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THE KHUDA BAKHSH ORIENTAL PUBLIC LIBRARY ACT, 1969

(ACT NO. 43 OF 1969)

(*As on* 20*th May* , 2025)

LIST OF AMENDING ACTS

1. The Khuda Baksh Oriental Public Library (Amendment) Act, 1981 (51 of 1981).

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LIST OF ABBREVIATIONS USED

Cl.,cls.	. . . . .	*for*	Clause, clauses.
Ins.	. . . . .	,,	Inserted.
Notifn.	. . . . .	,,	Notification.
S., ss.	. . . . .	,,	Section, sections.
Sch.	. . . . .	,,	Schedule.
Subs.	. . . . .	,,	Substituted.
w.e.f.	. . . . .	,,	with effect from.

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THE KHUDA BAKHSH ORIENTAL PUBLIC LIBRARY ACT, 1969

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THE KHUDA BAKHSH ORIENTAL PUBLIC LIBRARY ACT, 1969

ACT NO. 43 OF 1969

[26*th December*, 1969.]

An Act to declare the Khuda Bakhsh Oriental Public Library at Patna to be an institution of national importance and to provide for its administration and certain other connected matters.

BE it enacted by Parliament in the Twentieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(*1*) This Act may be called the Khuda Bakhsh Oriental Public Library Act, 1969.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

2. Declaration of Khuda Bakhsh Oriental Public Library as an institution of national importance.—It is hereby declared that the Khuda Bakhsh Oriental Public Library at Patna in the State of Bihar is an institution of national importance.

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

(*a*) "Board" means the Board established under section 4;

(*b*) "Chairman" means the Chairman of the Board;

(*c*) "deed of trust" means the deed of trust No. 217 executed in the office of the Deputy Registrar of Patna by the late Maulvi Khuda Bakhsh Khan Bahadur of Muradpur on the 14th January, 1891;

(*d*) "Fund" means the Fund referred to in section 19;

(*e*) "library" means the Khuda Bakhsh Oriental Public Library declared to be an institution of national importance under this Act;

(*f*) "member" means a member of the Board and includes the Chairman;

(*g*) "prescribed" means prescribed by rules made under this Act;

(*h*) "State Government" means the Government of Bihar.

CHAPTER II

THE KHUDA BAKHSH ORIENTAL PUBLIC LIBRARY BOARD

4. Establishment and incorporation of Board.—(*1*) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established for the purposes of this Act, a Board to be known as the Khuda Bakhsh Oriental Public Library Board.

(*2*) The Board shall be a body corporate with the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and contract, and may, by that name, sue and be sued.

5. Composition of Board.—(*1*) The Board shall consist of the following persons, namely:—

(*a*) the Governor of Bihar, *ex officio*, Chairman;

(*b*) the Accountant General, Bihar, *ex officio*;

(*c*) a person to be nominated by the Central Government, who shall be a member of the family of the late Maulvi Khuda Bakhsh Khan Bahadur of Muradpur;

1. 21st July, 1970, *vide* notification No. G.S.R. 1255(E), dated 17th July, 1970, *see* Gazette of India, Extraordinary, Part II, sec. 3(*i*).

(*d*) eight persons, four each to be nominated by the Central Government and the State Government, who shall, as far as possible, be persons having knowledge of, and experience in, matters relating to the administration of libraries;

(*e*) the Director, Khuda Bakhsh Oriental Public Library, *ex officio* Member-Secretary.

(*2*) Every nomination under this section shall take effect as soon as it is notified by the Central Government in the Official Gazette.

6. Term of office and fresh nomination in certain cases.—(*1*) The terms of office of nominated members shall be such as may be prescribed.

(*2*) Any nominated member may resign his office by giving notice in writing to the Central Government and to the State Government, and on such resignation being notified by the Central Government, in the Official Gazette shall be deemed to have vacated his office.

(*3*) A casual vacancy created by the resignation of a nominated member under sub-section (*2*) or for any other reason may be filled by fresh nomination by the Central Government or the State Government, as the case may be, and a member so nominated shall hold office for the remaining period for which the member in whose place he is nominated would have held office.

