

THE NATIONAL LAW UNIVERSITIES OF INDIA BILL, 2016

By

PROF. (DR.) SUGATA BOSE, M.P.

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Bill No. 249 of 2016

THE NATIONAL LAW UNIVERSITIES OF INDIA BILL, 2016

By

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A

BILL

to establish, incorporate and declare certain law universities to be law universities of national importance and to provide for matters connected therewith or incidental thereto.

WHEREAS in furtherance of the noble cause of imparting global-standard legal education in the country, various State Legislatures have passed laws to establish National Law Universities;

AND Whereas it is desirable to consolidate the State laws providing for establishment of National Law Universities into single Central Legislation with a view to minimize the differences and difficulties arising therein and harmonize their functioning;

BE it enacted by Parliament in the Sixty-seventh year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

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

Declaration of Universities under First Schedule as Institutions of National Importance.

2. Whereas the objects of the universities mentioned in the First Schedule are such as to make them institutions of national importance, it is hereby declared that each such university is an institution of national importance.

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Definitions.

3. In this Act, unless the context otherwise requires:

(1) "Academic Council" means the Academic Council of the Universities;

25 of 1961.

(2) "Bar Council" means the Bar Council of respective States constituted under the Advocates Act, 1961;

25 of 19161.

(3) "Bar Council of India" means the Bar Council of India constituted under the Advocates Act, 1961;

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(4) "Chancellor" means the Chancellor of the Universities;

(5) "The Chief Justice" when not referring to the Chief Justice of India appointed by the President of India under article 134 of the Constitution of India, means the Chief Justice of the High Court of the respective State where the University is situated and also includes and acting Chief Justice;

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(6) "corresponding National University" in reference to a State university means the national university mentioned in column 3 of the First Schedule against that State university;

(7) "Executive Council" means the Executive Council of the Universities;

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(8) "Finance Committee" means the Finance Committee of the Universities;

(9) "Governing Council" means the Governing Council of the Universities;

(10) "National Council" means National Council established under section 13;

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

(12) "Registrar" means the Registrar of the Universities;

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(13) "Regulations" and "Statutes" in relation to any State University, means the Regulations and Statutes, respectively, of the corresponding National Universities made under this Act;

(14) "State University" means any of the Universities mentioned in column 2 of the First Schedule;

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(15) "Universities" means the National Law Universities of India, mentioned under column 3 of the First Schedule; and

(16) "Vice-Chancellor" means the Vice-Chancellor of the Universities.

CHAPTER II

THE UNIVERSITIES

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Establishment and incorporation of the Universities.

4. (1) Each of the universities mentioned in column 2 of the First Schedule shall be established as bodies corporate under this Act by the names respectively assigned to each such university under column 3 of that Schedule having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire and hold property, to contract and sue and be sued by its name.

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(2) The body corporate constituting each of the said universities shall consist of a Chancellor, a Vice-Chancellor and other members of the Governing Council of the University.

5. On and from the commencement of this Act,—

Effect of
incorporation.

(a) any reference to a State University in any law, other than this Act or in any contract or instrument, shall be deemed as a reference to the corresponding National University;

5 (b) all property, movable and immovable, of or belonging to a State University shall vest in the corresponding National University;

(c) all the rights and liabilities of a State University shall be transferred to, and be the rights and liabilities of the corresponding National University; and

10 (d) every person employed by a State University immediately before such commencement shall hold his office or service in the corresponding National University for the same tenure, at the same remuneration and upon the same terms and conditions and with the same rights and privileges as to pension, leave, gratuity, provident fund and other matters as he would have held if this Act had not been passed, and shall continue to do so unless and until his employment is terminated or until such tenure, remuneration and terms and conditions are duly altered by the Statutes:

15 Provided that if the alteration so made is not acceptable to such employee, his employment may be terminated by the University in accordance with the terms of contract with the employee or, if no provision is made therein in this behalf, on payment to him by the University, of compensation equivalent to three months' remuneration in the case of permanent employees and one month's remuneration in the case of other employees.

6. The objects of the Universities shall be—

Objects of the
Universities.

(a) to provide multi-disciplinary education in legal studies, keeping in view the demands of the global economy and the needs of the domestic society;

25 (b) to evolve and impart comprehensive legal education at all levels to achieve excellence;

(c) to organise advanced studies and promote research in all branches of law;

(d) to disseminate legal knowledge, legal processes and their role in national development by organising lectures, seminars, symposia, workshops and conferences;

30 (e) to promote cultural, legal and ethical values with a view to promote and foster the rule of law and the objectives enshrined in the Constitution of India;

(f) to improve the ability to analyse and present for the benefit of the public, contemporary issues of public concern and their legal implications;

(g) to liaise with institutions of higher learning and research in India and abroad;

35 (h) to publish periodicals, treatises, study books, reports, journals and other literature on all subjects relating to law;

(i) to hold examinations and confer degrees and other academic distinctions;

(j) to promote legal awareness in the community for achieving social and economic justice for all;

40 (k) to undertake studies and training projects relating to law, legislation and judicial institutions;

(l) to promote inter-disciplinary study of law in relation to management, technology, international co-operation and development;

45 (m) to develop in the students and the research scholars a sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, legal services, legislation, parliamentary practices, law reforms and other such matters; to make law and legal processes efficient instruments of social development;

(*n*) to assist and provide advice to the Central and the State Governments on matters pertaining to law, legislation and judicial institutions; and

(*o*) to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objectives of the Universities.

Powers of the
University.

7. The powers of the University shall be—

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(*a*) to administer and manage the University and such centres for study, research, education and instructions as are necessary for furtherance of the objects of the University;

(*b*) to provide for instructions in all branches of knowledge or learning pertaining to law and allied subjects as the University may deem fit;

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(*c*) to make provisions for research and for the advancement and dissemination of knowledge of law including through distance learning and continuing education programmes;

(*d*) to hold examinations and to confer degrees, titles, diplomas and other academic distinctions on persons subject to such conditions as the University may determine and to withdraw any such degrees, titles, diplomas and other academic distinctions subject to such conditions as the University may determine;

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(*e*) to fix, demand and receive fees and other charges as may be prescribed;

(*f*) to institute and maintain halls and hostels and to recognize places of residence for the students of the University and to withdraw such recognition accorded to any such place of residence;

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(*g*) to establish special centres, specialized study centres or other units for research and instructions as are, in the opinion of the University, necessary in furtherance of its objects;

(*h*) to supervise and control the residence and to regulate the discipline of the students and staff of the University and to make arrangements for promoting their health and general welfare;

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(*i*) to make such special arrangements as are necessary in respect of residence, discipline and teaching of women students;

(*j*) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;

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(*k*) to regulate and enforce discipline among the employees of the University and to take such disciplinary measures as may be deemed necessary;

(*l*) to institute professorships, associate professorships, assistant professorships, readerships, lecturerships and any other teaching, academic or research posts required by the University;

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(*m*) to appoint persons as professors, associate professors, assistant professors, readers, lecturers or otherwise as teaching and researchers of the University and as other classes of employees;

(*n*) to institute and award fellowships, scholarships, prizes and medals;

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(*o*) to provide for printing, reproduction and publication of research and other works and to organize exhibitions;

