

Passes  
81  
suppl

7 1/2

(1)

Scot. II-27-104,008-4-11-42.

Edn (1950) Department.

No SERIES.

closed

G.O. NO. 2727

Dated 30. 9. 50

pp 3-5, 29-100 for and notes at pp 95-120 - A

(13)

[Despatch Abstract.]

The Madras Public Libraries Act  
1948 — collection of library acc.  
in District Board areas — Insd.  
— Isomed.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |

13(3) of the Madras Public Library Act, 1948.

3. The Director of Public Instruction will decide upon the grants to be made in each case in consultation with the Local Library authorities and submit proposals to the

P.T.O.

Government in due course.

4. The payment of Special grants as under this order will cease with effect from the date from which a library cess is levied in the area in question and an equivalent contribution becomes payable to the Local Library authority under Section 13(3) of the Act.

(By Order of His Excellency the Governor)

K.M. Unnithan,  
Secretary to Government.

To

All President District Boards.  
The Director of Public Instruction.  
The Examiner of Local Fund Account.  
The Accountant General thro' Finance.  
The Inspector of Municipal Councils and Local Boards.  
The Local Administration Department.

True copy/Forwarded/By Order.

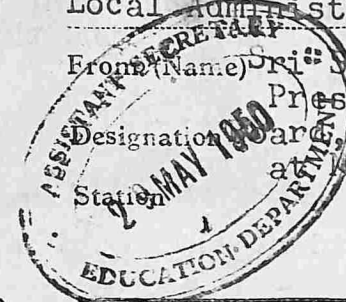
*Samil*  
Superintendent.

EJ/-30-9-1950.

C.F. 32.

Local Administration Department

From (Name) Sri: S. O. SP. Odayappa,  
President, District  
Designation: Sarg, Ramanathapuram  
Station: Madhurai.



Received.....Registered.....

To  
The Secretary to Government,  
Education Department,  
Fort St. George, Madras.

Enclosures: Roc A4 No. 8952--50 dated 24--5--1950.

Sir,

Madras Libraries Act 1948-brought into force from  
1st April 1950-collection of library cess-orders  
requested.

G.O.No. 627 (Edn) dated 26-2-50. (F)

In para 3 of the above government order, it has been ordered that the library cess should be collected in pursuance of section 12 of the Act from the year 1950, 51 and paid to the local library authority.

2 Section 12 of the Act does not specifically point out the source from which the tax could be collected by the District Boards, as they are not collecting any tax direct from assessees except profession tax in the case of very few district boards. Land cess and property taxes are not adjusted by government to District Board through the Revenue department.

P.T.O

3 In the above circumstances I request Government may be pleased to send an extract of section 12 of the act and also issue clear instructions for the collection of the Library cess early with the source from which the cess is to be levied and collected.

ajr. 25.5.

President.

24.5.1950

RC.No.22-N/50

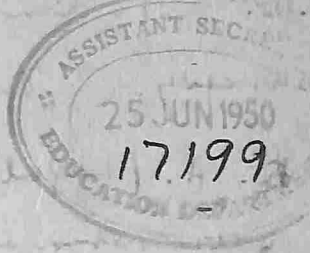
Office of the  
DIRECTOR OF PUBLIC INSTRUCTION,  
Madras.  
Dated: 24-6-50.

From

The Director of Public Instruction,  
Madras.

To

The Secretary to Government,  
Education Department,  
Fort St.George,  
Madras.



Sir,

Sub: The Madras Public Libraries Act, 1948 -  
Coming into force of - Levy of library  
cess - Clarification - Requested.

Ref: Letter Roc.No.11737-A5/50, dated 13-6-50  
from the President, District Board,  
Chingleput.

According to Section 12(1)(a) of the Madras Public Libraries Act, 1948, the District Board, should levy in its area a library cess at the rate of six pies per Rupee in the property tax or house tax so levied. But in the letter cited above ( a copy herewith enclosed) the President, District Board, Saidapet has stated that there is no provision under the Madras Local Boards Act for levying tax on properties. Finally he has added that the levy of library cess in the case of that District Board is impossible.

