

National University Of Advanced Legal Studies Act, 2005

27 of 2005

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National University Of Advanced Legal Studies Act, 2005

27 of 2005

An Act to establish and incorporate a University at Kochi on the lines of the National Law School of India University, Bangalore and to merge the National Institute for Advanced Legal Studies at Kochi established by the Bar Council of Kerala Trust for imparting high standard legal education and legal research in Kerala and for matters connected therewith or incidental thereto.

Preamble - WHEREAS, the committee appointed by the Chief Justices, Conference on Legal Education and Training, 1993 has recommended the establishment in each State of an Institution on the model of the National Law School of India University at Bangalore;

AND WHEREAS, the All India Law Ministers' Conference, 1995 has resolved to set up in each State a law school modelled on the lines of the National Law School of India University, Bangalore for improving the quality of professional legal education;

AND WHEREAS, the Bar Council of Kerala established a public charitable trust called the Bar Council of Kerala Trust, the objects of which inter alia include the establishment, maintenance, running and development of a model institute of high standard for imparting legal education and legal research in Kerala;

AND WHEREAS, to carry out the said objects of the Trust, the Bar Council of Kerala Trust established an institute of higher learning in law recognized by the Cochin University of Science and Technology called the National Institute for Advanced Legal Studies in the year 2002;

AND WHEREAS, the Bar Council of Kerala, Bar Council of Kerala

Trust and National Institute for Advanced Legal Studies have requested the State Government to establish the National University of Advanced Legal Studies as a Self Financing University. To enable it to carry out its objects and functions efficiently; AND WHEREAS, it is considered necessary to encourage the establishment of such a national level institution of excellence in higher learning of law in the State of Kerala; AND WHEREAS, it is deemed expedient to establish the National University of Advanced Legal Studies (.....)¹ for the purposes hereinafter appearing; BE it enacted in the Fifty-sixth Year of the Republic of India as follows: -

1 The words "on self finance basis" omitted by Section 3 of the National University of Advanced Legal Studies (Amendment) Act, 2008 (Act 6 of 2009)

1. Short title and commencement :-

(1) This Act may be called the National University of Advanced Legal Studies Act, 2005.

(2) It shall be deemed to have come into force on the 18th day of June, 2005.

2. Definitions :-

In this Act, unless the context otherwise requires -

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

(2) " Bar Council of India" means the Bar Council of India constituted under the Advocates Act, 1961 (Central Act 25 of 1961);

(3) "Bar Council of Kerala" means the Bar Council of Kerala constituted under the Advocates Act, 1961 (Central Act 25 of 1961);

(4) "Centre or study centre" means a centre or study centre for higher education in law or legal research or allied discipline established by the University and includes an institution founded for the purpose by the University;

(5) "Chancellor" means the Chancellor of the University;

(6) "Executive Council" means the Executive Council of the University;

(7) "Fund" means the University fund referred to in Section 32;

(8) "General Council" means the General Council of the University;

(9) "Government" means the Government of Kerala;

(10) "Managing Trustee" means the Managing Trustee of the Trust;

(11) "National Institute for Advanced Legal Studies" means the National Institute for Advanced Legal Studies at Kochi established by the Trust;

(12) "Pro-Chancellor" means the Pro-Chancellor of the University;

(13) "Registrar" means the Registrar of the University;

(14) "Regulations" means the regulations of the University made under the provisions of this Act;

(15) "Search Committee" means a Committee constituted by the Chancellor under section 27;

(16) "State" means the State of Kerala;

(17) "Trust" means the Bar Council of Kerala Trust established by the Bar Council of Kerala;

(18) "University" means the National University of Advanced Legal Studies established under Section 3;

(19) "Vice-Chancellor" means the Vice-Chancellor of the University.

(20) "Visitor" means the Visitor of the University.

3. Establishment and incorporation of the National University of Advanced Legal Studies :-

(1) With effect on and from the date of commencement of this Act, there shall be established a (.....)² University by name "the National University of Advanced Legal Studies".

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

(3) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar and all process in such suits and proceedings shall be issued to and served on the Registrar.

(4) The headquarters of the University shall be at Kochi.

(5) Notwithstanding anything contained in any other law for the time being in force, the territorial jurisdiction of the University shall extend to the whole of the State of Kerala.

(6) The University may establish study centres within the State and also in other parts of India and abroad.

2 The words "Self Financing" omitted by Section 3 of the National University of Advanced Legal Studies (Amendment) Act, 2008 (Act 6 of 2009)

4. The objects of the University :-

(1) The objects of the University shall be to advance and disseminate learning and knowledge of law and legal and judicial processes, professional legal education and their role in national development, to develop in the student and research scholar a sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, legal services, legislation, law reforms and the like, to promote legal and judicial reforms as are needed to strengthen the administration of justice in India, to organize lectures, seminars, symposia, colloquiums and conferences on jurisprudence, current legislation, legal processes, rule of law and allied subjects on which instruction is imparted or research is carried out by the University, to conduct research on civil rights and fundamental rights and to co-operate with industrial or any other infrastructure management, to promote legal knowledge so as to make the law and legal processes efficient instruments of social change and national development, to promote inter disciplinary study, research of law in relation to management, science and technology, International co-operation and development, to provide orientation and training to officers exercising judicial powers and to those who are involved in the administration of justice, to impart training and to conduct refresher courses for law teachers, officers exercising judicial powers, advocates and other persons engaged or interested in the legal field, to hold examinations and confer degrees, diplomas, certificates or titles and other academic or honorary distinctions, to endeavour for the well being of the society through the medium of law, to create an awareness of respect to law and lawful authorities among the general public, to instill a sense of Rule of Law among the students and citizens and to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objects of the University.