(*p*) to sponsor and undertake research in all aspects of law, justice and social development;

(*q*) to co-operate with any other organizations in the matter of education, training and research in law, justice, social development and allied subjects for such purposes

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as may be agreed upon on such terms and conditions as the University may from time to time determine;

5 (r) to co-operate with institutions of higher learning in any part of the world having objects wholly or otherwise similar to those of the University by exchange of teachers and scholars and generally in such manner as may be conducive to the common objects;

(s) to regulate the expenditure and to manage accounts of the University;

10 (t) to establish and maintain within the premises of the University or elsewhere such schools, colleges and study halls as the University may consider necessary and adequately furnish the same to establish and maintain such libraries and reading rooms as may appear convenient or necessary for the University;

(u) to receive grants, subventions, subscriptions, donations and gifts for the purpose of the University consistent with the objects for which is the University established;

15 (v) to purchase, take on lease, or accept as gifts, or otherwise any land or building or works, which may be necessary or convenient for the purpose of the University and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;

20 (w) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms and conditions as it may think fit and proper without prejudice to the interests and activities of the University;

(x) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchanges, cheques or other negotiable instruments;

25 (y) to execute conveyances, transfers, re-conveyances, mortgages, leases, licences and agreements in respect of property, movable or immovable including government securities belonging to the University or to be acquired for the purpose of the University;

30 (z) to appoint in order to execute an instrument or transact any business of the University any person as it may deem fit;

(za) to give up and cease from carrying on any classes or departments of the University;

(zb) to enter into any agreement with the Central Government, State Government, the University Grants Commission or other authorities for receiving grants;

35 (zc) to accept grant of money, securities or property of any kind or description on such terms and conditions as may be deemed expedient;

40 (zd) to raise and borrow money on bonds, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed or debt made;

(ze) to invest the funds of the University or money entrusted to the University in or upon such securities or deposits and in such manner as it may deem fit and from time to time transpose any investments;

45 (zf) to make such Statutes, Regulations and other instruments as may, from time to time, be considered necessary for regulating the affairs and the management of the University and its properties and to alter, modify and to rescind them;

(zg) to constitute for the benefit of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed pension, insurance, provident fund and gratuity and other schemes as it may deem fit and to make such grants as it may think fit for the benefit of the staff of the University and to aid in the establishment and support of associations, institutions, funds and trusts for the benefit of the staff and the students of the University; 5

(zh) to confer honorary degree and other distinctions in the manner laid down in the regulations;

(zi) to delegate all or any of its powers to the Vice-Chancellor or any committee or to any one or more members of the Councils of the University or its officers; and 10

(zj) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of the aforesaid objects or any of them.

Admission and
Appointment
to the
Universities.

8. (1) The Universities shall, subject to the provisions of this Act and the regulations, be open to all persons of all sex and of whatever race, creed, caste or class, place of birth and no test or condition shall be imposed as to religious belief or profession in appointing members of the authorities of the Universities or any other office bearers, admitting students, appointing teachers or workers or in any other connection whatsoever. 15

(2) Nothing contained in sub-section (1) shall require the Universities—

(a) to admit to any course of study any person who does not possess the prescribed academic qualification or standard; 20

(b) to retain on the rolls of the Universities any student whose academic record is below the minimum standard required for the award of a degree or other academic distinction; or

(c) to admit any person or retain any student whose conduct is prejudicial to the interest of the Universities or the rights and privileges of other students and teachers. 25

(3) No bequest, donation or transfer of any property, which involves conditions or obligations opposed to the spirit and object of this section, shall be accepted by any University.

(4) Subject to the provisions of sub-sections (1) and (2), the State Government may, by order, direct that the University shall reserve such per cent. of seats therein— 30

(a) for resident students of the State, as the State Government shall in that order define and specify, which shall not exceed fifty per cent. of the total seats of the University excluding seats reserved in clause (b);

(b) for the students belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes and any other backward class as the State Government may notify in that order. 35

Teaching in
the
Universities.

9. (1) All teaching at each of the Universities shall be conducted by or in the name of the respective Universities in accordance with the Statutes and Regulations made in this behalf.

(2) All teaching in connection with the degrees, diplomas and certificates of the University shall be conducted in accordance with the syllabi prescribed by the Regulations. 40

(3) The courses and curricula and the authorities responsible for organizing the teaching of such courses and curricula shall be such as prescribed by the Regulations.

Visitor of the
Universities.

10. (1) The Chief Justice of India shall be the Visitor of every University.

(2) The Visitor may appoint one or more persons, who shall be senior Judges of the Supreme Court, to review the work and progress of any University and to hold inquiries into the affairs thereof and to report thereon in such manner as the Visitor may direct. 45

(3) Upon receipt of any such report, the Visitor may take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.

(4) The Visitor when present shall preside over the convocations of the University and the meetings of the Governing Council.

11. (1) The Chief Justice shall be the Chancellor of every University as mentioned in the Second Schedule. Chancellors of the Universities.

(2) The Chancellor, when present and in the absence of the Visitor, shall preside over the convocations of the University and the meetings of the Governing Council.

(3) The Chancellor may cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries and equipment and of any institution maintained by the University, and also of the examinations, teaching and other work conducted or done by the University and cause an inquiry to be made in the like manner in respect of any matter connected with the administration and finances of the University.

(4) The Chancellor may offer such advice to the University as he may deem fit with reference to the result of such inspection or inquiry.

(5) The University shall communicate to the Chancellor the action taken or proposed to be taken on such advice.

(6) In case of differences among the authorities or officers of the University on any matter which cannot be otherwise resolved, the decision of the Chancellor shall be final.

(7) The Chancellor may invite a person or persons of eminence in law and legal education to advise the University in relation to affairs of the University as and when he deems it necessary.

12. (1) There shall be a Vice-Chancellor of the University who shall be appointed in the manner as provided in section 27. Vice-Chancellors of the Universities.

(2) The term of the Vice-Chancellor shall be for a period of five years, and shall be eligible for re-appointment till he attains the age of seventy years.

CHAPTER III

THE NATIONAL COUNCIL

13. (1) With effect from such date as the Central Government shall, by notification in the Official Gazette, specify in this behalf, there shall be established a central body to be called the National Council. The National Council.

(2) The National Council shall consist of the members, namely:—

(a) the Union Minister of Law and Justice, Chairperson, *ex officio*;

(b) the Vice-Chancellor of each University, member, *ex officio*;

(c) the Registrar of each University, member, *ex officio*;

(d) the Chairman, University Grants Commission, member, *ex officio*;

(e) the Chairman, Bar Council of India, member, *ex officio*;

(f) two persons to represent the Union Ministry of Law and Justice, two persons to represent the Ministries of Finance and Human Resource Development and one person to represent any other Ministry to be nominated by the Central Government;

(g) not less than three, but not more than five, persons to be nominated by the Visitor, who shall be persons having special knowledge or practical experience in field of law, legislation or social sciences;

(h) three Members of Parliament, of whom two shall be from the House of the People and one from the Council of States to be elected from amongst the members of each House.

(3) An officer of the Ministry of Law and Justice of the Central Government shall be nominated by that Government to act as the Secretary of the Council. 5

The term of
office of the
National
Council.