2. Since the action taken by this District Board is against the Rules framed, Government may issue necessary orders to the President.

Yours faithfully,

R. J. Anandhan  
(24.VI.1950)

For Director of Public Instruction

sn. 24/6.

COPY OF LETTER QUOTED ABOVE:

Sub: Madras Public Libraries Act, 1948 - Finance Accounts  
Clarification - Requested.

Ref: G.O.No.627, Education, dated 28-2-1950.

In bringing into force the provisions of the Madras Libraries Act, 1948 from 1st April, 1950, the Government have informed in para 3 of G.O.No.627, Education, dated 28-2-50, that the Presidents of the District Boards should collect library cess in an area in a district not included within the jurisdiction of a Municipal Council or a Panchayat in pursuance of Section 12 of the said Act from the year 1950-51 and pay it to the Local Library Authority. According to Section 12(1)(a) of the above Act, the District Board should levy in its area a library cess at the rate of six pies for every whole Rupee in the property tax or house tax so levied. The District Board has not levied tax on houses in its area. Besides there is no provision under the Madras Local Boards Act for levying tax on properties. So the levy of library cess in the case of this District Board is not possible in the case and hence my action may be approved.

Sd/

For President, District Board.

/true copy/

R. J. Anandhan  
(24.VI.1950)  
For Director of Public Instruction

Edm  
E

Submitted for perusal of P.I. and...

A similar question raised by the

P.D.B. Ramanathapuram is under consideration  
separately. The file has been sent

C. 13293 E/50

to R.A. Legal on 9.6.50 and it has  
not yet returned. A decision on this

file this may lie out till a  
decision is reached on that file. For order

will 10-7-50.

28/6/50.  
29/6/50  
30/6/50

The file refers to above  
has not yet returned. This may

continue to lie out till 20-7-50.  
or till the return given, whichever  
is earlier.

10-7-50  
11-7-50

The file refers to above  
has not yet returned. This may

continue to lie out till 1-8-50, or  
till the return is received.

21-7-50  
22/7

Orders have not yet been passed in  
the matter referred to above. This may  
continue to lie out till 10-8-50 or till order  
is passed whichever is earlier.

5850

Edn. (E) Deptt.

The Madras Public Libraries Act, 1948 - Collection  
of Library Library cess in Dt. Bd. areas - Instructions  
Issued.

From the P.D.B. Ramanathapuram No. A4-8952-50  
dated 24-5-1950.

From the P.D.B. Chingleput, No. 11737/A5-50 dated  
13-6-1950.

From the D.P.I. No. 22 N/50 dated 24-6-1950.

G.O. (Ms)

Edm. Dated

A question has been raised whether  
a library cess can be levied and collected in an area  
under the jurisdiction of a Dt. Board which does not  
levy a house tax. The Govt. are advised that in <sup>such</sup> ~~these~~  
no library cess can be levied and collected.

It will be necessary for <sup>the</sup> local libra-  
ry authority of the Dt. after it is constituted to  
extend the benefits of the Library service under the  
Act to the Dt. Board areas <sup>also</sup>, even though no income from  
the library cess is derived from such areas from  
which to meet the expenditure on such service. It has  
therefore been decided that <sup>when</sup> a Local Library Authority  
of the Dt. <sup>extends</sup> its library service in an area  
where no library cess is collected, a special grant  
should be made to that Authority under Sec. 13(2) <sup>(c)</sup> of  
the Madras Public Libraries Act, 1948, <sup>under</sup> from the provision of Rs. 2 lakhs

which has been made for equivalent contribution under  
Sec. 13(3) of the Act, under 37. Education: General - S.  
3. The D.P.I. will decide upon the grants  
to be made in each case on receipt of proposals from  
the Local Library authorities and submit  
proposals to the Govt. in the course  
of the year.

