



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

**NATIONAL LIBRARY AND DOCUMENTATION
SERVICES BOARD ACT, No. 51 OF 1998**

[Certified on 18th November, 1998]

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*National Library and Documentation
Services Board Act, No. 51 of 1998*

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L.D.—O. 15/95.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE NATIONAL LIBRARY AND DOCUMENTATION SERVICES BOARD AND THE NATIONAL LIBRARY AND DOCUMENTATION CENTRE; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO :

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :—

1. This Act may be cited as the National Library and Documentation Services Board Act, No. 51 of 1998, and shall come into operation on such date as may be appointed by the Minister by Order published in the Gazette (hereinafter referred to as the “appointed date”).

Short title and
date of operation.

PART I

ESTABLISHMENT OF THE NATIONAL LIBRARY AND
DOCUMENTATION SERVICES BOARD

2. (1) There shall be established a body which shall be called the National Library and Documentation Services Board (hereinafter referred to as the “Board”).

Establishment of
the National
Library and
Documentation
Services Board.

(2) The Board shall, by the name assigned to it under subsection (1), be a body corporate with perpetual succession and a common seal and may sue and be sued in such name.

(3) The Head Office of the Board shall be at the National Library and Documentation Centre in Colombo. Branch offices of the Board may, with the prior written approval of the Minister, be established in such places as the Board may consider necessary.

3. (1) The Board shall consist of the following :—

Constitution of the
Board.

(a) seven members appointed by the Minister from among persons who have gained eminence in the fields of Higher and General Education, one of whom shall be appointed by the Minister as Chairman of the Board ; and

- (b) seven *ex-officio* members or their authorized representatives, namely :
- (i) the Secretary to the Ministry of the Minister in charge of the subject of Education ;
 - (ii) the Secretary to the Ministry of the Minister in charge of the subject of Cultural Affairs ;
 - (iii) the Secretary to the Ministry of the Minister in charge of the subject of Public Administration ;
 - (iv) the Chairman of the Natural Resources, Energy and Science Authority established by Act, No. 78 of 1981 ;
 - (v) the President of the Sri Lanka Library Association ;
 - (vi) the Chairman of the Computer and Information Technology Council of Sri Lanka, established by Act, No. 10 of 1984 ; and
 - (vii) a representative from the Treasury.

(2) Where an *ex-officio* member is represented on the Board by an authorized representative, such representative shall be fully empowered to speak and act on behalf of such member, in respect of all or any of the matters arising at any meeting of the Board, or at any other Committee established under this Act.

(3) The Chairman and every member of the Board appointed under paragraph (a) of sub section (1) shall, unless he earlier vacates office, hold office for a period of three years and be eligible for reappointment.

(4) Every *ex-officio* member of the Board shall hold office as long as he holds the post by virtue of which he is a member of the Board.

(5) The members of the Board, and the members of any committee appointed under section 7, may be paid such remuneration as may be determined by the Minister with the concurrence of the Minister in charge of the subject of Finance.

(6) The Chairman and any member of the Board appointed under paragraph (a) of subsection (1) shall vacate office as such Chairman or member if —

- (a) he is removed from office by the Minister ; or
- (b) he resigns his office by letter addressed to the Minister.

(7) Where the Chairman or a member of the Board appointed under paragraph (a) of subsection (1) dies or resigns or is removed from office, the Minister shall appoint another person to be the Chairman or member as the case may be in place of such Chairman or member who dies, resigns or is removed from office.

(8) A member of the Board appointed under subsection (7) in place of a Chairman or member who dies, resigns or is removed from office, shall, unless he earlier vacates his office by death or removal, or resignation, hold office for the unexpired period of the term of office of his predecessor in office.

(9) Where a member of the Board appointed under paragraph (a) of sub-section (1) is, by reason of illness or other infirmity, or absence from Sri Lanka, temporarily unable to perform the duties of his office, the Minister may appoint another person to act in his place.

(10) A person shall be disqualified from being appointed or from continuing, as a member of the Board, if he is or becomes a member of Parliament, a member of a Provincial Council or a member of a local authority.