(2) The University shall be open to all persons irrespective of gender, race, creed, caste or religion and it shall be unlawful for the University to impose on any person any condition, whatsoever, of religious belief or profession in order to entitle him to be admitted thereto as a teacher or a student or to hold any office therein or to undergo any course of study thereat or to enjoy or to exercise any privilege or to exercise any right thereof.

(3) In making appointments by direct recruitment to posts either permanent or temporary created for a period exceeding six months posts in any class or category in each department under the University, or to permanent posts of non-teaching staff in the University, the University shall, mutatis mutandis, observe the provisions of clauses (a), (b) and (c), of rule 14 and rules 15 to 16 and 17 of the Kerala State and Subordinate Service Rules, 1958 as amended from time to time : Provided that three per cent of the posts in addition to the above shall also be reserved for physically handicapped persons.

(4) The University shall reserve seats in the admission of students of Scheduled Castes or Scheduled Tribes and Backward and Other Backward Classes as prevalent in the professional courses in the State.

(5) The University shall also reserve three per cent of seats for the physically handicapped students while making admission to every course in the University.

5. Powers and functions of the University :-

Subject to the provisions of this Act, the University shall have the following powers and functions, namely:-

(i) to administer and manage the University and such other centres for study, research, education, professional training and instructions as are necessary for the furtherance of the objects of the University;

(ii) to provide for instruction in such branches of legal knowledge or learning pertaining to law as the University may think fit, including legal and other disciplines, and to make provisions for research and for the advancement and dissemination of legal knowledge;

(iii) to organize and undertake extra-mural and practice oriented teaching, distance learning and consultancy and extension services;

(iv) to hold examinations and to grant titles, diplomas or certificates, and to confer degrees and other academic or honorary distinctions on persons subject to such conditions as the University may determine and to withdraw or cancel diplomas, certificates, degrees and other academic distinctions or other distinctions under conditions that may be prescribed by regulations after giving the persons affected thereby a reasonable opportunity to show cause why it shall not be withdrawn or cancelled;

(v) to confer honorary degrees or other distinctions in the manner and subject to such conditions as may be laid down in the regulations;

(vi) to fix, demand and receive fees and other charges;

(vii) 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 or residence;

(viii) to establish such special centres, specialized study centres or other units for research and instruction within Kerala and elsewhere as are, in the opinion of the University, necessary for the furtherance of its objects;

(ix) to establish and maintain such departments, centres in various branches of study as it deems fit for the furtherance of its objects;

(x) to supervise and control the residence and to regulate the discipline of the students of the University;

(xi) to make such arrangements in respect of residence, discipline and teaching of women students;

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

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

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

(xv) to appoint persons as professors, associate professors, assistant professors, readers, lecturers or other teachers and researchers of the University;

(xvi) to institute and award fellowship, scholarship, prizes and medals;

(xvii) to provide for printing, re-production and publication of periodicals, treatises, study books, reports, journals and other literature on all subjects and organize exhibitions;

(xviii) to sponsor and undertake research in all aspects of law, justice, other disciplines and social development and to promote inter disciplinary approach;

(xix) to co-operate with any other organization including any Government in the matter of education, training and research in law, justice, national development, management, technology and

allied subjects for such purposes as may be agreed upon on such terms and conditions as the University may, from time to time determine;

(xx) to co-operate with institutes of higher learning in any part of the world having objects wholly or partially 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;

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

(xxii) to establish and maintain within the Universitys premises or elsewhere, such class rooms and study halls as the University may consider necessary and adequately furnish the same and to establish and maintain such libraries and reading rooms as may appear convenient or necessary for the University;

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

(xxiv) to purchase, take on lease or accept as gifts or otherwise any property, movable or immovable, 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;

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

(xxvi) to draw and accept , to make and endorse, to discount and negotiate, Government of India and other promissory notes, bills of exchange, cheques or other negotiable instruments;

(xxvii) to execute conveyances, transfers, reconveyances, 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 purposes of the University;

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

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

(xxx) to enter into any agreement with Central Government, State Governments, the Government of any Union Territory, the University Grants Commission or any foreign Government or Universities or institutions or other authorities for receiving grants;

(xxxi) to accept grants of money, securities or property of any kind on such terms as prescribed by regulations made under this Act;

(xxxii) 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;

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

(xxxiv) to make such regulations as may, from time to time, be considered necessary for regulating the academic matters, the affairs, administration, financial dealings and the management of

the University and to alter, modify and to rescind them;

(xxxv) to constitute subject to the provisions of any law in force for the benefit of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed by regulations, such as provident fund and gratuity as it may deem fit and to make such grants as it may think fit for the benefit of any employee of the University and to aid in establishment and support of the associations, institutions, fund, trusts and conveyance calculated to benefit the staff and students of the University;

(xxxvi) to constitute a Students Council in such manner as shall be prescribed by the regulations to organize students, academic, sports, arts and cultural activities and for the overall well being and welfare of the students;

(xxxvii) to delegate all or any of its powers to the Vice-Chancellor or to any committee or sub-committee or to any one or more members of its body or its officers;

(xxxviii) 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 anyone of them.