4. The payment of special  
grants as under this order will  
cease with effect from the date  
from which a library cess is levied  
in the area in question and an <sup>equivalent</sup>

may, if  
necessary,

and that such  
non-Madras public  
libraries may be

To all P.D.B.'s.  
The D.P.I.  
The Exr. L.F.A.  
The A.G. thro' Fin.  
The I.L.B.  
The L.A. Deptt.

S/c  
13(3) of the  
Madras Public  
Libraries Act -  
Special Grants

MD

2  
+  
equivalent Contribution becomes payable to the Local Library Authority under Sec. 13 (3) of the Act.

Rs 9.50.

(Addn  
entries on  
the previous  
page)

Review draft clean copy 9/11-2/11/50  
Edn. (E) Deptt.

Pl. note today  
by  
30/10

pp 1-2 of  
p 1 of LF  
p 1 of LF

The Madras Public Libraries Act, 1948-  
Collection of Library cess in  
Dt. Board areas--Instructions--Issued.

From the P.D.B. Ramanathapuram No. A4-8952-50  
dated 24-5-1950.  
From the P.D.B. Chingleput, No. 11737/A5-50  
dated 13-6-1950.  
From the D.P.I. No. 22 N/50 dated 24-6-1950.

G.O. (Ms) 2727 Edn. d/ 30.9.50.

p 2 of

p 4 of & p 7 of

op p 10 of

p 6 of (X)

A question has been raised whether a library cess can be levied and collected in an area under the jurisdiction of a Dt. Board which does not levy a house tax. The Govt. are advised that in such areas no library cess can be levied and collected.

2. It will be necessary for the local library authority of a district after it is constituted to extend the benefits of the Library service under the Act to the dt. board areas also, even though no income from the library cess is derived from such areas from which to meet the expenditure on such service. It has therefore been decided that when a Local Library Authority extends its library service in an area where no library cess is collected, a special grant may, if necessary, be made to that Authority under Sec. 13(2) (c) of the Madras Public Libraries Act, 1948 ~~from the budget provision of Rs. 2 lakhs~~ and that such non-statutory grants in this year ~~might~~ <sup>may be</sup> met from the budget provision of Rs. 2 lakhs under " 37. Education-General-S. Miscellaneous-A. General-(1) Excluding Post-War Reconstruction-Contributions under section 13(3) of the Madras Public Libraries Act-Special grants."

3. The D.P.I. will decide upon the grants to be made in each case in consultation with the Local Library authorities and submit ~~it~~ proposals to the Govt. in due course.

P.T.D.

4. The payment of Special grants as under this order will cease with effect from the date from which a library cess is levied in the area in question and an equivalent contribution becomes payable to the Local Library authority under Sec.13(3) of the Act.

To  
All P.D.B.'s.  
The D.P.I.  
The Exr.L.F.A.  
The A.G.thro' Finance.  
The I.L.B.  
The L.A.Deptt.  
s/cs.

From the P.D.B. Ramnad Roc A.No.89525 dated 24-5-1950

Madras Libraries Act - 1948 - Collection of Library Cess in District Board areas.

The P.D.B. Ramanathapuram enquires from what source the Library cess could be collected by the Dt.Board as they are not collecting any tax direct from the assessee except profession tax in the case of very few District Boards and that Land cess and profession taxes are adjusted by Government to District Board through the Revenue department.