(*4*) An outgoing member shall be eligible for renomination.

(*5*) If any nominated member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his office, the Central Government or the State Government, as the case may be, may nominate another person to act in his place during his absence.

7. Vacancies, etc., not to invalidate acts.—No act of the Board shall be invalid merely by reason of—

(*a*) any vacancy in, or defect in the constitution of, the Board, or

(*b*) any defect in the nomination of a person acting as a member thereof, or

(*c*) any irregularity in its procedure not affecting the merits of the case.

8. Duty of Government nominating persons, etc.—(*1*) Before nominating a person to be a member of the Board, the Central Government or the State Government, as the case may be, shall satisfy itself that the person will have no such financial or other interest as is likely to affect prejudicially the exercise or performance by him of his functions as a member, and the Central Government or the State Government, as the case may be, shall also satisfy itself from time to time with respect to every member nominated by it that he has no such interest; and any person who is or whom the Central Government or the State Government, as the case may be, proposes to nominate and who has consented to be, a member shall, whenever requested by the Central Government or the State Government so to do, furnish to it such information as that Government considers necessary for the performance by it of its duties under this sub-section.

(*2*) A nominated member who is in any way, directly or indirectly, interested in a contract made or proposed to be made, by the Board shall, as soon as possible, after relevant circumstances have come to his knowledge, disclose the nature of his interest at a meeting of the Board and the disclosure shall be recorded in the minutes of the Board and the member shall not take any part after the disclosure in any deliberation or decision of the Board with respect to that contract.

9. Meetings of Board.—(*1*) The Board shall meet at such times and places and shall, subject to the provisions of sub-sections (*2*), (*3*) and (*4*), observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at meetings) as may be provided by regulations made under this Act.

(*2*) The Chairman or, in his absence, any member chosen by the members present from among themselves, shall preside at a meeting of the Board.

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(*3*) If any nominated member, being an officer of Government, is unable to attend any meeting of the Board, he may, with the previous approval of the Chairman, authorise any person in writing to do so.

(*4*) All questions at a meeting of the Board shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman or, in his absence the member presiding, shall have a second or casting vote.

10. Temporary association of persons with Board for particular purposes.—(*1*) The Board may associate with itself in such manner and for such purposes as may be provided by regulations made under this Act, any person whose assistance or advice it may desire in performing any of its functions under this Act.

(*2*) A person associated with it by the Board under sub-section (*1*) for any purpose shall have the right to take part in the discussions of the Board relating to that purpose, but shall not, by virtue of this section, be entitled to vote.

11. Authentication of orders and other instruments of Board.—All orders and decisions of the Board shall be authenticated by the signature of the Chairman or any other member authorised by the Board in this behalf, and all other instruments issued by the Board shall be authenticated by the signature of an officer of the Board authorised in like manner in this behalf.

12. Staff of Board.—(*1*) Subject to the provisions of sub-section (*2*), the Board may, for the purpose of enabling it efficiently to perform its functions under this Act, appoint such number of officers and other employees as it may think fit.

(*2*) The recruitment and conditions of service of such officers and employees shall be such as may be provided by regulations made under this Act.

13. Transfer of service of existing employees to Board.—Subject to the provisions of this Act, every person employed in the library immediately before the date of establishment of the Board shall, on and from such date, become an employee of the Board with such designation as the Board may determine and shall hold his office or service therein by the same tenure, at the same remuneration and upon the same terms and conditions as he would have held the same on such date if the Board had not been established and shall continue to do so unless and until his employment in the Board is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Board:

Provided that the tenure, remuneration and terms and conditions of service of any such person shall not be altered to his disadvantage without the previous approval of the Central Government.

14. Location of library.—The library shall be located at Patna.

CHAPTER III

PROPERTY, LIABILITIES AND FUNCTIONS OF THE BOARD

15. Property and liabilities of Board.—(*1*) On the establishment of the Board—

(*i*) all properties, funds and dues which are vested in, or realisable by, the trustees of the library constituted by the deed of trust, in their capacity as such, shall vest in, and be realisable by; the Board; and

(*ii*) all liabilities in relation to the library which are enforceable against the said trustees, shall be enforceable only against the Board.