Functions of the
Board.

4. The functions of the Board shall be—
- (a) to assess the need for library and documentation services among all sectors of the community and to promote the development of library and documentation services ;
 - (b) to administer, manage and control, the affairs of the National Library and Documentation Centre established under section 12 ;
 - (c) to advise the Minister regarding plans, programmes and activities for the development of library and documentation services in Sri Lanka ;
 - (d) to provide co-ordination for, and promote co-operation in, library and documentation services in Sri Lanka ;
 - (e) to provide professional advice and training, and to facilitate the provision of, technical, material and financial assistance, including the provision of furniture, equipment and library and documentation materials, to libraries and librarians in Sri Lanka ;
 - (f) to promote the development of the library and documentation profession in Sri Lanka ;
 - (g) to initiate, promote, conduct and co-ordinate, research, surveys and investigations in relation to all aspects of library and documentation services ;
 - (h) to formulate and promulgate national standards with regard to all aspects of library and documentation services ;
 - (i) to promote the reading habit through the production of publications, the provision of advice and assistance to other agencies for the production of publications, and through exhibitions, displays and other promotional activities ;

- (j) to organize meetings, training courses, exhibitions and other activities in connection with any aspect of its work ;
- (k) to initiate and finance competitions, prizes and awards in connection with any aspect of its activities ; and
- (l) to do all such acts and things which in the opinion of the Board are necessary for, or conducive or incidental to, the discharge of its functions.

5. The Board shall have the power—

Powers of the
Board.

- (a) to establish, manage and maintain the National Library and Documentation Centre and such other libraries or documentation centres as the Board considers necessary for the discharge of its functions ;
- (b) to enter into and perform all such agreements and contracts, in Sri Lanka and elsewhere, as may be necessary for the exercise of its powers, or the performance of its duties, in particular with regard to—
 - (i) the acquisition of library and documentation materials through Sri Lankan publications deposited in the Department of National Archives under the Printers and Publishers Ordinance (Chapter 179), purchase, gift and exchange ;
 - (ii) the creation, collection and dissemination of bibliographic records ;
 - (iii) the establishment, operation and development of libraries and documentation centres and the provision of library and documentation services ;

- (iv) the inter lending and copying of library and documentation materials ;
 - (v) the preparation, production and distribution of publications ;
 - (vi) the education and training of library and documentation staff and users ;
- (c) to acquire and hold any movable or immovable property and to sell, lease, mortgage, exchange or otherwise dispose of the same :

Provided, however, that no immovable property of the Board shall be sold without the prior approval in writing of the Minister ;

- (d) to open and maintain, current, savings and deposit accounts in any bank ;
- (e) to accept grants or donations, from persons or bodies of persons, in or outside Sri Lanka ;
- (f) to delegate to the Chairman, and the Director General, as the Board may deem appropriate, any power, duty or function conferred or imposed on or assigned to the Board by this Act ;
- (g) to engage in activities not inconsistent with the functions of the Board, for generating income to be utilized for discharging the functions of the Board.
- (h) to employ such number of officers, agents and servants as it considers necessary for the efficient discharge of its functions and the performance of its duties under this Act, and to exercise control over and dismiss any officer, agent or servant so appointed.

6. (1) The Chairman of the Board shall preside at all meetings of the Board. In his absence the members of the Board present at any meeting shall elect one among themselves to preside at such meeting.

Chairman of the Board.

(2) The Chairman shall be the Accounting Officer of the Board.

(3) The Chairman shall exercise such powers, and perform such duties and functions, as may be delegated to him by the Board under paragraph (f) of section 5.

(4) If the Chairman becomes, by reason of illness or any other infirmity or absence from Sri Lanka, temporarily unable to perform the duties of his office, the Minister may appoint another member of the Board appointed under paragraph (a) of subsection (1) of section 3 to act in his place.

(5) The Chairman shall be paid such salary or remuneration as may be determined by the Minister, with the concurrence of the Minister in charge of the subject of Finance.