2. The Library authority should levy the Library cess in each district when constituted. The manner of collection of Library cess is laid down in section 12(2) of the Madras Library Act. The question for consideration is whether the manner of collection set out therein will be applicable to the Dt.Boards. ~~This point was not~~

~~L.A. may be requested to clarify the point raised by the P.D.B. Ramanathapuram~~

Under section 12 of the Madras Public Libraries Act, 1948, the library cess to be levied by a local library authority in the area within its jurisdiction shall be in a form of a surcharge on the property tax or house tax levied in such area by the local bodies concerned - The Municipal Councils and the Corp<sup>n</sup> of Madras levy property tax and the Panchayat Boards house tax and these bodies will collect the library cess in the manner under Sec 12.

in their areas - Under Section 12 (2) (d) of the Act the Cess is to be collected in non-municipal or non-panchayat areas, by the district board having jurisdiction - The Ramanathapuram (Ramanad) Dt. Bd. and other District Boards are stated to be not collecting house tax -

The question of the levy of the Cess in the District Bd. area was specifically raised when the Libraries Bill was under consideration - The proposal originally was not to levy Cess in those areas as District Boards were which were not levying property tax or house tax - The present provisions in Sec 12 were introduced at the Select Committee stage - L.A. stated in connection with the Bill that Dt. Bd. could also levy house tax & they also accepted the Select Committee's alteration - The matter was therefore not pursued further -

In view of the letter in the cf, the matter needs further consideration - for instance it is for consideration whether

in areas where house tax is not levied, there should be no levy of library Cess at all. This position will be unfair to areas in which the Cess is collected; & Dt. Bd. areas will then enjoy the benefits of the library service without having to pay for them. L.A. & Legal may

offer remarks -

Lib  
8.6.50

S. 2650

L.A. / Legal

Estn. u.o.  
13283 E/50-1  
9.6.50



SN 146

(D) 1646 MF

L.A. Dept. (A)

pleased see the note of the Education dept. on pages 1 to 3 above. The question for consideration is whether, in areas where house tax is not levied, there should be no levy of library cess at all. In dt. bd. areas where there are no panchayats and in the areas of some minor panchayats house tax is not levied. Cases of levy of house tax by dt. bds. as in Abiraman in Ramanathapuram district will be very rare. The house tax in Abiraman came to be levied by the dt. bd. because there was a panchayat board levying house tax in the area and when the panchayat was abolished, the dt. bd. which took over the administration of the area continued to levy house tax. Land cess and profession tax only are levied in dt. bd. areas. The maximum rate of profession tax has been fixed in the Constitution of India and the local bodies will be levying the tax generally at the maximum rates prescribed in the Acts.

~~Library cess~~

Library cess cannot be levied on profession tax as, if levied, it will be in excess of the maximum rate which will not be permissible. If library cess is to be levied in dt. bd. areas, it can be levied only on land cess. The rate of land cess levied by dt. bds. under the Madras Local Boards Act, 1920 is two annas in the rupee of land revenue. Besides land cess, an education cess is levied, the <sup>conventional</sup> maximum rate of which is three annas in the rupee of land revenue. As a result of the Madras Estates Land (Reduction of Rent) Act 1947, dt. bds. have lost their income from land cess to some extent <sup>and</sup> to make up the loss, they may have to increase the rate of land cess. A library cess, if levied on land cess will increase further the already high rate of cess on land revenue and throw additional burden on agriculturists. This is not desirable.

With these remarks, the file may be passed on to the Legal Department u.o.

du  
23.6.50

Where the main house-tax is not levied, in non-panchayat areas, no library cess need be levied. When the Panchayat Bill becomes law, Panchayats will be constituted for almost all villages and house-tax will be levied compulsorily by all panchayats. Then the library cess will ~~be~~ also be levied by such panchayats on house-tax. Till then,

no provision <sup>is</sup> necessary ~~to~~ for the levy of a library cess in non-panchayat areas.

Rm  
24/6/50

NA 00  
24/11/50-1A  
26.6.50

F  
24/6/50

Legal

26/6



Legal No 9783/50-1  
28.7.50.



Neither land cess nor assessment on land is "property tax" within the meaning of that term in S.12 (1)(a) of the Madras Public Libraries Act.