(*2*) All properties, which may, after the establishment of the Board, be given, bequeathed or otherwise transferred to the library or acquired by the Board, shall vest in the Board.

16. Duties of Board.—(*1*) Subject to the provisions of the deed of trust, it shall be the general duty of the Board to manage the library and to plan, promote, organise and implement programmes for the development of the library on modern scientific lines (including the microfilming of rare manuscripts) and to perform such other functions as the Central Government may, from time to time, assign to the Board.

(*2*) In particular and without prejudice to the generality of the foregoing provision, the Board may take such steps as it thinks fit—

(*a*) for providing for instruction and research in matters relating to libraries and for the advancement of learning and dissemination of knowledge in such matters; and

(*b*) to do all such other things as may be necessary for the discharge of its functions under this Act.

17. Powers of Board.—(*1*) Subject to such conditions and restrictions as the Central Government may think fit to impose, the Board may exercise all such powers as may be necessary or expedient for the purpose of carrying out its duties under this Act.

(*2*) Subject to such regulations as may be made by the Board in this behalf, the Board may from time to time purchase or otherwise acquire such manuscripts, books, articles or things as may, in the opinion of the Board, be worthy of preservation in the library.

CHAPTER IV

FINANCE, ACCOUNTS, AUDIT AND REPORTS

18. Grants by Central Government to Board.—For the purpose of enabling the Board to discharge its functions efficiently under this Act, the Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Board in each financial year such sums of money as that Government considers necessary by way of grant, loan or otherwise.

19. Fund of Board.—(*1*) The Board shall maintain a Fund to which shall be credited—

(*a*) all moneys paid by the Central Government;

(*b*) such sums of money as the State Government may pay annually having regard to its resolution No. V/L 4055/60E 120, dated the 26th September, 1962;

(*c*) all fees and other charges levied under this Act;

(*d*) all moneys received by the Board by way of grant, gift, donation, benefaction, bequest, subscription, contribution or transfer;

(*e*) all other moneys received by the Board in any other manner or from any other source.

(*2*) The Board may expend such sums as it thinks fit for performing its functions under this Act and such sums shall be treated as expenditure payable out of the Fund.

(*3*) A sum of money not exceeding such amount as may be provided by regulations made under this Act may be kept in current account with any scheduled bank as defined in section 2 of the Reserve Bank of India Act, 1934 (2 of 1934), or any other bank approved by the Central Government in this behalf, but any moneys in excess of that sum shall be deposited in the Reserve Bank of India or with the agents of the Reserve Bank of India or invested in such manner as may be approved by the Central Government.

20. Budget.—(*1*) The Board shall, by such date in each year as may be specified by the Central Government, submit to it for approval a budget for the next financial year in the form specified by it, showing the estimated receipts and expenditure, and the sums which would be required from the Central Government during that financial year.

(*2*) If any sum granted by the Central Government remains wholly or partly unspent in any financial year, the unspent sum may be carried forward to the next financial year and taken into account in determining the sum to be provided by the Central Government for that year.

(*3*) Subject to the provisions of sub-section (*4*), no sum shall be expended by or on behalf of the Board, unless the expenditure is covered by provision in the budget approved by the Central Government.

(*4*) Subject to such conditions and restrictions as the Central Government may think fit to impose, the Board may sanction any reappropriation from one head of expenditure to another or from a provision made for one purpose to that for another purpose.

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21. Accounts and audit.—(*1*) The Board shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as may be specified, and in accordance with such general directions as may be issued by the Central Government in consultation with the Comptroller and Auditor-General of India.

(*2*) The accounts of the Board shall be audited annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Board to the Comptroller and Auditor-General of India.

(*3*) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Board shall have the same rights, privileges and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Board, and the library.

(*4*) The accounts of the Board as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

22. Returns and reports.—(*1*) The Board shall furnish to the Central Government at such time and in such form and in such manner as the Central Government may direct such returns, statements and particulars as the Central Government may, from time to time, require.