6. Teaching in the University :-

(1) All teaching in connection with the degrees, diplomas and certificates of the University shall be conducted by the Executive Council in accordance with the Syllabus prescribed by regulations.

(2) The courses and curricula and the authorities responsible for organizing such teaching shall be such as may be prescribed by regulations.

(3) Subject to the provisions of the University Grants Commission

Act, 1956 (Central Act 3 of 1956), there shall be such teaching staff as Professors, Associate Professors, Assistant Professors, Readers, Lecturers, Visiting and Adjunct Professors and other incumbents as may be prescribed by regulations.

(4) There shall be a head for each Department, Centre or any other institution under the University as may be prescribed by regulations.

7. Visitor of the University :-

(1) Subject to his consent, the Chief Justice of India or a Senior Justice of the Supreme Court as nominated by him shall be the Visitor of the University.

(2) The Visitor shall have the right to call for report on any matter pertaining to the affairs of the University and to issue suggestions for improvements.

(3) The Visitor shall have the right to attend any meetings of the General Council, Executive Council or the Academic Council.

(4) The Visitor, if present, shall preside over the convocations conferring honorary degrees or other distinction of the University.

(5) In case the Visitor gives any direction to the University, it shall give effect to such direction within a period of ninety days or show cause why such direction could not be implemented, to the Visitor.

8. Chancellor of the University :-

(1) The Chief Justice of the High Court of Kerala shall be the Chancellor of the University.

(2) The Chancellor shall preside over the Convocations of the University.

(3) The Chancellor shall appoint the Vice-Chancellor in accordance with the procedure prescribed under Section 27.

9. Pro-Chancellor of the University :-

(1) The Minister for the time being holding the portfolio of Education in the Government shall be the Pro-Chancellor of the University.

(2) In the absence of the Chancellor or during his inability to act, the Pro-Chancellor shall exercise all the powers and perform all the functions of the Chancellor.

10. The Powers of the Visitor and the Chancellor :-

(1) The Visitor and the Chancellor shall have the following powers, namely:-

(a) to give direction, take action or do anything as required under the provisions of this Act and regulations made thereunder;

(b) to cause an inspection by such person, as he may direct, of any work, activity or examination of the University, Department, Institution or Regional Centres;

(c) to give his views or advice to the Vice-Chancellor in the matters wherein an inspection or inquiry has been made under clause (b) of sub-section (1).

(2) Where either the Visitor or the Chancellor of the University has ordered an inspection or inquiry under clause (b) of sub-section

(1), the University shall render all assistance for the inspection or enquiry and may depute one of its officers to represent it in such inspection or inquiry.

(3) The person or persons who conducts or conduct the inspection or inquiry shall afford all opportunities to the officer or nominee representing the University for being heard or he or they shall consider all the records furnished by him.

(4) The Visitor or the Chancellor shall communicate the result of the inspection or inquiry and his advice to the Vice-Chancellor.

(5) The result and the advice referred to in sub-section (4) shall be communicated by the Vice-Chancellor to the Executive Council with his comments for such action and the Executive Council shall communicate through the Vice-Chancellor such action as it proposes to take or has been taken to the Visitor or the Chancellor, as the case may be.

(6) If, however, on considering the result together with the advice referred to in subsection (4) and the comments of the Vice-Chancellor thereon with his suggestion for action, the Executive Council is of the view that the result and advice be rejected, it may reject it and direct the Vice-Chancellor to give the Chancellor or the Visitor as the case may be, convincing grounds for such rejection.

(7) Where the Executive Council does not, within reasonable time, comply with the advice to the satisfaction of the Visitor or the Chancellor, as the case may be, the Visitor or the Chancellor, after considering any explanation furnished or representation made by the Executive Council, may issue such directions as he may think fit and the Executive Council shall comply with such directions.

11. Authorities of the University :-

The following shall be the authorities of the University, namely :-

(i) The General Council;

(ii) The Executive Council;

(iii) The Academic Council;

(iv) Such other bodies as may be declared by regulations to be the authorities of the University.

12. The General Council :-

The General Council shall be the plenary authority of the University and shall consist of the following members, namely :-

(i) The Chancellor;

(ii) The Pro-Chancellor;

(iii) The Vice-Chancellor;

(iv) The Minister for Law, Government of Kerala;

(v) The Member of Parliament representing the constituency where the headquarters of the University is located;

(vi) The Member of the Legislative Assembly representing the area in which the headquarters of the University is located;

(vii) Three Members of the Legislative Assembly elected by the members of the Kerala Legislative Assembly;

(viii) Mayor of the Kochi Corporation;

(ix) Two sitting judges of the High Court of Kerala nominated by the Chancellor;

(x) The Principal Secretary, Higher Education Department, Government of Kerala;

(xi) The Law Secretary, Government of Kerala; Council from among its members;

3 (xi a) The Principal Secretary, Finance Department, Government of Kerala;

3 (xi b) A member nominated by the Executive Council of the Higher Education

(xii) The Advocate General of Kerala;

(xiii) The Chairman, Bar Council of India or his nominee;

(xiv) Five members of the Bar Council of Kerala nominated by the Chancellor;

(xv) The Managing Trustee of the Trust;

(xvi) The Dean of Faculty of Law, Cochin University of Science and Technology;

