

STATEMENT OF OBJECTS AND REASONS

I

Act 22 of 1986.- One of the functions of the Bar Council of India is promotion of legal education. To carry out that object the Bar Council of India created a charitable trust called the Bar Council of India Trust which in turn registered a Society known as the National Law School of India Society, in Karnataka. The Society framed necessary rules to manage the National Law School of India with powers to confer degrees, diplomas, etc., and requested the State Government to assist it, by establishing the School as a University by a statute so that it could carry out its objects effectively. The State Government considers it desirable to encourage the establishment of such a national level institution in the State.

Hence the Bill.

(Obtained from L.A. Bill No. 28 of 1986.)

II

Amendment Act 3 of 1993.- Under section 9 of the National Law School of India Act, 1986, the General Council is described as the supreme authority of the school. Since the role of the General Council is advisory in nature it is proposed to describe the General Council as chief advisory body and it is also considered necessary to modify the powers of the General Council suitably. The proposal is in pursuance of the suggestion made by the University Grants Commission.

This Bill seeks to replace the National Law School of India (Amendment) Ordinance, 1992.

Hence the Bill.

(Obtained from L.A. Bill No. 20 of 1992.)

III

Amendment Act 15 of 2004.- Based on the suggestion made on 28.1.2000 by the Search Committee for preparing panel of names for appointment of Director of National Law School of India University it is considered necessary to amend the National Law School of India Act, 1986 to change the nomenclature of the post of "Director" and "Visitor" as Vice-Chancellor and Chancellor respectively to be on par with other Universities.

Hence the Bill

(Obtained from LC Bill 7 of 2004)

KARNATAKA ACT No. 22 OF 1986

(First published in the Karnataka Gazette Extraordinary on the Thirteenth day of May, 1986).

THE NATIONAL LAW SCHOOL OF INDIA ACT, 1986

*(Received the assent of the Governor on the Thirtieth day of April, 1986)
(As Amended by Act 3 of 1993 and 15 of 2004)*

An Act to establish and incorporate National Law School of India University at Bangalore.

WHEREAS the functions of the Bar Council of India includes the promotion of legal education;

AND Whereas the Bar Council of India to carry out the said function has got created a public charitable trust called the Bar Council of India Trust, the objects of which *inter alia* includes the establishment, maintenance and running of a model law college in India;

AND Whereas the Bar Council of India Trust to carry out the said objects of the Trust opened a branch office at Bangalore and registered a society named and styled as the National Law School of India Society under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960) the objects of which *inter alia* includes the establishment, maintenance and development of a teaching and research institute of higher learning in law with powers to award degrees, diplomas and other academic distinctions called the National Law School of India in Bangalore;

AND Whereas in furtherance of the above object and to manage the said National Law School of India, rules were framed by the said society providing for constitution of different authorities and other matters relating to the School;

AND Whereas the National Law School of India Society, has requested the State Government to establish the National Law School of India University on the lines of the said rules to enable it to carry out its objects and functions effectively;

AND Whereas it is considered necessary to encourage the establishment of such a national level institution in the State of Karnataka;

AND Whereas it is deemed expedient to establish National Law School of India University for the purposes hereinafter appearing;

BE it enacted by the Karnataka State Legislature in the Thirty-Seventh Year of the Republic of India as follows:-

1. Short title and commencement.-

- (1) This Act may be called the National Law School of India Act, 1986.
- (2) It shall be deemed to have come into force on the ninth day of January, 1986.