(6) Subject to the provisions of subsection (6) of section 3, the term of office of the Chairman shall be his period of membership of the Board.

7. The Board may, with the prior approval of the Minister—

Appointment of Committees.

- (a) appoint such committees, consisting of such number of its members or other persons as specified in paragraph (c) of this section, as may be determined by the Board ;
- (b) determine the terms of reference, powers, functions and duties of such committees ;
- (c) appoint as a member of any such committee, any officer of the Board or any other person with appropriate specialized knowledge of, or special interest in, the terms of reference of such Committee, provided that such persons, not being members of

the Board, shall not be entitled to vote at the meetings of such Committees, on any resolution authorizing, or requesting the Board to authorize the expenditure of any part of the monies of the Fund established under section 20 ; and

- (d) make rules for the conduct of the business of such Committees.

Meetings of the Board.

8. The Board shall meet at least once every month.

Quorum.

9. The quorum for a meeting of the Board shall be five members.

Procedure at meetings of the Board.

10. (1) Subject to the provisions of section 9, the Board may regulate the procedure in regard to its meetings and the transaction of business at such meetings.

(2) The Director-General appointed under subsection (1) of section 13 shall act as Secretary of the Board. The Secretary shall attend all meetings of the Board and keep minutes of such meetings. The Secretary shall not be entitled to vote at any such meeting.

(3) The Chairman, or in his absence the Director-General, may at any time, and shall on the request in writing of at least four members of the Board, call a special meeting of the Board.

(4) All matters requiring determination at any meeting of the Board shall be decided by the vote of a majority of the members present. In case of an equality of votes, the Chairman or any member presiding at such meeting of the Board shall, in addition to his own vote, have a casting vote.

(5) No act or decision or proceeding of the Board shall be invalidated by reason only of the existence of a vacancy among its members or any defect in the appointment of a member thereof.

11. All property acquired or held by the Board and all monies paid to or received by the Board shall be used in furtherance of its functions.

Application of property, money &c., of the Board.

PART II

ESTABLISHMENT OF NATIONAL LIBRARY AND DOCUMENTATION CENTRE

12. (1) There shall be established, under the management and control of the Board, a National Library and Documentation Centre (hereinafter referred to as the "Centre").

Establishment and Functions of the National Library and Documentation Centre.

(2) Subject to the provisions of section 4, the functions of the Centre shall be—

- (a) to make available for the use of all sections of the community, a national collection of library and documentation resources appropriate to their needs ;
- (b) to preserve the national and cultural heritage of Sri Lanka through the establishment, development and maintenance of a national collection of library and documentation materials, published in, or relating to, Sri Lanka ;
- (c) to receive copies of Sri Lankan publications deposited in the Department of National Archives under the Printers and Publishers Ordinance (Chapter 179) ;
- (d) to acquire, by purchase or otherwise, copies of publications published in, or relating to, Sri Lanka, or of foreign publications relevant to the needs of Sri Lanka ;
- (e) to provide bibliographic services, including National Bibliographic Services and to compile a National Union Catalogue of library materials of libraries in Sri Lanka;
- (f) to establish and create a national bibliographic database of documents and publications, published in, or relating to, Sri Lanka ;

- (g) to publish the National Bibliography of Sri Lanka ;
- (h) to provide reference, information, referral, reprographic and documentary research services to all sections of the community of Sri Lanka ;
- (i) to facilitate access to the library and documentation resources which are, or may in future become, available in or outside Sri Lanka to all members of the community ;
- (j) to promote, advise and assist in, the establishment, development and maintenance of, library and documentation networks, including networks of public, school, academic, government and other libraries and documentation centres serving all sections of the community in Sri Lanka ;
- (k) to promote and facilitate co-operation and resource sharing among libraries and documentation centres, at national and international levels, including exchanges of library materials, interlibrary lending and document copying, and the training and exchange of staff ;
- (l) to promote the introduction and efficient application of new information technologies in libraries and documentation centres in Sri Lanka through the application of such technologies in the work of the Centre and to provide advice, assistance and training to other bodies regarding the introduction of such technologies, or promotional activities ; and
- (m) to undertake such projects, and provide such facilities and services, in pursuance of the functions of the Board, as the Board may from time to time require.