(xvii) The Principal of a Government Law College in Kerala nominated by the Chancellor;

(xviii) The President, Kerala High Court Advocates Association;

(xix) Not more than five members nominated by the Bar Council of Kerala Trust from among Advocates having ten years standing at the Bar of which one shall be a woman and one shall be from Scheduled Castes or Scheduled Tribes and Ex-Bar Council members and not more than four members nominated by Government from among educational experts and technical experts of which one member shall be a woman and one shall be from Scheduled Castes or Scheduled Tribes;

(xx) One senior Advocate of the Supreme Court nominated by the Chancellor;

(xxi) Two senior members of the Teaching Faculty of the University, nominated by the Vice-Chancellor;

(xxii) Three students of the University, nominated by the Vice-Chancellor on the basis of academic merit, of which one shall be a woman and one shall be from Scheduled Castes or Scheduled Tribes;

(xxiii) Such other members of the Executive Council who are not otherwise members of the General Council.

3 Inserted vide Section 4 of the National University of Advanced Legal Studies (Amendment) Act, 2008 (Act 6 of 2009)

13. Term of office of the members of the General Council :-

(1) The term of office of the members of the General Council shall be four years: Provided that the member nominated from among the students as per clause (xxii) of section 12 shall hold office for a period of one year from the date of his nomination or till he ceases to be a student, whichever is earlier.

(2) Where a member of the General Council becomes such member by reason of the office or appointment he holds or is a nominated member, his membership shall cease when he ceases to hold such

office or appointment, as the case may be, or his nomination is withdrawn or cancelled.

(3) If any casual vacancy arises in the General Council, that vacancy shall be filled up from the category in which the vacancy arose in the manner specified for that category in section 12 but he can continue in the General Council only for the remaining period as if the vacancy has not arisen.

14. Reconstitution of General Council :-

On the expiry of every four years from the date of constitution of the General Council it shall be reconstituted in the manner specified in Section 12.

15. Meeting of the General Council :-

(1) The General Council shall meet at least once in a year. One fourth of the total number of members of the General Council shall constitute the quorum for the meeting.

(2) The Chancellor or in his absence, the Vice-Chancellor shall preside over the meeting.

(3) When both the Chancellor and the Vice-Chancellor are absent, the members of the General Council present may choose one among them to preside over that meeting.

16. Powers of the General Council :-

The General Council shall have the following powers, namely :-

(a) to review from time to time the policies and programmes of the University and suggest measures for the improvements and development of the University;

(b) to review the annual report and the audited accounts of the

University presented to it by the Executive Council;

(c) to advise on matters relating to the functioning of the University which are referred to it by the Executive Council or the Academic Council;

(d) to perform such other functions as it may deem necessary for the efficient functioning of the University;

(e) to consider and pass resolution on the annual report and the annual accounts of the University and the audit report on such accounts;

(f) to advise the Visitor or the Chancellor in respect of any matter which may be referred to it for advice;

(g) to approve the regulations of the University or their alteration or amendment or repeal;

(h) to approve the budget of the University presented by the General Council;

(i) to recommend to the Chancellor regarding the honorary degree, if any, to be conferred on distinguished persons.

17. The Executive Council :-

(1) The Executive Council shall be the chief executive body of the University. The administration, management and control of the University shall be vested with the Executive Council. It shall control and administer the property and funds of the University.

(2) The Executive Council shall consist of the following members, namely :-

- (i) The Vice-Chancellor, who shall be the Chairman;

- (ii) A sitting Judge of the High Court of Kerala who is a member of the General Council nominated by the Chancellor;

- (iii) The Advocate General of Kerala;

- (iv) The Chairman of the Bar Council of India, or his nominee;

- (v) The Chairman, Bar Council of Kerala;

- (vi) The Principal, Secretary to Government, Higher Education Department ⁴(or an officer of the Higher Education Department not below the rank of Joint Secretary to Government nominated by him;)

- (vii) The Law Secretary, Government of Kerala ⁵(or an officer of the Law Department not below the rank of Joint Secretary to Government nominated by him;)

- (viii) A member of the Bar Council of India representing Kerala Bar Council;

- (ix) The Managing Trustee of the Trust;

- (x) One member each from among the following members of the General Council nominated by the Chancellor, -
 - (a) a Member of the Legislative Assembly;

 - (b) a woman member;

(c) a member belonging to Scheduled Castes or Scheduled Tribes;

(xi) One member from among the members of the teaching faculty of the University in the General Council, nominated by the Vice-Chancellor by rotation for a period of two years;

(xii) One member each from the following categories co-opted by the Chancellor, -

(a) an expert in industrial infrastructure management;

(b) a law teacher of national eminence;

(c) a student member of the General Council;

(xiii) ⁶The Principal Secretary to Government, Finance Department or an officer of the Finance Department not below the rank of Joint Secretary to Government nominated by him;

(xiv) ⁶A member nominated by the Executive Council of the Higher Education Council from among its members;

(xv) ⁶Two legal experts nominated by the Government of which one shall be a woman.