2. Definitions.- In this Act, unless the context otherwise requires,-

- (1) "Academic Council" means the Academic Council of the School;
- (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 India Trust" means the Bar Council of India Trust, a public charitable trust, got created by the Bar Council of India;
- (4) "Chairman" means the Chairman of the General Council;
- (5) ["Vice Chancellor" means the Vice Chancellor of the School]¹
- (6) "Executive Council" means the Executive Council of the School;
- (7) "General Council" means the General Council of the School;
- (8) "Registrar" means the Registrar of the School;
- (9) "Regulations" means the regulations of the School made under clause 31;
- (10) "School" means the National Law School of India University established under section 3;
- (11) "Schedule" means the Schedule appended to this Act;
- (12) "Society" means the National Law School of India Society registered under the Karnataka Societies Registration Act, 1960 (Karnataka Act 17 of 1960); and
- (13) ["Chancellor" means the Chancellor of the School]¹

1. Substituted by Act 15 of 2004 w.e.f. 6.3.2004

3. Establishment and Incorporation of the National Law School of India University.-

- (1) With effect from such date as the State Government may by notification appoint there shall be established, in the State of Karnataka, a University by the name of the National Law School of India University which shall consist of the ¹[Vice Chancellor]¹, the General Council, the Executive Council, the Academic Council and the Registrar.
- (2) The School shall be a body corporate by the name aforesaid, 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 School, the pleadings shall be signed and verified by the [Vice Chancellor]¹ and all processes in such suits and proceedings shall be issued to, and served on, the [Vice Chancellor]¹
- (4) The headquarters of the School shall be at Bangalore.

4. The Objects of the School etc.-

- (1) The Objects of the School shall be to advance and disseminate learning and knowledge of law and legal processes 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 organise lectures, seminars, symposia and conferences to promote legal knowledge and to make law and legal processes efficient instruments of social development, to hold examinations and confer degrees and other academic distinctions and to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objects of the School.
- (2) The School shall be open to all persons of either sex irrespective of race, creed, caste or class of all religions and it shall not be lawful for the school to impose on any person any test 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 graduate thereat or to enjoy or to exercise any privilege thereof.

1. Substituted by Act 15 of 2004 w.e.f. 6.3.2004

5. Powers and functions of the School.- The powers and functions of the School shall be,-

- (i) to administer and manage the School and such centres for research, education and instruction as are necessary for the furtherance of the objects of the School;
- (ii) to provide for instruction in such branches of knowledge or learning pertaining to law, as the School may think fit and to make provision for research and for the advancement and dissemination of knowledge of law;
- (iii) to organise and undertake extra-mural teaching and extension services;
- (iv) to hold examinations and to grant diplomas or certificates, and to confer degrees and other academic distinctions on persons subject to such conditions as the School may determine and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;
- (v) to confer honorary degrees or other distinctions in the manner 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 recognise places of residence for the students of the School and to withdraw such recognition accorded to any such place of residence;
- (viii) to establish such special centres, specialised study centres or other units for research and instruction as are, in the opinion of the School, necessary for the furtherance of its objects;
- (ix) to supervise and control the residence and to regulate the discipline of the students of the School and to make arrangements for promoting their health;
- (x) to make such arrangements in respect of the residence, discipline and teaching of women students;
- (xi) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
- (xii) to regulate and enforce discipline among the employees of the School and to take such disciplinary measures as may be deemed necessary;

- (xiii) to institute professorships, associate professorships, assistant professorships, readerships, lectureships, and any other teaching, academic or research posts required by the School;
- (xiv) to appoint persons as professors, associate professors, assistant professors, readers, lecturers or otherwise as teachers and researchers of the School;
- (xv) to institute and award fellowships, scholarships, prizes and medals;
- (xvi) to provide for printing, reproduction and publication of research and other works and to organise exhibitions;
- (xvii) to sponsor and undertake research in all aspects of law, justice and social development;
- (xviii) to co-operate with any other organisation in the matter of education, training and research in law, justice, social development and allied subjects for such purposes as may be agreed upon on such terms and conditions as the School may from time to time determine;
- (xix) to co-operate with institutions of higher learning in any part of the world having objects wholly or partially similar to those of the School, by exchange of teachers and scholars and generally in such manner as may be conducive to the common objects;
- (xx) to regulate the expenditure and to manage the accounts of the School;
- (xxi) to establish and maintain within the School's premises or elsewhere, such class rooms, and study halls as the School 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 School;
- (xxii) to receive grants, subventions, subscriptions, donations and gifts for the purpose of the School and consistent with the objects for which the School is established;
- (xxiii) 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 School 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;