14. (1) Save as otherwise provided in this section, the term of office of a member of the National Council shall be three years from the date of his nomination or election, as the case may be.

(2) A member of the National Council referred to in clause (f) of sub-section (2) of section 13 shall hold office during the pleasure of the Central Government. 10

(3) The term of office of a member elected under clause (h) of sub-section (2) of section 13 shall expire as soon as he ceases to be a member of the House of Parliament which he represents.

(4) The term of office of a member nominated or elected to fill a casual vacancy shall continue for the remainder of the term of the member in whose place he has been nominated or elected. 15

(5) Notwithstanding anything contained in this section, an outgoing member shall, unless the Central Government otherwise directs, continue in office until another person is nominated or elected as a member in his place.

Functions and
duties of the
National
Council.

15. (1) It shall be the general duty of the National Council to co-ordinate the activities of all the Universities. 20

(2) Without prejudice to the provisions of sub-section (1), the National Council shall perform the following functions, namely:—

(a) mentoring of the Universities in all spheres;

(b) to advise on matters relating to the common admission test to be conducted by the Universities and to co-ordinate and work harmoniously with the Legal Education Committee of the Bar Council of India to decide on matters of academic standards and other academic matters; 25

(c) to lay down policy regarding cadres, methods of recruitment and conditions of service of employees, institution of scholarships and freeships, levying of fees and other matters of common interest; 30

(d) to examine the development plans of each University and to approve such of them as are considered necessary and also to indicate broadly the financial implications of such approved plans;

(e) to examine the annual budget estimates of each University and to recommend to the Central Government the allocation of funds for that purpose; 35

(f) to advise the Visitor, if so required, in respect of any function to be performed by him under this Act;

(g) to decide upon inter-University disputes and student grievances referred to it; and 40

(h) to perform such other functions as are assigned to it by or under this Act.

(3) Notwithstanding anything contained in this section, the Bar Council of India shall have the same rights and privileges as envisaged in sections 7(1)(h) and 7(1)(i) of the Advocates Act, 1961 and no rule made by the National Council shall be in direct contravention of the rules framed by the Bar Council of India for that purpose unless there is sufficient reason to the contrary in the best interests of the legal education. 45

16. (1) The Chairperson of the National Council shall ordinarily preside at the meetings of the National Council.

Meetings of the National Council.

(2) It shall be the duty of the Chairperson of the National Council to ensure that the decisions taken by the National Council are implemented.

5 (3) The Chairperson shall exercise such other powers and perform such other duties as are assigned to him by this Act.

(4) The National Council shall meet at least once every year and the date shall be fixed by the Chairperson, who shall give not less than fifteen days' notice to all the members.

CHAPTER IV

10 AUTHORITIES OF THE UNIVERSITIES

17. Each University shall have the following authorities, namely:

Authorities of the Universities.

(a) the Governing Council;

(b) the Executive Council;

(c) the Academic Council;

15 (d) the Dispute Redressal Committee;

(e) the Finance Committee; and

(f) such other authorities as may, from time to time, be declared as such by the Statutes.

20 **18.** (1) The Governing Council shall be the supreme authority of the University and shall consist of the following persons, namely:—

Governing Council and its term of the Office.

(a) the Chancellor;

(b) the Vice-Chancellor;

(c) two persons from amongst the sitting Judges of the High Court of the respective State, nominated by the Chancellor;

25 (d) one person from amongst the former Judges of the High Court of the respective State, nominated by the Chancellor;

(e) the Chairman, Bar Council of India;

(f) the Chairman of the Bar Council of the respective State;

30 (g) two pre-eminent persons in the disciplines of social sciences or humanities, nominated by the Chancellor;

(h) two pre-eminent persons in the legal and educational fields, nominated by the Chancellor;

(i) the Chief Secretary to the State Government concerned;

35 (j) the Principal Secretary, Finance Department of the State Government concerned;

(k) the Secretary of Higher Education of the State Government concerned; and

(l) the Principal Secretary of Law, Justice and Legislative Affairs of the State Government concerned.

40 (2) Where a person has become a member of the Governing Council by reason of the office or appointment he holds, his membership shall terminate when he ceases to hold that office or appointment.

(3) The term of office of the nominated members of the Governing Council shall be three years.

(4) A member of the Governing Council shall cease to be a member if he resigns or becomes of unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude.

(5) A member, other than the Vice-Chancellor, shall cease to be member if he accepts a full-time appointment in the University, or if he, not being an *ex-officio* member, fails to attend three consecutive meetings of the Governing Council without the leave of the Chancellor.

(6) A member of the Governing Council, other than an *ex-officio* member, may resign from his office by a letter addressed to the Chancellor and such resignation shall take effect as soon as it has been accepted by the Chancellor.

(7) Any vacancy in the Governing Council shall be filled by nomination by the respective nominating authority.

Powers,
functions and
meetings of
the Governing
Council.

19. (1) The Governing Council shall be the plenary authority of the University and shall formulate and review from time to time the broad policies and programmes of the University and devise measures for the improvement and development of the University and shall also have the following powers and functions, namely:—

(a) to consider and pass the annual report, financial statement and the budget estimates prepared by the Executive Council and to adopt them with or without modification;

(b) to make Statutes concerning the administration of the affairs of the University including prescribing the procedures to be followed by the authorities and the officers of the University in the discharge of their functions.

(2) The Governing Council shall meet at least once in a year, to be presided over by the Chancellor of the University, and in his absence, by any senior judge of the High Court to be nominated by the Chancellor.

(3) An annual meeting of the Governing Council shall be held on a date to be fixed by the Executive Council, unless some other date has been fixed by the Governing Council in respect of any year.

(4) A report on the working of the University during the previous year, together with a statement of receipt and expenditure, the balance sheet as audited, and the financial estimates shall be presented by the Vice-Chancellor to the Governing Council at its annual meeting.

(5) The meetings of the Governing Council shall be called by the Chancellor or by the Vice-Chancellor either on his own or at the request of not less than ten members of the Governing Council.

(6) For every meeting of the Governing Council, fifteen days' notice shall be given.

(7) One-half of the members existing on the rolls of the Governing Council shall form the quorum.

(8) Each member shall have one vote and if there be equality of votes on any question to be determined by the Governing Council, the person presiding over the meeting shall, in addition, have a casting vote.

(9) In case of difference of opinion among the members, the opinion of the majority shall prevail.

(10) If urgent action by the Governing Council becomes necessary, the Vice-Chancellor may permit the business to be transacted by circulation of papers to the members of the Governing Council.

(11) The action proposed under sub-section (10) shall not be taken unless agreed to by a majority of members of the Governing Council.

(12) The action taken under sub-section (11) shall be forthwith intimated to all members of the Governing Council.

5 (13) In case the authority concerned fails to arrive at a decision, the matter shall be referred to the Chancellor, whose decision shall be final.

20. (1) The Executive Council shall consist of the following persons, namely:—

Executive Council.

(a) the Vice-Chancellor of the University;

(b) the Chairman of the Bar Council of India;

10 (c) the Chairman of the Bar Council of the respective State;

(d) the Principal Secretary, Finance Department of the State Government concerned;

(e) the Secretary of Higher Education of the State Government concerned;

15 (f) the Principal Secretary, Law, Justice and Legislative Affairs, of the State Government concerned;

(g) three Professors of Law, who shall be eminent jurists, from outside the University to be nominated by the Chancellor;

20 (h) two teachers of the University to be nominated by the Vice-Chancellor, of whom one shall be from amongst the professors and one from amongst the associate professors of the University, by rotation, for a period of one year.