I agree  
28.7.50

Education

Under Section 12 (1) (a) of the Madras Public Libraries Act, 1948, which has been brought into force from 1.4.50, every Local Library Authority (one is contemplated for each district) shall levy in its area a library cess in the form of a surcharge on the property tax or house tax levied in such area under the Madras City Municipal Act, the Madras District Municipalities Act or the Madras Local Boards Act, as the case may be, at the rate of 6 pias for every

every whole rupee of the property tax or house tax so levied. Under section 12 (2) this Cess is to be collected by the Corporation of Madras, the Municipal Council, the panchayat or the district board as the case may be. So far as the areas under the jurisdiction of the Corporation of Madras or the Municipal Councils are concerned, the levy of the library Cess will be a surcharge on the property tax. In the areas of Panchayats and district boards, the Cess will be a surcharge on house tax. With regard to the Madras City, the Municipalities and panchayats, there seems to be no difficulty, as the property tax or the house tax is levied by the Authorities concerned and the Cess can be collected -

In respect of district board of Ramanathapuram, the President has stated that no house tax is levied, it asks how the library Cess has to be levied. This is now stated by L.A. (M on p 3 ante) that house tax is not levied in district board areas generally. Under sec. 12 of the Libraries Act, the Cess to be collected in these areas is to be a surcharge on the ~~property tax~~ house tax only. The Legal Dept's note on the previous page

letter  
in q.

This seems to be the only course until such time as the levy of house-tax in panchayat areas is made compulsory.

for contribution under sec 13(3)



For no. 0. 13283 E/50-2

7.8.50.

Says that land Cess or land Revenue is not property tax within the meaning of the Libraries Act. The position therefore is that in the district board areas no Cess can be levied, but as a consequence the funds of the Local Library Authority will be affected and that if that Authority extends its library service to these areas also, the expenditure on such service will have to be met from the income from other areas or from special grants which Govt. may make under sec 13(2) of the Act. In view of the loss of Cess income plus the equivalent contribution under sec. 13(3), Govt. will perhaps have to make these special grants to the Local Library Authority to cover expenditure on district board areas. No additional provision will be necessary for this purpose as the allotment of Rs 2 lakhs already provided for in the budget can be used for the purpose. Finance may also see before circulation.

58.50 L. 7.8.50

Fin

The question for consideration in the file is how <sup>the</sup> library cess <sup>which</sup> should be collected <sup>as a</sup> surcharge on property tax or house tax can be collected by the District Boards in areas under their jurisdiction where no property tax <sup>or</sup> house tax etc) is levied. The note of Education on pp 5-7 above clearly explains the position with reference to the existing rules. Edn. consider that until the levy of house tax in Panchayat areas is made compulsory, no library cess need be levied in such areas but <sup>that a special grant may be made</sup> ~~an equivalent amount may be contributed~~ by Govt to the Library Fund under Section 13(3) of the Libraries Act. It is stated that no additional provision is necessary for the purpose as the allotment of Rs 2 lakhs already provided for in the budget can be used for this purpose. In the circumstances, Finance may agree with the proposal of Education.

#### Section 12(1)(a) of the Madras Public Libraries

Act, 1948 requires every Local Library Authority to levy a library cess in its area in the form of a surcharge on the property tax or house tax levied in such area under the relevant Acts, at the rate of 6 pies for every whole rupee on the property tax or house tax so levied. In areas where no property tax or house tax is levied (e.g. Ramanathapuram Dt. Board area), no library cess can be levied either. Education pointed out that if the Local Library Authority extends its services to such areas and is put to extra expenditure on that account, which cannot be met from its resources, a special grant by the Govt. may be necessary under Section 13(2)(c) of the Act, but that no additional provision need be made in the current year over and above the sum of Rs 2 lakhs provided for in the budget as statutory contribution to the Society under section 13(3) of the Act. It is stated that areas of the kind referred to above will <sup>cease</sup> ~~exist~~ to exist after the Madras

CF

Y on p 7 above

X on p 7 above

Thru Exp. A

X Madras City Municipal  
Act  
Madras Dt. Municipal  
Act  
Madras Local Board  
Act

H 1-2 CF

p 62 ⑤

p 156 2  
Budget 1950-1L A 24th mth  
with 4-5 mth

Village Panchayats Act comes into force, when all such areas will be subjected to compulsory house tax by the new Panchayat Boards to be constituted for administering those areas.