- (xxiv) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the School, moveable or immovable, on such terms as it may think fit and proper without prejudice to the interest and activities of the School;
- (xxv) 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;
- (xxvi) to execute conveyances, transfers, reconveyances, mortgages, leases, licences and agreements in respect of property, moveable or immovable including Government securities belonging to the School or to be acquired for the purpose of the School;
- (xxvii) to appoint in order to execute an instrument or transact any business of the School any person as it may deem fit;
- (xxviii) to give up and cease from carrying on any classes or departments of the School;
- (xxix) to enter into any agreement with Central Government, State Governments, the University Grants Commission or other authorities for receiving grants;
- (xxx) to accept grants of money, securities or property of any kind on such terms as may deem expedient;
- (xxxi) 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 School or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the School, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;
- (xxxii) to invest the funds of the School or money entrusted to the School in or upon such securities and in such manner as it may deem fit and from time to time transpose any investment;
- (xxxiii) to make such regulations as may, from time to time, be considered necessary for regulating the affairs and the management of the School and to alter, modify and to rescind them;

- (xxxiv) 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 by the regulations, such as pension, insurance, provident fund and gratuity as it may deem fit and to make such grants as it may think fit for the benefit of any employees of the School, and to aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to benefit the staff and the students of the School;
- (xxxv) to delegate all or any of its powers to the [Vice Chancellor]¹ of the School or any committee or any sub-committee or to any one or more members of its body or its officers; and
- (xxxvi) to do all such other acts and things as the School may consider necessary, conducive or incidental to the attainment or enlargement of the aforesaid objects or any one of them.

6. Teaching of the School.-

- (1) All recognised teaching in connection with the degree, diplomas and certificates of the School shall be conducted, under the control of the General Council, by the teachers of the School, in accordance with the syllabus prescribed by the regulations.
- (2) The courses and curricula and the authorities responsible for organising such teaching shall be as prescribed by the regulations.

7. [Chancellor]¹ of the School.-

- (1) A Judge nominated by the Society shall be the [Chancellor]¹ of the School:
Provided that if he gives his consent the Chief Justice of India shall be nominated as the [Chancellor]¹.
- (2) The [Chancellor]¹ shall have the right to cause an inspection to be made by such person or persons as he may direct, of the School, its buildings, libraries and equipments and of any institution maintained by the School, and also of the examinations, teaching and other work conducted or done by the School and to cause an inquiry to be made in like

1. Substituted by Act 15 of 2004 w.e.f. 6.3.2004

manner in respect of any matter connected with the administration and finances of the School.

- (3) The [Chancellor]¹ shall, in every case give notice, to the School of his intention to cause an inspection or inquiry to be made, and the School shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.
- (4) The [Chancellor]¹ may address the [Vice Chancellor]¹ with reference to the result of such inspection or inquiry, and the [Vice Chancellor]¹ shall communicate to the General Council the views of the [Chancellor]¹ along with such advice as the [Chancellor]¹ may have offered on the action to be taken thereon.
- (5) The General Council shall communicate through the [Vice Chancellor]¹ to the [Chancellor]¹ such action, if any, as it proposes to take or has been taken on the result of such inspection or inquiry.

8. Authorities of the School.- The following shall be the authorities of the School:-

- (1) the General Council;
- (2) the Executive Council;
- (3) the Academic Council;
- (4) the Finance Committee; and
- (5) such other authorities as may be declared as such.

9. The General Council.- The General Council shall be the [chief advisory body]¹ of the School.

10. The Executive Council.-

- (1) The Executive Council shall be the chief executive body of the School.
- (2) The administration, management and control of the School and the income thereof shall be vested with the Executive Council which shall control and administer the property and funds of the School.