4 Inserted vide Section 5 (i) of the National University of Advanced Legal Studies (Amendment) Act, 2008 (Act 6 of 2009)

5 Inserted vide Section 5 (ii) of the National University of Advanced Legal Studies (Amendment) Act, 2008 (Act 6 of 2009)

6 Inserted vide Section 5 (iii) of the National University of Advanced Legal Studies (Amendment) Act, 2008 (Act 6 of 2009)

18. Term of office of the members of the Executive Council

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:-

(1) The term of office of the members of the Executive Council, nominated or co-opted, shall be four years from the date of their nomination or co-option, as the case may be.

(2) Where a person has become a member of the Executive Council by reason of the office or appointment he holds, the membership shall cease when he ceases to hold that office or appointment or on removal by the nominating authority.

19. Meeting of the Executive Council :-

(1) The Executive Council shall ordinarily meet once in two months and as and when required for the conduct of business of the University on dates and hours to be fixed by the Vice-Chancellor. 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 to preside over in that meeting.

(2) Eight members shall constitute the quorum for a meeting of the Executive Council.

(3) The Registrar shall be the ex-officio secretary of the Executive Council.

(4) The Executive Council shall take decisions or pass resolutions on the majority of members present and voting. If, however, there is an equality of votes the Vice-Chancellor or the person presiding shall have and shall exercise a casting vote.

20. Powers and functions of the Executive Council :-

The Executive Council shall have the following powers subject to directions, if any, to be issued by the General Council, namely : -

(i) To propose regulations and amendments or repeal thereof for the consideration of the General Council:

Provided that regulations relating to courses of studies and examinations, withdrawal of degrees, titles, diplomas or certificates or distinctions conferred by the University shall be made in consultation with or on the recommendation of the Academic Council and no such regulation shall be cancelled or amended by the Executive Council without giving the Academic Council an opportunity to state its opinion on the proposed cancellation or amendment;

(ii) to establish, maintain and manage University Centres or other Institutions for higher learning or research as it may deem necessary from time to time and to abolish them when found necessary;

(iii) to institute, on the recommendation of the Academic Council or otherwise, teaching and research posts required by the University;

(iv) to appoint, from time to time, teachers, heads of departments and other employees in centres and other institutions of the University as may be necessary in accordance with the provisions of the University Grants Commission Act, 1956 (Central Act 3 of 1956) and the rules and the regulations made thereunder, on the recommendations of the Selection Committee constituted in accordance with the regulations for the purpose and to suspend, dismiss or otherwise punish any member of the establishment of the University including teachers after giving them an opportunity for defending their case;

(v) it shall be competent for the Executive Council to appoint distinguished educationists, jurists, outstanding and eminent practising lawyers, and those practising lawyers with requisite academic qualifications and with requisite standing in the Bar as may be prescribed by regulations as Visiting and Adjunct Professors, Associate Professors, Assistant Professors and Lecturers on such terms and conditions otherwise than in accordance with the

above procedure;

(vi) to create administrative, ministerial and other necessary posts, to determine the number and emoluments for such posts, to specify minimum qualifications for appointment to such posts and to appoint persons to such posts on such terms and conditions as may be prescribed by regulations made in that behalf;

(vii) to direct the form, custody and use of the common seal of the University;

(viii) to manage and regulate the finances, accounts, investments and properties both movable or immovable, business and all other administrative affairs of the University;

(ix) to approve the financial estimates of the income and expenditure of the University;

(x) to consider the annual accounts together with audit report thereon and take appropriate action thereof;

(xi) to institute by regulations the degrees, diplomas and other academic distinctions which may be granted by the University;

(xii) to award fellowships, scholarships, bursaries, medals and prizes;

(xiii) to conduct University examinations and approve and publish the results thereof;

(xiv) to withhold or cancel the result of any candidate at the University examinations;

(xv) to appoint duly qualified examiners and question paper setters

and to fix their remuneration and other allowances;

(xvi) to prepare the annual report and annual budget of the University and to present the same for the consideration of the General Council;

(xvii) to delegate any of its powers to the Vice-Chancellor or to a Committee appointed from among its members or to any officer of the University and withdraw such delegation either in full or in part;

(xviii) to exercise such other powers and to perform such other duties as may be conferred or imposed on the University by or under this Act;

21. The Academic Council :-

(1) The Academic Council shall be the academic body of the University and shall have power of superintendence and control of and be responsible for the maintenance of standards of instruction, education, research, publication and examination of the University.

(2) The Academic Council shall consist of the following members, namely:-

(i) The Vice-Chancellor;

(ii) A nominee of the Chairman of the Bar Council of India from among the members of its Legal Education Committee;

(iii) A nominee of the Chairman of the University Grants Commission from among its members of the Law Panel;

(iv) A jurist of great eminence nominated by the Executive Council;

(v) An educationist of great eminence drawn from a non-law discipline nominated by the Executive Council;

(vi) All Heads of Departments of the Centres;

(vii) Two senior members of the teaching faculty of the University, nominated by the Vice-Chancellor;

(viii) Two distinguished law teachers other than teachers of the University, nominated by the Vice-Chancellor;

(ix) A senior professor in law from any one of the National Law Universities in India, nominated by the Chancellor in consultation with the Vice-Chancellor;

(x) Two senior professors in law from the Universities or Law Colleges in Kerala nominated by the Vice-Chancellor;

(xi) Two practising lawyers having more than ten years standing at the Bar with teaching experience and academic distinction, nominated by the Executive Council;

(xii) One teacher each of every subject of study other than law, offered under the scheme and syllabus prescribed by the University to be co-opted by the Academic Council.