(2) The Vice-Chancellor shall be the Chairperson of the Executive Council.

(3) Where a person has become a member of the Executive Council by reason of the office or appointment he holds, his membership shall terminate when he ceases to hold that office or appointment.

25 (4) The term of office of the nominated members of the Executive Council shall be three years.

(5) A member of the Executive Council shall cease to be a member if he resigns or becomes of unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude.

30 (6) A member, other than the Vice-Chancellor or teacher, shall also cease to be a member if he accepts a full-time appointment in the University, or if he, being a teacher fails to attend three consecutive meetings of the Executive Council without the leave of the Vice-Chancellor.

35 (7) A member of the Executive Council, other than an *ex-officio* member, may resign from his office by a letter addressed to the Vice-Chancellor, and such resignation shall take effect as soon as it has been accepted by him.

(8) Any vacancy in the Executive Council shall be filled by nomination by the respective nominating authority and on expiry of the period of vacancy, such nomination shall cease to be effective.

40 **21.** (1) The Executive Council shall be the chief executive authority of the University and, as such, shall have all powers necessary to administer the University subject to the provisions of this Act and the Statutes made thereunder; and may make Regulations for that purpose and also with respect to matters provided hereunder.

Powers, functions and meetings of the Executive Council.

(2) The Executive Council shall have the following powers and functions, namely:—

45 (a) to recommend the names of three persons to the Chancellor for appointment as Registrar of the University on the recommendations of the selection committee constituted for that purpose by it and headed by the Vice-Chancellor;

(b) to prepare and present to the Governing Council at its annual meeting:—

(i) a report on the working of the University;

(ii) a Statement of accounts as under section 35; and

(iii) budget proposals for the ensuing academic year;

(c) to manage and regulate the finances, investments, properties, business and all other administrative affairs of the University and for that purpose, constitute committees and delegate the powers to such committees or such officers of the University as it may deem fit;

(d) to invest any money belonging to the University, including any unapplied income in such stock, funds, shares or securities, as it may, from time to time, think fit, or in the purchase of immovable property in India, with the like power of varying such investments from time to time;

(e) to transfer or accept transfer of any moveable or immovable property on behalf of the University;

(f) to enter into, amend, execute and cancel contracts on behalf of the University and for that purpose to appoint such officers as it may think fit;

(g) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;

(h) to entertain, adjudicate upon, and if it thinks fit, to redress any grievances of the officers, teachers, students and employees of the University;

(i) to create teaching, administrative, ministerial and other necessary posts, to determine the number of and emoluments for such posts, to specify the minimum qualifications for appointment to such posts on such terms and conditions of service as may be prescribed by the Regulations made in this behalf;

(j) to appoint examiners and moderators, and if necessary to remove them and to fix their fees, emoluments and travelling and other allowances, after consulting the Academic Council;

(k) to select a common seal for the University; and

(l) to exercise such other powers and to perform such other duties as may be considered necessary, or imposed on it by or under this Act.

(3) The Executive Council shall meet, at least, once in three months and not less than fifteen days notice shall be given of such meetings.

(4) The meeting of the Executive Council shall be called by the Registrar under instructions of the Vice-Chancellor or at the request of not less than five members of the Executive Council.

(5) One-half of the members of the Executive Council shall form the quorum at any meeting.

(6) In case of difference of opinion among the members, the opinion of the majority shall prevail.

(7) Each member of the Executive Council shall have one vote and if there be equality of votes on any question to be determined by the Executive Council, the Chairperson of the Executive Council or as the case may be, the member presiding over that meeting shall, in addition, have a casting vote.

(8) Every meeting of the Executive Council shall be presided over by the Vice-Chancellor or in his absence by a member chosen by the members present.

(9) If urgent action by the Executive Council becomes necessary, the Vice-Chancellor may permit the business to be transacted by circulation of papers to the members of the Executive Council.

(10) The action so proposed to be taken shall not be taken unless agreed to by a majority of members of the Executive Council.

(11) The action so taken shall be forthwith intimated to all the members of the Executive Council.

(12) In case the authority concerned fails to take a decision, the matter shall be referred to the Chancellor whose decision shall be final.

10 **22.** (1) The Academic Council shall consist of the following persons, namely:— Academic Council.

(a) the Vice-Chancellor who shall be the Chairman;

(b) three persons from outside the University from amongst educationists of repute or men of letters or members of the legal profession or eminent public men, who are not in the service of the University, to be nominated by the Chancellor;

15 (c) a nominee of the Bar Council of India;

(d) Heads of all the Departments of the University;

(e) two members of the teaching staff, one each respectively representing the associate and assistant professors of the University to be, nominated by the Vice-Chancellor for a period of one year on rotation.

20 (2) The term of the members, other than *ex-officio* members and those whose term is specified by clause (e) of sub-section (1), shall be three years.

25 **23.** (1) Subject to the provisions of this Act, Statutes and Regulations and overall supervision of the Executive Council, the Academic Council shall manage the academic affairs and matters in the University and, in particular, shall have the following powers and functions, namely:— Powers, functions and meetings of the Academic Council.

(a) to report on any matter referred or delegated to it by the Governing Council or the Executive Council;

30 (b) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the University and the emoluments payable and the duties attached thereto;

(c) to formulate and modify or revise schemes for the organization of the faculties, and to assign to such faculties their respective subjects and also to report to the Executive Council as to the expediency of the abolition or sub-division of any faculty or the combination of one faculty with another;

35 (d) to recommend arrangements for the instruction and examination of persons other than those enrolled in the University;

(e) to promote research within the University and to require, from time to time, reports on such research;

(f) to consider proposals submitted by the faculties;

40 (g) to lay down policies for admission to the University;

(h) to recommend recognized diplomas and degrees of other Universities and institutions and to determine their equivalence in relation to the certificates, diplomas and degrees of the University;

45 (i) to fix, subject to any conditions accepted by the Governing Council, the time, mode and conditions of competition for fellowships, scholarships and other prizes and to recommend for award of the same;

(j) to make recommendations to the Executive Council in regard to the appointment of examiners and, if necessary, their removal, fixation of their fees, emoluments, travelling and other expenses;

(k) to recommend arrangements for the conduct of examinations and the dates for holding them;

(l) to declare or review the result of the various examinations or to appoint committees or officers to do so, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, licences, titles and marks of honor;

(m) to recommend stipends, scholarships, medals and prizes and to make other awards in accordance with the Regulations and such other conditions as may be attached to the awards;

(n) to approve or revise lists of prescribed or recommended textbooks and to publish the same and syllabus at the prescribed courses of study;

(o) to approve such forms and the registers as are, from time to time, required by the Regulations;

(p) to formulate, from time to time, the desired standards of legal education to be adhered to in drawing up the curriculum/syllabi for being taught in the University; and

(q) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper implementation of the provisions of this Act and the Regulations made thereunder.

(2) The Academic Council shall meet as often as may be necessary, but not less than two times during an academic year.