11. The Academic Council.- The Academic Council shall be the

1. Substituted by Act 15 of 2004 w.e.f. 6.3.2004

academic body of the School, and shall, subject to the provisions of this Act and the regulations, have power of control and general regulation of, and be responsible for, the maintenance of standards of instruction, education and examination of the School, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the regulations. It shall have the right to advise the Executive Council on all academic matters.

12. Officers of the School.- The following shall be the officers of the School, namely.-

- (a) the [Vice Chancellor]¹
- (b) the Heads of the Departments;
- (c) the Registrar; and
- (d) such other officers as may be prescribed by the regulations.

13. 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 School:

Provided that the Executive Council shall not make any regulation affecting the status, powers or constitution of any authority of the School until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council;

Provided further that except with the prior concurrence of the Academic Council, the Executive Council shall not make, amend or repeal any regulation affecting any or all of the following matters, namely:-

- (a) the constitution, powers and duties of the Academic Council;
- (b) the authorities responsible for organising teaching in connection with the School courses and related academic programmes;
- (c) the withdrawal of degrees, diplomas, certificates and other academic distinctions;

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- (d) the establishment and abolition of faculties, departments, halls and institutions;
 - (e) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes;
 - (f) conditions and modes of appointment of examiners or conduct or standard of examinations or any other course of study;
 - (g) mode of enrolment or admission of students;
 - (h) examinations to be recognised as equivalent to school examinations.
- (2) The Academic Council shall have the power to propose regulations on all the matters specified in (a) to (h) above and matters incidental and related thereto in this regard.
- (3) Where the Executive Council has rejected the draft of a regulation proposed by the Academic Council, the Academic Council may appeal to the [Chancellor]¹ and the [Chancellor]¹, may, by order, direct that the proposed regulation may be laid before the next meeting of the General Council for its approval and that pending such approval of the General Council it shall have effect from such date as may be specified in that order:
- Provided that if the regulation is not approved by the General Council at such meeting, it shall cease to have effect.
- (4) All regulations made by the Executive Council shall be submitted, as soon as may be, for approval, to the [Chancellor]¹ and to the General Council at its next meeting, and the General Council shall have power by a resolution passed by a majority of not less than two thirds of the members present, to cancel any regulation made by the Executive Council and such regulations shall from the date of such resolution cease to have effect.

14. Appointment of a School Review Commission.-

- (1) The [Chancellor]¹ shall atleast once in every five years constitute a commission to review the working of the School and to make recommendations.
- (2) The commission shall consist of not less than three eminent educationists, one of whom shall be the chairman of such commission appointed by the

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[Chancellor]¹ in consultation with the State Government.

- (3) The terms and conditions of the appointment of the members shall be such as the [Chancellor]¹ may determine.
- (4) The commission shall after holding such enquiry as it deems fit, make its recommendation to the [Chancellor]¹
- (5) The [Chancellor]¹ may take such action on the recommendations as he deems fit.

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

- (1) Notwithstanding that the General Council, the Executive Council, the Academic Council or any other authority or body of the School is not duly constituted or there is a defect in its constitution or reconstitution at any time and notwithstanding that there is a vacancy in the membership of any such authority or body, no act or rule or proceedings of such authority or body shall be invalidated on any such ground or grounds.
- (2) No resolution of any authority or body of the School shall be deemed to be invalid on account of any irregularity in the service of notice upon any member provided that the proceedings of such Authority or body were not prejudicially affected by such irregularity.

16. Removal of difficulties at the Commencement.-

If any difficulty arises with respect to the establishment of the School or in connection with the first meeting of any authority of the School or otherwise in first giving effect to the provisions of this Act and the regulations, the [Chancellor]¹ may, at any time, before all authorities of the School have been constituted, by order, make any appointment or do anything consistent, so far as may be, with the provisions of this Act and the regulations, which appear to him necessary or expedient for the purpose of removing the difficulty and every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Act and the regulations:

Provided that before making any such order the [Chancellor]¹ shall ascertain and consider the opinion of the [Vice Chancellor]¹ and of such appropriate authority of the School as may have been constituted.

