall be paid out of the Fund of the Board, and any costs paid to, or recovered by, the Board in any such suit or prosecution shall be credited to such Fund.
- (3) Any expense incurred by any such person as is referred to in paragraph (b) of subsection (1) in any suit or prosecution brought against him before any Court, in respect of any act which is done by him under this Statute or on the direction of the Board shall, if the Court holds that such act was done in good faith, be paid out of the Fund of the Board, unless such expense is recovered by him in such suit or prosecution.
22. The Board shall, within a period of six months after the closure of each financial year submit a report giving a full account of the activities of the Board during that year to the Minister who shall cause such report to be placed before the Provincial Council prior to the end of the year next following the year to which such report relate. Board's report to be placed before the Provincial Council

The Minister to give directions to the Board.	23.	In the exercise of its powers and the discharge of duties under this Statute, the Board shall be subject to such general or special direction as may be given to it by the Minister.
Rules	24. (1)	The Board may make rules in respect of all matters which are required by this Statute to be prescribed or in respect of which rules are authorized to be made under this Statute.
	(2)	No rule made by the Board under sub-section (1) shall have effect until it has been approved by the Provincial Council and notification of such approval is published in the <i>Gazette</i> .
Offences	25.	Every person who contravene a provision of this Statute shall commit an offence and may on conviction after summary trial before a Magistrate, be liable to a fine not exceeding ten thousand rupees or to imprisonment of either description for a term not exceeding six months or to both such fine and imprisonment.
Sinhala text to prevail in case of inconsistency	26.	In the event of any inconsistency between the Sinhala and Tamil texts of this Statute, the Sinhala text shall prevail.
Interpretation.	27.	In this Statute, unless the context otherwise requires – ‘Governor’ means Governor of the Southern Province ; ‘Minister’ means the Minister of the Board of Ministers of the Southern Province, in charge of the subject of library services ; ‘Prescribed’ means prescribed by rule made under section 24 of this Statute. ‘Provincial Council’ means the Southern Provincial Council established under Chapter XVII A of the Constitution.