22. Term of office of the members of the Academic Council

:-

(1) The term of office of the members of the Academic Council, nominated or co-opted, shall be four years from the date of their nomination or co-option, as the case may be, or his nomination is withdrawn or cancelled by the nominating authority.

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

23. Meeting of the Academic Council :-

(1) The Academic Council shall ordinarily meet at least once in a year and the Vice-Chancellor may direct additional meetings to be held as and when necessary.

(2) One fourth of the total number of members of the Academic Council shall form the quorum for a meeting.

(3) The Vice-Chancellor shall be the Chairman of the Academic Council.

(4) Every meeting of the Academic Council shall be presided over by the Chairman and in his absence by a member chosen by the members present to preside over in that meeting.

(5) The Registrar shall be the Ex-officio Secretary of the Academic Council.

(6) The proceedings of the meetings of the Academic Council shall be prepared by the Registrar. The proceedings duly approved by the Vice-Chancellor shall be circulated among the members within ten days after the date of the meeting.

(7) It shall be open to the Vice-Chancellor, in urgent cases, to obtain the opinion of the Academic Council by circulation. Such opinion together with the action taken thereon shall be communicated to all the members.

24. Powers and functions of the Academic Council :-

Subject to the provisions of this Act and the regulations, the Academic Council shall have the following powers, namely:-

- (i) to advise the Executive Council on all academic matters;
- (ii) to report on any academic matter referred to it by the General Council or the Executive Council;
- (iii) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the University and the duties and functions attached thereto;
- (iv) to formulate and modify or revise schemes for the organization of the various departments and to assign to such departments their respective subjects and also to report to the Executive Council as to the expediency of the abolition or sub-division of the department or the combination of one department with another;
- (v) to prescribe the scheme and syllabus for various courses of studies offered in the University and to constitute such committees as are necessary to make proposals in this regard;
- (vi) to promote research within the University and to require from time to time reports on such research;
- (vii) to recognize diplomas and degrees of other Universities and institutions and to determine their equivalence in relation to the diplomas and degrees of the University;
- (viii) to make recommendation to the Executive Council with regard to the appointment of examiners and if necessary their removal;
- (ix) to make proposals regarding the prescription of regulations relating to courses of studies and examinations;

(x) to make proposals to the Executive Council regarding the regulations relating to the qualifications of teachers;

(xi) to prescribe the qualifications for admission of students to the various courses of studies of the University and to the examinations and the conditions under which exemption may be granted;

(xii) to make proposals for research and advancement and dissemination of knowledge;

(xiii) to exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or by regulations framed under this Act.

25. Board of Studies :-

(1) There shall be a Board of Studies attached to the subjects of study in the University.

(2) The constitution and powers of the Board of Studies shall be such as may be prescribed by regulations framed under this Act.

26. Officers of the University :-

The following shall be the Officers of the University, namely:-

(a) The Vice-Chancellor;

(b) The Registrar;

(c) The Controller of Examinations;

(d) The Finance Officer;

(e) Such other officers as may be prescribed by regulations.

27. Appointment and powers of the Vice-Chancellor :-

(1) The Vice-Chancellor shall be appointed by the Chancellor on the unanimous recommendation of the Search Committee appointed by him, consisting of the following members, namely:-

(a) ⁷(One nominee of the Bar Council of Kerala.)

(b) One nominee of the University Grants Commission.

(c) One nominee of the State Government.

(2) The Committee shall make its recommendation within a period of three months of its appointment.

(3) In case the Search Committee is unable to recommend a name unanimously, the Vice-Chancellor shall be appointed by the Chancellor from among the panel of three names submitted to him by the Committee within the period specified in sub-section (2).

(4) In case the Search Committee fails to make a unanimous recommendation or to submit a panel as provided in sub section (3), the Vice-Chancellor shall be appointed by the Chancellor from among a panel of three names submitted to him by a majority of the members of the Search Committee within the period specified in sub-clause (2).

(5) Notwithstanding anything contained in this Act or the regulations, the first Vice-Chancellor shall be appointed by the Government on such terms and conditions as may be specified by order.

(6) The term of office of the Vice-Chancellor shall be four years from the date on which he enters upon his office or until he attains the age of 65, whichever is earlier.

(7) The remuneration payable to and the other conditions of service of the Vice-Chancellor shall be such as may be determined by the Chancellor.

(8) The Vice-Chancellor shall be the Chief Executive and Academic Head of the University and subject to the specific and general directions of the Executive Council and the General Council, the Vice-Chancellor shall discharge all the functions for the effective management and administration of the University.

(9) The Vice-Chancellor shall, -

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

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

(c) appoint examiners and other officials for the conduct of examinations from the panel approved by the Executive Council;

(d) have all such powers as are necessary for proper maintenance of discipline in the University.

(10) If, in the opinion of the Vice-Chancellor any emergency has arisen and such emergency requires immediate action, he shall take such action as he deems necessary and shall report the same for confirmation to the next meeting of the authority which in the

ordinary course would have dealt with the matter.

(11) The Vice-Chancellor shall have the right of visiting and inspecting the departments, centers and other institutions maintained by the University.

(12) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by regulations.

(13) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor or where the Vice-Chancellor is temporarily absent, the Executive Committee shall make necessary arrangements for exercising the powers and performing the duties of the Vice-Chancellor.