1. Substituted by Act 15 of 2004 w.e.f. 6.3.2004

17. Transitory Provisions.- Notwithstanding anything in this Act, and the regulations, the [Vice Chancellor]¹ may, with the previous approval of the [Chancellor]¹ and subject to the availability of funds, discharge all or any of the functions of the School for the purpose of carrying out the provisions of this Act and the regulations and for that purpose may exercise any powers or perform any duties, which by this Act and the regulations are to be exercised or performed by any authority of the School until such authority comes into existence as provided by this Act and the regulations.

18. Authorities and officers of the School etc.-

The authorities of the School and their composition, powers, functions and other matters relating to them, the officers of the School and their appointment, powers, functions and other matters relating to them and all other matters relating to the finances, powers, teaching, administration and management of the affairs of the School shall, subject to the provisions of this Act be as specified in the Schedule or as may be provided by the regulations.

19. Indemnity.-

No suit, prosecution or other legal proceedings shall lie against and no damages shall be claimed from, the School, the [Vice Chancellor]¹, the authorities or officers of the School or any other person in respect of anything which is in good faith done or purporting to have been done in pursuance of this Act or any regulations made thereunder.

20. Power to amend Schedule.-

- (1) The General Council may, with the prior approval of the [Chancellor]¹ and the State Government, by notification amend either prospectively or retrospectively, the Schedule.
- (2) A copy of every notification made under sub-section (1) shall be laid before each House of the State Legislature, as soon as may be, after it is made.

21. Act to have overriding effect.- The provisions of this Act and any regulation 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.

1. Substituted by Act 15 of 2004 w.e.f. 6.3.2004

22. Repeal and Savings.-

- (1) The National Law School of India Ordinance, 1986 (Karnataka Ordinance 1 of 1986) is hereby repealed and shall be deemed never to have been promulgated.
- (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.

SCHEDULE

(See section 18)

1. Definitions.-

In this Schedule, unless the context otherwise requires,-

- (1) "clause" means a clause of this Schedule;
- (2) "teacher" includes professors, associate professors, assistant professors, readers, lecturers and any other person imparting instructions in the School.

2. Membership of General Council.-

- (1) There shall be a General Council of the School, which shall consist of the following members, namely.-
 - (a) the Chairman of the Bar Council of India;
 - (b) the [Vice Chancellor]¹
 - (c) two nominees of the Bar Council of India Trust from among its trustees of whom one shall be the managing Trustee;
 - (d) six nominees of the Bar Council of India from amongst its members;
 - (e) two persons nominated by the Bar Council of India in consultation with the [Chancellor]¹
 - (f) two representatives of allied disciplines in social sciences and humanities nominated by the Bar Council of India Trust;
 - (g) two Judges from among the Judges of the Supreme Court and High Courts, nominated by the Bar Council of India in consultation with the [Chancellor]¹;
 - (h) five persons nominated by the Bar Council of India Trust from among persons connected with administration of law and education, in consultation with the [Chancellor]¹;
 - (i) the Chief Justice of the Karnataka High Court;
 - (j) five members nominated by the Government of Karnataka of whom one shall be the Law Minister of Government of Karnataka, one shall be the Advocate General for Karnataka, one shall be the Education Minister of Government of Karnataka, one shall be the Secretary to Government of Karnataka, Education Department and the other shall be an eminent person in the field of law;

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- (k) all the Heads of the Departments of the School, if any;
- (l) five members nominated by the Society of which one shall be the Chairman, Karnataka State Bar Council, one shall be the Secretary to Government of Karnataka, Law Department, and others from amongst its members;
- (m) such other members of the Executive Council as are not member of the General Council:

Provided that an employee of the School shall not be eligible for nomination under items (e) and (f):

Provided further that the General Council constituted under the rules of the Society shall be the first General Council.