(3) One-half of the existing members of the Academic Council shall form the quorum for a meeting of the Academic Council.

(4) In case of difference of opinion among the members, the opinion of the majority shall prevail.

(5) Each member of the Academic Council, including the Chairperson of the Academic Council, have one vote and if there be an equality of votes on any question to be determined by the Academic Council, the Chairman of the Academic Council, or, as the case may be, the member presiding over the meetings, shall in addition, have a casting vote.

(6) Every meeting of the Academic Council shall be presided over by the Vice-Chancellor and in his absence by a member chosen in the meeting to preside on the occasion.

(7) If urgent action by the Academic Council becomes necessary, the Chairperson of the Academic Council may permit the business to be transacted by circulation of the papers to the members of the Academic Council.

(8) The action proposed to be taken shall not be taken unless agreed to, by a majority of the members of the Academic Council.

(9) The action so taken shall forthwith be intimated to all the members of the Academic Council.

(10) In case the authority concerned fails to take a decision, the matter shall be referred to the Chancellor whose decision shall be final.

24. (1) There shall be a Dispute Redressal Committee to redress the dispute that may arise between the management and staff, management and students, teachers and students and teachers and management, comprising:—

(a) the Vice-Chancellor or his nominee;

(b) one member of the Executive Council, nominated by the Chancellor;

(c) one member, nominated by the Chancellor, who is not part of any of the council or committees to the University and who is a distinguished law academic with at least fifteen years' experience in a similar institution.

(2) The Registrar shall be the Convenor of the Disputes Redressal Committee.

5 (3) Where the dispute relates to a complaint of sexual harassment, the Dispute Redressal Committee shall constitute an *ad hoc* Sexual Harassment Committee, which shall consist of such members, as may be prescribed, and shall dissolve upon resolution of the complaint.

(4) The Executive Council or any smaller body that may be constituted by the Executive Council for this purpose shall be the appellate authority.

10 (5) The rules and regulations governing the functioning of the Dispute Redressal Committee and the appellate authority shall be framed by the Executive Council.

25. (1) There shall be a Finance Committee constituted by the Executive Council consisting of the following, namely:— Finance Committee.

(a) the Vice-Chancellor;

15 (b) the Principal Secretary, Finance Department of the State Government; and

(c) three other members to be nominated by the Executive Council from amongst its members of whom one shall be a professor.

(2) The members of the Finance Committee, other than the Vice-Chancellor and the Professor, shall hold office so long as they continue as members of the Executive Council.

20 (3) The functions and duties of the Finance Committee shall be as follows:—

(a) to examine and scrutinize the annual budget of the University and to make recommendations on financial matters to the Executive Council;

(b) to consider all proposals for new expenditure and to make recommendations to the Executive Council;

25 (c) to consider the periodical statements of accounts as formed under section 35 and to review the finances of the University from time to time and to consider re-appropriation statements and audit reports and to make recommendations to the Executive Council;

30 (d) to give its views and to make recommendations to the Executive Council on any financial question affecting the University either on its own initiative or on reference from the Executive Council or the Vice-Chancellor.

(4) The Finance Committee shall meet at least thrice in every year and three members of the Finance Committee shall form the quorum.

35 (5) The Vice-Chancellor shall preside over the meetings of the Finance Committee and, in his absence, a member elected at the meeting shall preside.

(6) The decision of the Finance Committee shall be taken by the majority of the members present.

CHAPTER V

OFFICERS OF THE UNIVERSITIES

40 **26.** Each University shall have the following officers, namely:

Officers of the Universities.

(a) the Vice-Chancellor;

(b) the Registrar;

(c) the Heads of the Departments;

(d) such other officers as may, from time to time, be declared as such by the Statutes and Regulations.

The Vice-Chancellor.

27. (1) The Vice-Chancellor shall be an academic person and an outstanding scholar in law or an eminent jurist and shall be a whole-time salaried officer of the University.

(2) The Vice-Chancellor shall be appointed by the Chancellor on the recommendations of the Governing Council from out of a panel of not less than three persons recommended (the names being arranged in the alphabetical order) by a Selection Committee constituted under sub-section (3);

Provided that if the Chancellor does not approve of any of the persons so recommended, he may call for fresh recommendations.

(3) The Selection Committee referred to in sub-section (2) shall consist of three members of whom one shall be nominated by the Executive Council, one by the Chairman, University Grants Commission and one by the Chancellor from amongst the retired or serving Judges of the High Court of the respective State.

(4) The person nominated to the Selection Committee by the Chancellor shall be the Convenor of the Selection Committee;

Provided that no person who is an employee of the University shall be nominated as the member of the Selection Committee.

(5) The Vice-Chancellor shall hold office for a term of five years, or such less period as the Governing Council may decide, from the date on which he enters upon his office, or until he attains the age of seventy years, whichever is earlier, and he shall be eligible for re-appointment for further term till he attains the age of seventy years;

Provided that the Chancellor may require the Vice-Chancellor after his term has expired, to continue in office for such period, not exceeding a total period of one year, as may be specified by him.

(6) It shall be competent for the Chancellor to accept the resignation of the Vice-Chancellor.

(7) The emoluments and other conditions of service of the Vice-Chancellor shall be as prescribed by Statutes.

(8) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise, or if he is unable to perform his duties due to ill health or any other cause, the Chancellor shall have the authority to designate a professor of the University to perform the functions of the Vice-Chancellor until the new Vice-Chancellor assumes his office or until the existing Vice-Chancellor attends to the duties of his office, as the case may be:

(9) The Vice-Chancellor shall be the academic head and principal executive officer of the University and shall—

(a) ensure that the provisions of this Act, Statutes and Regulations are duly observed, and he shall have all powers as are necessary for that purpose;

(b) convene the meetings of the Governing Council, the Executive Council, the Academic Council and shall perform all other acts, as may be necessary to give effect to the provisions of this Act;

(c) preside over the meetings of the Governing Council in the absence of the Chancellor;

(d) be the competent authority to appoint the teachers, librarians, finance officer and other officers in consultation with the Chancellor on the recommendations of the Selection Committee appointed by the Executive Council thereof for that purpose in accordance with the guidelines prescribed;

(e) be the competent authority to take disciplinary action against the above officers in accordance with the procedure prescribed;

(f) have all powers relating to the maintenance of proper discipline in the University.

5 (g) if, in his opinion, any emergency has arisen which requires that immediate action be taken, he shall take such action as he may deem fit and shall report the same for confirmation in the next meeting of the authority which, in the ordinary course, would have dealt with the matter.

10 **28.** (1) The Registrar, who shall be an academic person in law not below the rank of a Registrar. Professor, shall be appointed by the Chancellor on the recommendation of the selection committee. Constituted by the Executive Council and headed by the Vice-Chancellor, on such terms and conditions of service as the selection committee may specify subject to the provisions of the Statutes and Regulations.