(3) The functions of the Centre shall be discharged under the direction of the Director-General in his capacity as the principal Executive Officer of the Board.

PART III

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

13. (1) The Board shall appoint to the staff of the Board, a Director-General (in this Act referred to as the "Director-General") who shall be the principal Executive Officer and Secretary of the Board.

Appointment of
the Director-
General of the
Board.

(2) The Director of National Library Services appointed under the Ceylon National Library Services Board Act holding office on the day immediately preceding the appointed date, and who has not reached his age of retirement shall if he consents, be the first Director-General of the Board.

(3) The Director-General shall, subject to the general direction 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 the decisions 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 meeting of the Board or any other committee established under this Act.

(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.

14. (1) Subject to the provisions of this Act and any regulations made thereunder by the Minister, the Board shall have the power to appoint such officers and servants as may be necessary for the discharge of its functions.

Staff of the Board.

(2) The appointment of the officers and servants of the Board shall be made by the Board in accordance with the schemes of recruitment and procedures for appointment prescribed by regulations made in that behalf.

(3) Subject to the provisions of this Act and any regulations made by the Minister, the Board shall determine the terms and conditions of service of the officers and servants of the Board, including salaries or other remuneration.

(4) Disciplinary control of the officers and servants of the Board including the power of dismissal, shall be exercised by the Director-General subject to supervision and approval by the Board.

(5) The Board may make rules in regard to any matter including the disciplinary control of the officers and servants of the Board.

(6) The Board may establish and regulate provident funds and schemes for the benefit of the officers and servants of the Board and may make contributions to any such fund or scheme.

15. (1) At the request of the Board, any officer in the public service may, with the consent of such officer and the Secretaries to the Minister and the Minister in charge of the subject of Public Administration, be temporarily appointed to the staff of the Board for such period as may be determined by the Board, or may be permanently appointed to such staff.

(2) At the request of the Board, any officer in any Local Authority may, with the consent of such officer and the Secretary to the Minister and the Minister in charge of the subject of Provincial Councils be seconded to the Board for such period as may be determined by the Board.

(3) Where any public officer is temporarily appointed to the staff of the Board, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall, *mutatis mutandis*, apply to, and in relation, to him.

Appointment of public officers to the staff of the Board.

(4) Where any public officer is permanently appointed to the staff of the Board, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall, *mutatis mutandis*, apply to, and in relation, to him.

16. Where the Board employs any person who has entered into a contract with the Government by which he has agreed to serve the Government for a specified period, any period of service to the Board by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such contract.

Service to the Board deemed to be service to the Government for the purpose of certain contracts.

17. (1) The Board may delegate to the Director-General any of its powers, duties or functions.

Delegation of powers of the Board to the Director-General.

(2) The Director-General to whom any power, duty or function has been delegated under subsection (1) shall exercise, perform and discharge such power, duty or function subject to the directions of the Board.

18. The seal of the Board—

Seal of the Board.

(a) shall be in the custody of such persons as the Board may, from time to time, determine;

(b) may be altered in such manner as may be determined by the Board ; and

(c) shall not be affixed to any instrument whatsoever except with the authority of the Board and in the presence of a member of the Board and the Director-General who shall sign their names on the instrument in token of their presence: such signing shall be independent of the signing of any person as a witness.

PART IV

FINANCE

Initial Capital of
the Board.

19. (1) The initial capital of the Board shall consist of such sums as may be granted to the Board for the purpose by a resolution of Parliament.

(2) The capital of the Board may be increased from time to time, by such amounts as may be authorized by any Appropriation Act, or by any resolution of Parliament.

Fund of the
Board.