7 Substituted for the words "One nominee of the Bar Council of India" vide Section 6 of the National University of Advanced Legal Studies (Amendment) Act, 2008 (Act 6 of 2009)

28. Appointment and powers of the Registrar :-

(1) The Registrar shall be a whole time salaried officer of the University and shall be appointed by the Executive Council for such period and on such terms as may be prescribed by regulations.

(2) Notwithstanding anything contained in this Act or the regulations, the first Registrar shall be appointed by the Executive Council on such terms as may be specified by order.

(3) The Registrar shall be the Ex-officio Secretary of the General Council, the Executive Council and the Academic Council but shall not be deemed to be a member of any of these authorities.

(4) Suits or other legal proceedings by or against the University shall be instituted by or against the Registrar.

(5) The Registrar shall, -

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

(b) be the custodian of the records, common seal and such other property of the University as the Executive Council may assign to his charge;

(c) issue notices for convening meetings of the General Council, the Executive Council, the Academic Council and any of the committees appointed by the authorities of the University;

(d) keep the minutes of all meetings of the General Council, the Executive Council, the Academic Council and any committees of the University;

(e) conduct the official correspondence on behalf of the University;

(f) supply the Chancellor copies of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of the meetings of the authorities;

(g) be directly responsible to the Vice-Chancellor for the proper discharge of his duties and functions;

(h) perform such other duties as may be assigned to him, from time to time, by the Executive Council or the Vice-Chancellor;

(i) exercise such powers and perform such functions as may be prescribed by regulations.

(6) In the event of the post of Registrar remaining vacant for any reason, it shall be open to the Executive Council to authorize any

officer in the service of the University to exercise such powers and perform such functions and duties of the Registrar as the Executive Council deems fit.

29. Appointment and powers of the Finance Officer :-

(1) The Finance Officer shall be a whole time salaried officer of the University and shall be appointed by the Executive Council for such period and on such terms as may be prescribed by regulations.

(2) The Finance Officer shall exercise such powers and perform such duties as may be prescribed by regulations.

30. The Controller of Examinations :-

(1) The Controller of Examinations shall be a whole time salaried officer of the University and shall be appointed by the Executive Council for such period and on such terms as may be prescribed by regulations made under this Act.

(2) The Controller of Examinations shall exercise such powers and perform such duties as may be prescribed by regulations.

31. Other officers and employees :-

Subject to the regulations relating to the service conditions, every other officer or teaching and non-teaching staff of the University may be appointed under a written contract setting out the conditions of service as may be prescribed by regulations, which shall be lodged with the University and a copy thereof furnished to the officer or employee concerned.

32. Funds of the University :-

(1) There shall be a fund for the University to be called the University Fund, which shall include, -

(a) any contribution or grant made by the Central or State Government;

(b) any contribution or grant made by the University Grants Commission;

(c) any contribution made by the Bar Council of India;

(d) any contribution made by the Bar Council of Kerala, the Trust or other State Bar Councils;

(e) any bequests, donations, endowments or other grants made by private individuals and other Trusts, public or private;

(f) income received by the University from fees and charges;

(g) amounts received from any other source.

(2) The amount in the Fund shall be kept in a scheduled bank or banks as may be decided by the Executive Council.

(3) The Funds may be utilized for such purpose of the University and in such manner as may be prescribed by regulations.

33. Execution of contracts :-

All contracts relating to the management and administration of the University shall be expressed as made by the Executive Council and shall be executed by the Vice-Chancellor when the value of contract is above rupees twenty lakhs and by the Registrar when its value does not exceed rupees twenty lakhs.

34. Financial estimates and Annual Accounts :-

(1) The financial estimates and the annual accounts of the University may be prepared by the Vice-Chancellor and got approved by the Executive Council, before the financial year commences. No expenditure shall be incurred unless the budget is approved by the Executive Council.

(2) The accounts of the University shall, at least once in a year, be audited by the auditors appointed by the Executive Council.

(3) The accounts when audited shall be printed by the Executive Council and a copy of the accounts together with the audit report shall be submitted to the Chancellor and to the Government.

(4) The financial estimates, the annual accounts and the audit report together with the comments of the Executive Council thereon shall be laid before the General Council at its next meeting.

35. Annual Report :-

(1) The Executive Council shall prepare the annual report relating to the functioning of the University covering each financial year and submit it to the General Council for its review on or before such date as may be prescribed by regulations. The General Council may pass resolutions thereon and the Executive Council shall take action in accordance therewith.

(2) Copies of the annual report along with the resolutions of the General Council shall be submitted to the Chancellor and the Government. The Government shall lay the same before the State Legislature at its session immediately following such receipt.

36. Eligibility for admission of students :-

No student shall be eligible for admission to a course of study in the University unless he possesses such qualifications as may be prescribed by regulations.

37. Departments and Centres :-

(1) The Executive Council may on the recommendation of the Academic Council or otherwise, establish such departments and centres as may be necessary from time to time.

(2) The Heads of the departments and centres shall be Professors, Associate Professors, Adjunct Professors or Adjunct Associate Professors.

(3) The powers, functions, mode of appointment and conditions of service of the head of such institutions shall be such as may be prescribed by regulations.

38. Regulations :-

(1) Subject to the provisions of this Act, the Executive Council shall have, in addition to all the other powers vested in it, the power to frame regulations to provide for the administration and management of the affairs of the University; Provided that the Executive Council shall not make any regulation affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing its opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council.