(2) The Registrar shall,—

15 (a) be *ex-officio* Secretary of all the authorities, committees and other bodies of the University and shall also be the Convenor of all the meetings, other than those which the Vice-Chancellor shall convene, and shall prepare notes and maintain the minutes of the meeting;

20 (b) be the principal adjutant of the Vice-Chancellor in all matters pertaining to the administration of the University;

(c) exercise special responsibilities and powers as may be entrusted by the Executive Council;

25 (d) have the power to appoint, with the approval of the Vice-Chancellor, the non-teaching staff, including employees of last grade service and contingent staff in pursuance of the recommendations of the selection committee, appointed for that purpose, in the prescribed manner and shall be the competent authority to take disciplinary action against such employees in accordance with such procedure as may be prescribed;

30 (e) comply with all directions and orders of the Executive Council and Vice-Chancellor;

(f) be the custodian of records, common seal and such other property of the University as the Executive Council shall commit to his charge.

35 (3) The term of appointment of the Registrar shall be for a Period of five years or till he attains the age of sixty-five years, whichever is earlier, and he shall be eligible for re-appointment by the Vice-Chancellor with the approval of the Chancellor.

29. (1) There shall be a Head of each department in the University.

Heads of
Department.

(2) The powers, functions, appointments and conditions of service of the heads of the departments shall be as prescribed by the Regulations.

40 **30.** (1) Subject to the Regulations made for the purpose, every officer or employee of the University shall be appointed in accordance with the written contract which shall be lodged with the University, and a copy thereof shall be furnished to the officer or employee concerned. Other Officers
and
Employees.

45 (2) Any dispute arising out of a contract between the University and any of its officers or employees shall, at the request of the officer or the employee concerned or at the instance of the University, be referred to a Tribunal for arbitration consisting of three members appointed by the Executive Council as prescribed by the Regulations.

CHAPTER VI

MISCELLANEOUS

Selection Committees.	<p>31. (1) The Executive Council shall constitute various selection committees for appointment to the posts of officers and non-teaching staff, including last grade service and contingent staff.</p> <p>(2) The procedure for appointment of members of selection committees and the procedure to be adopted by the selection committees shall be such as may be prescribed by the Regulations.</p>	5
Grants by the Central Government.	<p>32. For the purpose of enabling the Universities to discharge their functions efficiently under this Act, the Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to every University in each financial year such sums of money and in such manner as it may think fit.</p>	10
Sponsored Schemes.	<p>33. Whenever the University receives funds from the Central Government or the State Government or the University Grants Commission or any other agencies for sponsoring a scheme to be executed by the University, notwithstanding anything contained in this Act or the regulations,—</p> <p>(a) the funds received shall be utilized only for the purpose of the scheme; and</p> <p>(b) the University may appoint such number of staff as are required to execute the scheme in accordance with the terms and conditions stipulated by the sponsoring organisation.</p>	15 20
Maintenance of separate bank account.	<p>34. (1) Every University shall maintain a separate bank account to which shall be credited:</p> <p>(a) all money provided by the Central Government and State Government;</p> <p>(b) all fees and other charges received by the University;</p> <p>(c) all money received by the University by way of grants, gifts, donations, benefactions, bequests or transfers; and</p> <p>(d) all money received by the University in any other manner or from any other source.</p> <p>(2) All money credited to the fund of any University shall be deposited in such Banks or invested in such manner as the University may, with the approval of the Central Government, decide.</p> <p>(3) The Fund of any University shall be applied towards meeting the expenses of the University including expenses incurred in the exercise of its powers and discharge of its duties under this Act.</p>	25 30
Maintenance of accounts.	<p>35. (1) Every University 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 prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.</p> <p>(2) The accounts of every University shall be audited by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the University to the Comptroller and Auditor-General of India.</p> <p>(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of any University 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 the 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 offices of the University.</p>	35 40 45

(4) The accounts of every University, 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.

5 **36.** (1) The first Statutes of each University shall be framed by the Central Government with the prior approval of the Visitor and copy of the same shall be placed before each House of Parliament as soon as possible, which shall approve them with or without modifications. Statutes and Regulations.

(2) Subsequent Statutes or modification of the Statutes shall be made by the Governing Council, and the Statutes shall have effect from such date as the Governing Council shall direct. 10

(3) Every new Statute or addition to the Statutes or any amendment or repeal of Statutes shall require the previous approval of the Visitor who may grant assent or withhold assent or remit it to the Governing Council for consideration.

(4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor. 15

(5) The first Regulations of the University shall be made by the Vice-Chancellor with the approval of the Chancellor and shall be placed before the Executive Council at its first meeting, which may adopt them with or without modifications.

(6) Subsequent Regulations or modification in the Regulations shall be made by the Executive Council, and the Regulations shall have effect from such date as the Executive Council shall direct. 20

(7) Every new Regulation or addition to the Regulations or any amendment or repeal of Regulations shall require the previous approval of the Chancellor, who may grant assent or withhold assent or remit it to the Executive Council for consideration.

(8) A new Regulation or a Regulation amending or repealing an existing Regulation shall have no validity unless it has been assented to by the Chancellor. 25

37. If not less than two-thirds of the members of the Academic Council recommend that an honorary degree or academic distinction be conferred on any person on the ground that he is, in their opinion, by reason of eminent attainment and position, fit and proper to receive such degree or academic distinction, the Governing Council may, by a resolution, decide that the same be conferred on the person recommended. Honorary Degrees. 30

38. (1) The Governing Council may, on the recommendation of the Executive Council, withdraw any distinction, degree, diploma or privilege conferred on, or granted to, any person, by a resolution passed by the majority of total membership of the Governing Council and by a majority of not less than two-third of the members of the Governing Council present and voting, at the meeting, if such person has been convicted by a court of law for an offence, which in the opinion of the Governing Council, involves moral turpitude or if he has been guilty of gross misconduct. Withdrawal of Degree or Diploma. 35

(2) No action under sub-section (1) shall be taken against any person unless he has been given an opportunity to show cause against the action proposed to be taken. 40

(3) A copy of the resolution passed by the Governing Council shall be immediately sent to the person concerned.

(4) Any person aggrieved by the decision of the Governing Council may appeal to the Chancellor within thirty days from the date of receipt of such resolution.

(5) The decision of the Chancellor in such appeal shall be final. 45

39. (1) The final authority responsible for maintenance of discipline among the students of the University shall be the Vice-Chancellor. His directions in that behalf shall be carried out by the heads of departments, hostels, and institutions. Discipline. 45

(2) Notwithstanding anything contained in sub-section (1) the punishment of debarring a student from an examination, or restitution from the University, or a hostel or an institution shall, on the report of the Vice-Chancellor, be considered and imposed by the Executive Council:

Provided that no such punishment shall be imposed without giving the students concerned a reasonable opportunity to show cause against the action proposed to be taken against him. 5

Deemed
Validity of
Appointments. 40. Notwithstanding anything contained in any other law or instrument having the force of law for the time being in force, the appointments made to any post in the University in accordance with the Statutes and Regulations shall be deemed to be valid and in accordance with law. 10

Vacancy, etc.
not to
invalidate any
act or
proceeding. 41. No act or proceeding of the Governing Council, the Executive Council or any other authority or officer or body of the University shall be invalidated or questioned on the ground merely by reason of:

(a) the existence of any vacancy or defect in the constitution thereof; 15

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

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

Indemnity
against general
proceedings. 42. No suit, prosecution or other legal proceedings shall lie against the University or any authority or officer or employee of the University for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act, or the Statutes or Regulations or rules made thereunder. 20

Overriding
effects. 43. The provisions of this Act and the Rules, Statutes, and Regulations made there under shall have effect notwithstanding anything inconsistent contained therewith in any other law or instrument having the force of law for the time being in force. 25

Power to
remove
Difficulties. 44. If any difficulty arises as to the first constitution or reconstitution of any authority of the University after the commencement of this Act or otherwise in giving effect to the provisions of this Act, the Central Government may, by order, make such provisions not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulty: 30

Provided that no such order shall be made after the expiry of five years from the date of the commencement of this Act.