20. (1) The Board shall have its own Fund, called the National Library and Documentation Services Board Fund (in this Act referred to as "the Fund")

(2) There shall be credited to the Fund—

- (a) all such sums of money as may be voted from time to time by Parliament for the use of the Board;
 - (b) all such sums of money as may be received by the Board in the exercise, discharge and performance of its powers, functions and duties under this Act ;
 - (c) all such sums of money as may be received by the Board by way of loans, donations, gifts or grants from any source whatsoever, whether in or outside Sri Lanka. ; and
 - (d) all such sums of money as are transferred to the Fund under subsection (1) of section 32.
- (3) There shall be paid out of the Fund of the Board—
- (a) all such sums of money as are required to defray any expenditure incurred by the Board in the exercise, discharge and performance of its powers, duties and functions under this Act ; and

(b) all such sums of money as are required to be paid out of such Fund, by or under, this Act.

21. The financial year of the Board shall be the calendar year.

Financial year of
the Board.

22. The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply in relation to the audit of the accounts of the Board.

Audit of
Accounts.

PART V

GENERAL

23. (1) The Minister may, from time to time, give general directions in writing to the Board as to the exercise of the powers, and the performance of the duties of the Board, and the Board shall give effect to such directions.

Powers of
Minister in
relation to the
Board.

(2) The Minister may, from time to time, order all or any of the activities of the Board to be investigated and reported upon by such person or persons as he may specify, and upon such order being made, the Board shall afford all such facilities and furnish all such information as may be necessary to carry out such order.

24. Any State land or State building may, subject to such conditions as may be determined by the Minister with the concurrence of the Minister for the time being in charge of the subject of State Lands, be made available for the use of, or be alienated to, the Board for any purpose of the Board including the use by any officer or servant of the Board, as a residence.

State land or
building to be
made available to
the Board.

25. The Board shall, before the expiry of a period of six months after the closure of each financial year of the Board, transmit a report giving a full account of the activities of the Board during that year to the Minister who shall cause copies thereof to be tabled in Parliament.

Board to submit
Annual report of
its activities.

Board deemed to be a scheduled institution within the meaning of the Bribery Act.

26. The Board shall be deemed to be a scheduled institution within the meaning of the Bribery Act.

Members, officers and servants of the Board deemed to be public servants.

27. All members, officers and servants of the Board shall be deemed to be public servants within the meaning, and for the purposes, of the Penal Code.

Protection of action taken under this Act.

28. (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 it under this Act ;
- (b) against a 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 Act or on the direction of the Board.

(2) Any expense incurred by any person referred to in subsection (1), in respect of any suit or prosecution brought against him before any court in respect of any act which is done by him under this Act or on the direction of the Board, shall, if the court holds that the act was done in good faith, be paid out of the Fund of the Board.

Regulations.

29. (1) The Minister may make regulations in respect of all or any of the following matters :—

- (a) the schemes of recruitment and procedures for appointment of officers and servants of the Board ;
- (b) the terms and conditions of service of officers and servants of the Board, including wages, salaries and other remuneration ;
- (c) provident funds and schemes for the benefit of officers and servants of the Board.

(2) Every regulation made by the Minister shall be published in the Gazette and shall come into operation on the date of such publication or on such later date as may be specified in such regulation.

(3) Every regulation shall, as soon as convenient after its publication in the Gazette, be brought before Parliament for approval. Any regulation which is not so approved shall be deemed to be rescinded as from the date of its disapproval but without prejudice to any thing done thereunder.

(4) Notification of the date on which any regulation made by the Minister is so deemed to be rescinded, shall be published in the Gazette.

30. Subject to the provisions of this Act, the Board may make rules for, and in respect of, all or any of the following matters:—

Board Rules.

- (a) administration of the affairs of the Board, including the conduct of the affairs of the National Library and Documentation Centre established under this Act, the Committees appointed by the Board and of any other library or documentation centre which may, from time to time, be established under this Act;
- (b) the programmes and schemes, annual budget, report and accounts of the Board and the manner in which such programmes and schemes, annual budget, report and accounts are to be presented;
- (c) the conduct of the business of the committees appointed under section 7; and
- (d) such other matters in respect of which rules are authorized by this Act to be made.