Finance may therefore agree with the Education Secretary's view at Y on p.7 above, subject to the condition that the budget provision for the current year (Rs 2 lakhs) is not exceeded.

Fin. &amp; 70464 Acctd



pp 1-2 CF

P above

up Para 1 ①

Edn.E.

The file relates to the levy of library cess under section 12 of the M.P.L. Act in the form of a surcharge on the property tax or house tax levied in certain areas under the Madras Local Boards Act, 1920. In respect of the Dt. Board areas, where no house tax is levied, a question has been raised as to how the library cess is to be collected. Attention is invited to this department's note beginning with XXX on page 5 ante. Finance agree with the view of the Secretary at Y on page 7 ante subject to the condition that the budget provision for the current year viz. Rs. 2 lakhs under section 13(3) of the Act is not exceeded pending the coming into force of the Village Panchayats Act.

2. It may also be noted that a provision of Rs. 1 lakh has been made in B.E. in 1950 for grants to public libraries maintained by the District Boards, M.L. Councils Panchayats and gramasangams. <sup>Proposals have been called for</sup> ~~for distribution of the grant.~~

3. Definite proposals have to be called for from the D.P.I. for making special grants to the Dt. Board areas for spreading the library service there. The Pt. Dt. Board, Ramanathapuram may be informed in the meanwhile that the levy of library cess in the Dt. Board areas is inadmissible.

P.T.O.

4. The file may be circulated to H.M. (E & L.)

JP  
24.8.50

It has been brought to notice that the Dist. Board of Ramanathapuram is not levying house tax and so cannot levy the Library cess authorised under section 12 (1) of the Madras Public Libraries Act, 1948. It is understood that several other District Boards are in the same position.

Having regard to the above fact, it may be observed that a Local Library Authority of the district, after it is constituted under the Act, will be extending the benefits of the library service under the Act to the District Board area without corresponding income from such area from which to meet the expenditure on pay for such service. It is therefore proposed that when a Local Library Authority of the district extends its library service in a District Board area where no library cess is collected, a special grant may be made under section 13 (2) of the Libraries Act. The provision of Rs 2 lakhs which has been made for equivalent contribution under section 13 (3) of the Act will be utilised for the purpose. The grants to be made in each case will be worked out as and when necessary in consultation with the D.P.I.

These special grants may be necessary only until all Panchayats have accepted the proposal.

3 The case is circulated for orders on the proposal.

29.8.50

Govt. are statutorily required to make an equivalent contribution to the library authority, and this statutory contribution may therefore be made available until such time as all local authorities levy house tax.

See SLIP  
26.8.50



A draft order is submitted for approval. Please retype the draft order as revised & resubmit.

The draft order is retyped and resubmitted. Finance may see the draft order before issue.

(Previous Finance note on pp 8-9 above) The draft order may be perused. Eon may be requested to circulate the case to H.M. (Fin) also before issue of the draft order.

It would appear from the Eon Dept's note on p. 7 above that the non-statutory grant payable under Sec. 13(2)(c) of the Act need be paid only if the local library authority is not able to meet the additional cost involved in extending its service to areas where no house tax is leviable, from the income derived from other areas. In order to make this intention clear, a few amendments

12

are indicated in pencil in the draft order

139.50

A.S.I.

139.50

Edm

Encls

Fin no 78420 Acct 1



The slight alterations suggested by him in the original draft order may be accepted. A clean copy of the draft as amended by him is placed below. The draft is self-explanatory, it may be circulated to HM (Fin) as desired by him.

189.50

19.9.50

19.9  
HM (Fin)

HM (E & A)  
(To audit return)

HM (Fin)

Ry. a  
27.9

Ime  
19.9.50



reep