Power to
make rules. 45. (1) The appropriate Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act by the Central Government 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 rule or both the 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. 35 40

Continuation
of authorities. 46. Notwithstanding anything contained in this Act:—

(a) the Authorities of a University functioning as such immediately before the commencement of this Act shall continue to so function unless in contravention of any provisions of this Act; 45

(b) until the first Statutes and the Regulations are made under this Act, the rules and regulations as in force immediately before the commencement of this Act shall continue to apply to that University in so far as they are not inconsistent with the provisions of this Act.

5 **47.** The following Acts are hereby repealed:—

Repeals.

(1) The National Law School of India Act, 1986 (Karnataka Act No. 22 of 1986);

(2) The Rashtriya Vidhi Sansthan Vishwavidyalaya Adhiniyam, 1997 (Madhya Pradesh Act No. 41 of 1997);

10 (3) The National Academy of Legal Studies and Research University Act, 1998 (Andhra Pradesh Act No. 34 of 1998);

(4) The West Bengal National University of Juridical Sciences Act, 1999 (West Bengal Act No. 9 of 1999);

(5) The National Law University, Jodhpur Act, 1999 (Rajasthan Act No. 22 of 1999);

15 (6) The Hidayatullah National University of Law Chhattisgarh Act, 2003 (Chhattisgarh Act No. 10 of 2003);

(7) The Gujarat National Law University Act, 2003 (Gujarat Act No. 9 of 2003);

(8) The Doctor Ram Manohar Lohiya Rashtriya Vidhi Sansthan Uttar Pradesh Adhiniyam, 2005 (Uttar Pradesh Act No. 28 of 2005);

20 (9) The Rajiv Gandhi National University of Law Punjab Act, 2006 (Punjab Act No. 12 of 2006);

(10) The Chanakya National Law University Act, 2006 (Bihar Act No. 24 of 2006);

(11) The National University of Advanced Legal Studies Act, 2005 (Kerala Act No. 27 of 2005);

(12) The National Law University Act, 2007 (Delhi Act No. 1 of 2008);

25 (13) The Damodaram Sanjivayya National Law University Act, 2008 (Andhra Pradesh Act No. 32 of 2008);

(14) The National Law University Act, 2008 (Orissa Act No. 4 of 2008);

(15) The National Law University and Judicial Academy, Assam Act, 2009 (Assam Act No. 25 of 2009);

30 (16) The National University of Study and Research in Law Act, 2010 (Jharkhand Act No. 4 of 2010);

(17) The National Law University of Uttarakhand Act, 2011 (Uttarakhand Act No. 11 of 2011);

(18) The National Law University Haryana Act, 2012;

35 (19) The Tamil Nadu National Law School Act, 2012 (Tamil Nadu Act No. 9 of 2012);

(20) The Maharashtra National Law University Act, 2014 (Maharashtra Act No. 6 of 2014);

THE FIRST SCHEDULE

[See sections 2, 3(6), 3(14) and 4]

LIST OF UNIVERSITIES INCORPORATED INTO THE ACT

Sl. No.	Existing State University	Corresponding Central University
1.	The National Law School of India University Bangalore	The National Law University of India at Bengaluru
2.	The NALSAR University of Law, Hyderabad	The National Law University of India at Hyderabad
3.	The National Law Institute University, Bhopal	The National Law University of India at Bhopal
4.	The West Bengal National University of Juridical Sciences, Kolkata	The National Law University of India at Kolkata
5.	The National Law University, Jodhpur	The National Law University of India at Jodhpur
6.	The Hidayatullah National Law University, Raipur	The Hidayatullah National Law University of India at Raipur
7.	The Gujarat National Law University, Gandhinagar	The National Law University of India at Gandhinagar
8.	The Doctor Ram Manohar Lohiya National Law University, Lucknow	The Doctor Ram Manohar Lohiya National Law University of India at Lucknow
9.	The Rajiv Gandhi National University of Law, Patiala	The Rajiv Gandhi National Law University of India at Patiala
10.	The Chanakya National Law University, Patna	The Chanakya National Law University of India at Patna
11.	The National University of Advanced Legal Studies, Kochi	The National Law University of India at Kochi
12.	The National Law University, Delhi	The National Law University of India at Delhi
13.	The Damodaram Sanjivayya National Law University, Visakhapatnam	The Damodaram Sanjivayya National Law University of India at Visakhapatnam
14.	The National Law University, Odisha, Cuttack	The National Law University of India at Cuttack
15.	The National Law University and Judicial Academy, Assam	The National Law University of India at Guwahati
16.	The National University of Study and Research in Law, Ranchi	The National Law University of India at Ranchi
17.	The National Law University of Uttarakhand	The National Law University of India at Nainital
18.	The National Law University, Haryana	The National Law University of India at Sonapat
19.	The Tamil Nadu National Law School, Tiruchirapalli	The National Law University of India at Tiruchirapalli
20.	The National Law University, Mumbai	The National Law University of India at Mumbai
21.	The Himachal Pradesh National Law University, Shimla	The National Law University of India at Shimla

THE SECOND SCHEDULE

[See section 11(1)]

LIST OF CHANCELLORS OF INCORPORATED UNIVERSITIES

Sl. No.	Name of the University	Chancellor of the University
1.	The National Law University of India at Bengaluru	The Chief Justice of the High Court of Karnataka
2.	The National Law University of India at Hyderabad	The Chief Justice of the High Court of Judicature for the State of Telangana and the State of Andhra Pradesh
3.	The National Law University of India at Bhopal	The Chief Justice of the High Court of Madhya Pradesh
4.	The National Law University of India at Kolkata	The Chief Justice of the High Court at Calcutta
5.	The National Law University of India at Jodhpur	The Chief Justice of the High Court of Rajasthan
6.	The Hidayatullah National Law University of India at Raipur	The Chief Justice of the High Court of Chhattisgarh
7.	The National Law University of India at Gandhinagar	The Chief Justice of the High Court of Gujarat
8.	The Doctor Ram Manohar Lohiya National Law University of India at Lucknow	The Chief Justice of the High Court of Judicature at Allahabad
9.	The Rajiv Gandhi National Law University of India at Patiala	The Chief Justice of the Punjab and Haryana High Court
10.	The Chanakya National Law University of India at Patna	The Chief Justice of the High Court at Patna
11.	The National Law University of India at Kochi	The Chief Justice of the High Court of Kerala
12.	The National Law University of India at Delhi	The Chief Justice of the Delhi High Court
13.	The Damodaram Sanjivayya National Law University of India at Visakhapatnam	The Chief Justice of the High Court of Judicature for the State of Telangana and the State of Andhra Pradesh
14.	The National Law University of India at Cuttack	The Chief Justice of the Orissa High Court
15.	The National Law University of India at Guwahati	The Chief Justice of the High Court of Assam
16.	The National Law University of India at Ranchi	The Chief Justice of the Jharkhand High Court
17.	The National Law University of India at Nainital	The Chief Justice of the High Court of Uttarakhand
18.	The National Law University of India at Sonapat	The Chief Justice of the Punjab and Haryana High Court
19.	The National Law University of India at Tiruchirapalli	The Chief Justice of the High Court of Tamil Nadu
20.	The National Law University of India at Mumbai	The Chief Justice of the High Court of Bombay
21.	The Himachal Pradesh National Law University, Shimla	The Chief Justice of the High Court of Shimla

STATEMENT OF OBJECTS AND REASONS

Legal education in India was imparted like any other graduate degree, and due to its falling standards some decades ago, the Bar Council of India had brought out a social experiment with the formation of the very first National Law School being set up as society under the name of the National Law School of India, Bangalore by the National Law School of India Act, 1986 (Karnataka Act No. 22 of 1986), which has now become the National Law School of India University, Bangalore.