PART VI

REPEAL AND TRANSITIONAL PROVISIONS

Repeal of Act No.
17 of 1970.

31. The Ceylon National Library Services Board Act, No. 17 of 1970, is repealed with effect from the appointed date.

Transitional
Provisions.

32. (1) Any monies remaining in the Fund established under section 16 of such repealed Act, on the day preceding the appointed date shall be transferred with effect from the appointed date, to the Fund of the Board established under section 20 of this Act.

(2) All officers and other employees in the service of the Ceylon National Library Services Board established by such repealed Act on the day immediately preceding the appointed date, who have not reached their respective ages of retirement shall with their consent, be employed by the Board with effect from the appointed date on the same terms, including terms relating to salaries or wages, the termination of employment, allowances or other benefits as they had or enjoyed in the service of the Ceylon National Library Services Board established under the repealed Act:

Provided that the preceding provisions of this section shall not apply in the case of an officer or employee who, on or before the appointed date, accepts and is appointed to a post in, the public service or any Provincial Public Service or a local authority.

(3) All debts, obligations and liabilities incurred and all contracts, deeds, bonds, agreements and other instruments executed or entered into, and all matters and things engaged to be done by, with or for the Board established under the repealed Act prior to the appointed date shall, with effect from the appointed date, be deemed to have been incurred, executed, entered into or engaged to be done by, with or for the Board established under this Act.

(4) (a) All suits, prosecutions, appeals or other legal proceedings civil and criminal, which have been instituted in any court or tribunal by or against the Board established under the repealed Act prior to the appointed date and pending on that date shall be deemed to have been instituted by or against the Board established by this Act, and may be continued accordingly.

(b) All decrees or orders made by a competent court or tribunal in favour of or against, the Board established under the repealed Act prior to the appointed date, and remaining unsatisfied on that date, shall be deemed to have been made in favour of or against, the Board established under this Act and may be enforced accordingly.

(c) The moneys lying in the Provident Fund of the Board established under the repealed Act together with the interest accrued thereon as at the appointed date, shall be transferred to the Provident Fund established under this Act, and every contributor to the Provident Fund established under the repealed Act on the day immediately preceding the appointed date shall be deemed to be a contributor to the Provident Fund established under this Act.

(d) All property, movable or immovable, which is vested in, or legally purchased or acquired by, or leased to, or placed at the disposal of, or in any other manner transferred to the Board established under the repealed Act, or in its possession, or control on the day preceding the appointed date, shall vest in the Board established by this Act, on the terms and conditions appertaining, attaching or applicable thereto at that date.

33. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text to
prevail in case
of inconsist-
ency.

Interpretation.

34. In this Act, unless the context otherwise requires—

“Chairman” means the Chairman of the Board appointed under this Act;

“Library and Documentation Materials” mean any form, whether written, printed, graphic, electronic, magnetic, optical or otherwise, in or on which information or literary, creative or artistic ideas, are or may be recorded, displayed, stored or reproduced, and include manuscripts, typescripts, books, newspapers, periodicals, maps, microforms, music, photographs, prints, drawings, cinematograph films, sound recordings and video recordings and the expressions “Library and Documentation resources” and “Library and Documentation services” shall be construed accordingly ;

“Local Authority” means a Municipal Council constituted under the Municipal Councils Ordinance (Chapter 252), Urban Council constituted under the Urban Councils Ordinance (Chapter 255) or a Pradeshiya Sabha constituted under the Pradeshiya Sabhas Act, No. 15 of 1987 and includes any authority created and established by or under any written law to exercise, perform or discharge powers, duties and functions corresponding to or similar to the powers, duties and functions exercised, performed or discharged by any such Council or Sabha;

“Minister” means the Minister appointed under Article 44 of the Constitution, to whom the subject of Education is assigned;

“National Library and Documentation Centre” means the National Library and Documentation Centre established under this Act;

“Provincial Council” means a Provincial Council established by Chapter XVIIIA of the Constitution ; and

“Repealed Act” means the Ceylon National Library Services Board Act, No. 17 of 1970.