(*2*) Without prejudice to the provisions of sub-section (*1*) the Board shall, as soon as possible after the commencement of each financial year, submit to the Central Government within such time as may be specified by the Central Government a report giving true and full account of the activities of the Board during the previous financial year and an account of activities likely to be undertaken during the current financial year.

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CHAPTER V

MISCELLANEOUS

23. Power of Central Government to issue directions to Board.—(*1*) In the discharge of its functions under this Act, the Board shall be bound by such directions on questions of policy as the Central Government may give to it from time to time:

Provided that the Board shall be given an opportunity to express its views before any direction is given under this sub-section.

(*2*) The decision of the Central Government whether a question is one of policy or not shall be final.

24. Delegation of powers and duties.—The Board may, by general or special order in writing, direct that all or any of the powers or duties which may be exercised or discharged by it shall, in such circumstances and under such conditions, if any, as may be specified in the order, be exercised or discharged also by any member, officer or employee of the Board specified in this behalf in the order.

25. Officers and employees of Board to be public servants.—All officers and employees of the Board shall, when acting or purporting to act in pursuance of the provisions of this Act or of any rule or regulation made thereunder, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

26. Protection of action taken under the Act.—No suit, prosecution or other legal proceeding shall lie against the Board or any member, officer or employee of the Board for any thing which is in good faith done or intended to be done in pursuance of this Act or of any rule or regulation made thereunder.

27. Power of Central Government to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act:

Provided that when the Board has been established, no such rules shall be made without consulting the Board.

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

(*a*) the term of office of, and the manner of filling casual vacancies among, the members nominated under clauses (*c*) and (*d*) of sub-section (*1*) of section 5;

(*b*) the travelling and other allowances payable to a member other than the Chairman and to a person associated with the Board under section 10;

(*c*) the disqualifications for membership of the Board and the procedure to be followed in removing a member who is or becomes subject to any disqualification;

(*d*) the conditions subject to which, and the mode in which, contracts may be entered into by or on behalf of the Board;

(*e*) any other matter which has to be or may be prescribed.

(*3*) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session [1][or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid] both Houses agree in making any modification in the rule or both Houses agree that the rule should not 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 annulment shall be without prejudice to the validity of anything previously done under that rule.

28. Power of Board to make regulations.—(*1*) The Board may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations not inconsistent with this Act and the rules made thereunder, for enabling it to discharge its functions under this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(*a*) the conditions and restrictions subject to which manuscripts and books in the library may be used;

(*b*) the manner in which, and the purposes for which, persons may be associated with the Board;

(*c*) the time and place of meetings of the Board, the procedure to be followed in regard to the transaction of business at such meetings and the quorum necessary for the transaction of business at a meeting;

(*d*) the maintenance of minutes of meetings of the Board and the transmission of copies thereof to the Central Government;

(*e*) the recruitment and conditions of service of officers and other employees of the Board;

(*f*) the persons by whom and the manner in which, payments, deposits and investments may be made on behalf of the Board;

(g) the maximum amount that may be kept in the current account;

(*h*) the maintenance of registers and accounts;

(*i*) the compilation of catalogues and inventories of the manuscripts, books and other articles and things in the library;

(*j*) the steps to be taken for the preservation of the manuscripts, books and other articles and things in the library;

(*k*) the general management of the library;

(*l*) the fees and other charges to be levied for the use of manuscripts and books in the library;

1. Subs. by Act 51 of 1981, s. 2, for certain words (w.e.f. 24-12-1981).

(*m*) any other matter in respect of which provision is, in the opinion of the Board, necessary for the performance of its functions under this Act.

(*3*) The Central Government may, after consultation with the Board, by notification in the Official Gazette, amend, vary or rescind any regulation which it has approved; and thereupon the regulation shall have effect accordingly, but without prejudice to the exercise of the powers of the Board under sub-sections (*1*) and (*2*).

[1][(*4*) Every regulation made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the regulation or both Houses agree that the regulation should not be made, the regulation 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 annulment shall be without prejudice to the validity of anything previously done under that regulation.]

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1. Ins. by Act 51 of 1981, s. 3 (w.e.f. 24-12-1981).