(2) All regulations made by the Executive Council shall be laid before the General Council at its next meeting and it may make such modifications in it as it may deem necessary.

39. Award of Degree, Diplomas etc :-

Award of Degrees, Diplomas, Certificates etc. shall be made in person or in absentia at Convocations or in absentia at a meeting of the Executive Council held after the publication of the results of the examinations concerned.

39. Honorary Degree :-

(1) On the recommendation of the Academic Council or on its own motion, the Executive Council may confer an honorary degree on distinguished persons who by the reason of their eminent position and attainments or by virtue of their contribution to learning or eminent services to the cause of legal education, are fit and proper persons to receive such a degree.

(2) The honorary degree shall be conferred only at a Convocation and may be taken in person or in absentia. The procedure for holding Convocation, honorary degrees to be conferred shall be such as may be prescribed by regulations.

41. Withdrawal or cancellation of Degree or Diploma :-

(1) On the recommendations of the Academic Council, the Executive Council may withdraw any distinction, degree, diploma or privilege conferred on or granted to any person by a resolution passed by the majority of the total membership of Executive Council and by a majority of not less than two-thirds of the members of the Executive 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 Executive Council involves moral turpitude or if he has been guilty of gross misconduct.

(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 proposed action to be taken.

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

(4) Any person aggrieved by the decision taken by the Executive 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.

42. Discipline of students :-

The Vice-Chancellor shall be responsible for the maintenance of discipline among the students of the University. His directions in that behalf shall be carried out by the heads of departments, centres, hostels and other institutions.

43. Action not invalidated merely on the ground of defect in constitution, vacancy etc :-

No act done, or proceedings taken by the General Council, the Executive Council, the Academic Council or any other authority or body of the University shall be invalidated merely on the ground that it is not duly constituted or there is a defect in its constitution or reconstitution, at any time or that there is a vacancy in the membership of any such authority or body and no act or proceedings of such authority or body not affecting the merits of the case shall be invalidated on any such ground or grounds.

44. Institutions merged to the University :-

(1) Notwithstanding anything contained in the Cochin University of Science and Technology Act, 1986 (31 of 1986), the National Institute of Advanced Legal Studies at Kochi established by the Trust, from the date of commencement of this Act, shall stand merged to the University and shall cease to be an institution recognized by the Cochin University of Science and Technology.

(2) All properties possessed and all rights of whatever kinds used or, enjoyed by and all interests of whatever kind owned by or vested in the National Institute for Advanced Legal Studies referred to in sub-section (1) and all assets, liabilities, obligations etc. legally subsisting in the said institution shall pass to the University constituted under this Act.

(3) Notwithstanding anything contained in any other law for the

time being in force, the Government, may, at any time, transfer to the University any institution or teaching department of a University subject to such terms and conditions as may be agreed upon between the Government and the institution or the University concerned as regard to its future maintenance and control.

(4) Any person in the employment of the National Institute for Advanced Legal Studies shall, subject to such conditions and restrictions as may be specified by the Executive Council, be deemed to be employed by the University established under this Act.

(5) All students enrolled in the National Institute for Advanced Legal Studies before the date of commencement of this Act shall be deemed to be students of the University established under this Act and they shall be permitted to complete the rest of the course of study and take the examinations under the University. The instructions and examinations taken by the students for the B.A., LL. B. (Hons.) degree course under the scheme and syllabus of the Cochin University of Science and Technology shall be deemed to have been taken by them under this University.

(6) The scheme and syllabus for the B.A., LL. B (Hons.) degree course of the Cochin University of Science and Technology shall be followed by the University until the scheme and syllabus for the said course is framed or modified by the University as per the provisions of this Act.

45. Constitution of the first Executive Council :-

Notwithstanding anything contained in this Act, the first Executive Council of the University shall be constituted by the Government.

46. Power of Government to cause inspection of the University :-

(1) The Government shall have the right to cause inspections to be made by such person or persons as they may direct, of the University, its buildings; libraries etc; and of any institution

maintained by the University and also of the work conducted by the University and cause inquiry to be made in respect of any matter connected with the University.

(2) The Government shall communicate to the Executive Council the result of any inspection or inquiry made under sub-section (1) and advise the University upon the action to be taken in the matter.

46A. Power of the Government to give direction :-

⁸Power of the Government to give direction

The Government shall have the power to direct the University to consider the instructions of the Government made from time to time in respect of the determination of the fee and admission of the students to the University: Provided that on such direction the decision of the Executive Council shall be final."]

8 Inserted vide Section 7 of the National University of Advanced Legal Studies Amendment Act, 2008 (Act 6 of 2009)

47. Indemnity :-

No suit, prosecution or other legal proceeding shall lie against and no damages shall be claimed from the University, the Vice-Chancellor, the authorities or officers of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any regulation made thereunder.

48. Act to have overriding effect :-

The provisions of this Act and any regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

49. Removal of difficulties :-

If any difficulty arises as to the first constitution of any authority of the University or otherwise in giving effect to the provisions of this

Act, the Government may, by order, do anything which appear to them necessary for the purpose of removing such difficulty: Provided that no order under this section shall be issued by the Government after the expiry of a period of two years from the date of commencement of this Act.

50. Repeal and Savings :-

(1) The National University of Advanced Legal Studies Ordinance, 2005 (9 of 2005) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.