Thereafter, the Committee appointed by the The Chief Justices' Conference on Legal Education and Training, 1993 and the All India Law Ministers' Conference, 1995 had resolved to set up in each state of India a Law School modelled on the lines of the National Law School of India University, Bangalore for improving the overall quality of professional legal education in India. Hence, today, twenty States have enacted legislations for the establishment of National Law Schools.

There are four main reasons these National Law Schools have been a success, namely:—

(a) Autonomous status: The National Law Schools are all 'Universities' themselves and enjoy the autonomy to improve the quality and curriculum of legal education as and when required, subject to the University Grants Commission regulations. This provides an effective way of expeditiously changing and moulding legal education to the needs of the society, changing laws and global trends without interference.

(b) Five-year integrated law programmes: Law, as a subject, was earlier being studied in isolation from various other allied disciplines. With the introduction of the concept of five year integrated degrees by these National Law Schools, there stood an opportunity of amalgamation of the law degrees with another courses of the students' choice, mainly a Bachelor of Arts degree. This allowed law to be studied in consonance with the concepts of political science, economics, sociology, focused and tailored specifically to meet the requirements of understanding the law better, and use them as social tools, for social engineering by studying the complementary social sciences.

(c) Intensive curriculum: With the intensive curriculum designed to meet global standards and involvement of practical teaching with the introduction of moot courts, internships, trial advocacy and the like, the National Law Schools have succeeded in instilling in their pupils, a high degree of professional excellence, along with the academic excellence they achieve. This helps to understand the practical difficulties and implications of the law better than the traditional law schools which use a different rigid class study method of teaching rather than the global problem-based and case-study method that the National Law Schools have adopted in line with the top global institutions.

(d) Involvement of legal luminaries: Supervision of these National Law Schools have been carried on by various legal luminaries, who are often the elite Constitutional figures, such as the The Chief Justice of India and the which The Chief Justices of various High Courts of the country who are the 'Visitors' and 'Chancellors'.

However, there are reasons why the National Law Schools have not traversed the tremendous growth trajectory they should have for mainly one reason—none of the National Law Schools really defines what exactly National Law Schools are. The University Grants Commission recognizes them as 'State Universities', and each National Law School is affiliated to the Bar Council of India. The States desirous of having a National Law School usually passes a legislation in the State Assembly establishing one. The terms of the legislation govern these National Law Schools and different legislations of different States lack coherence

with varying types of authorities, officers and the like for example in some States the Chancellor of the National Law University is the Chief Justice of the High Court of the State, in some it is the Chief Justice of India and in some it is the Chief Minister of the State concerned. These law schools are required to practice and maintain excellent legal standards and need not get the status as their counterparts in other States. The conferment of the 'National' status by a State has created confusion and has left many meritorious students not opting for the newer National Law Schools.

In contrast to every other National Institution in the country in all fields, like the Indian Institutes of Technology, the National Institutes of Technology, the Indian Institutes of Science Education and Research, the Indian Institutes of Management, the National Institute of Design, the All India Institute of Medical Sciences, the Schools of Planning and Architecture, the National Institutes of Fashion Technology all of which are Central Universities with a standard coherent definition and presence, most being declared as 'Institutes of National Importance', the National Law Schools lack every aspect of the statutory support that other National Institutions enjoy.

Based on the above mentioned differences and difficulties it is desirable to enact a law to:—

- (a) declare all the twenty State Universities in First Schedule as Institutes of national importance;
- (b) bring the statutory provisions of National Law Schools at par with other eminent National level Institutions of the country;
- (c) retain the individuality of the State Universities;
- (d) make provisions for co-ordination and regulation of the affairs of the State Universities; and
- (e) firmly maintain the national character of the State Universities while significantly being under State control to uphold the federal nature of the country whilst not affecting the position of the Bar Council of India.

Hence this Bill.

NEW DELHI;
July 22, 2016.

SUGATA BOSE

FINANCIAL MEMORANDUM

Clause 32 of the Bill provides that Central Government shall, after due appropriation made by Parliament by law in this behalf, provide to every University in each financial year such sums of money and in such manner as it may think fit. The requirement of funds for these Universities is determined every year on the basis of their requirement at the beginning of the year. Clause 33 provides *inter alia* for grants of funds to the universities for sponsoring schemes by the Central Government. The Bill, therefore, if enacted would involve recurring and non-recurring expenditure from the Consolidated Fund of India. However, at this stage it is not possible to estimate the exact amount of recurring and non-recurring expenditure likely to be incurred from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-Clause (1) of Clause 36 of the Bill empowers the Central Government to frame, with the prior approval of the Visitor (The Chief Justice of India), the first Statutes of each University. A copy of such Statutes shall be laid before each House of Parliament. The Governing Council of each Institute has been empowered to make new or additional Statutes or amend the said Statutes made by the Central Government. The matters in respect of which the Statutes may be made relate *inter alia* to the formation of departments of teaching; the fees to be charged for courses of study and for admission to examinations for degrees and diplomas of the University; the institution of fellowships, scholarships, exhibitions, medals and prizes; the term of office, the method of appointment and the conditions of service of officers, teachers and other staff of the University; the constitution of pension, insurance and provident funds for the benefit of officers, teachers and other staff of the University; the constitution, powers and duties of officers of the University other than those provided for in this Bill; the constitution, powers and duties of officers of the Universities other than those provided for in this Bill; the procedure to be followed in the conduct of the business of the Authorities of the University, or any other Committee.

Sub-clause (4) of clause 36 empowers the Executive Council of each State University to make Regulations consistent with the provisions of the enactment and the Statutes. The matters in respect of which such Regulations may be made relate *inter alia* to the admission of students to the University; the courses of study to be laid down for degrees and diplomas of the University; the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the University; the conditions and mode of appointment and duties of examining bodies; the conduct of examinations and the maintenance of discipline among students of the University.

Clause 45 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill.

As the matters for which the Statutes, Regulations and rules will relate to matters of detail only, the delegation of legislative power is, therefore, of a normal character.

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to establish, incorporate and declare certain law universities to be law universities of national importance and to provide for matters connected therewith or incidental thereto.

(Prof. (Dr.) Sugata Bose, M.P.)