3. Chairman, Secretary and Treasurer.-

- (1) The Chairman of the Bar Council of India shall be the Chairman of the General Council.
- (2) The [Vice Chancellor]¹ of the School shall be the Secretary of the General Council.
- (3) The Managing Trustee of the Bar Council of India Trust shall be the Treasurer of the School.

4. Term of office of members of the General Council.-

- (1) The term of office of the members of the General Council shall, subject to sub-clauses (2) and (3), be three years:

Provided that the term of the first General Council will expire on constitution of the regular General Council under the provisions of this Schedule.

- (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 terminate when he ceases to hold such office or appointment or as the case may be, his nomination is withdrawn or cancelled.
- (3) A member of the General 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 or if a member other than the [Vice Chancellor]¹, accepts a full time appointment in the School or if he fails to attend three consecutive meetings of the General Council without the leave of the Chairman.

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- (4) A member of the General Council may resign his office by a letter addressed to the Chairman and such resignation shall take effect as soon as such resignation has been accepted by him.
- (5) Any vacancy in the General Council shall be filled either by appointment or nomination, as the case may be, of a person by the respective authority, entitled to make the same and the person so appointed or nominated shall hold office so long only as the member in whose place he is appointed or nominated could have held office if the vacancy had not occurred.

5. Powers of the General Council.- The General Council shall have the following powers namely:-

- (1) to review from time to time the broad policies and programme of the school and suggest measures for the improvement and development of the school.
- (2) to consider and pass the resolution on the annual report, financial estimates and the audit reports on such accounts.
- (3) to perform such other functions as it may deem necessary for the efficient functioning and administration of the school.]¹

6. Meetings of the General Council.-

- (1) The General Council shall meet at least once in a year. An annual meeting of the General Council shall be held on a date to be fixed by the Executive Council, unless some other date has been fixed by the General Council in respect of any year.
- (2) The Chairman shall preside over the meetings. In the absence of the Chairman, the Managing Trustee of the Bar Council of India Trust and in the absence of both of them the [Vice Chancellor]¹ shall preside:

Provided that the [Chancellor]¹ may attend the meetings of the General Council and if he so attends a meeting, he shall preside over such meeting.
- (3) A report of the working of the School during the previous year, together with a statement of receipts and expenditure, the balance sheet as audited, and the financial estimate shall be

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presented by the [Vice Chancellor]¹ to the General Council at its annual meeting.

- (4) Meetings of the General Council shall be called by the Chairman, or in his absence by the [Vice Chancellor]¹ either on his own or at the request of not less than ten members of the General Council.
- (5) For every meeting of the General Council 15 days notice shall be given.
- (6) One-third of the members of the General Council shall form the quorum.
- (7) Each member shall have one vote and if there be equality of votes on any question to be determined by the General Council, the Chairman or the person presiding over the meeting shall, in addition, have a casting vote.
- (8) In case of difference of opinion among the members, the opinion of the majority shall prevail.
- (9) If urgent action by the General Council becomes necessary, the Chairman may permit the business to be transacted by circulation of papers to the members of the General Council. The action proposed to be taken shall not be taken unless agreed to by a majority of the members of the General Council. The action so taken shall be forthwith intimated to all the members of the General Council and the papers shall be placed before the next meeting of the General Council for confirmation.

7. Membership of the Executive Council.-

- (1) The Executive Council shall consist of the following, namely.-
 - (a) the [Vice Chancellor]¹
 - (b) the Chairman;
 - (c) two persons nominated by the Bar Council of India Trust from among the distinguished men of letters, educationists of repute, members of the learned professions or eminent public men, in consultation with the [Chancellor]¹ ;
 - (d) a nominee of the Society;
 - (e) the Law Secretary to the Government of Karnataka;

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- (f) two members nominated by the Government of Karnataka from among the members of the General Council;
- (g) three members nominated by the Bar Council of India from among its members;
- (h) two members nominated by the Bar Council of India Trust from among its trustees of whom one shall be the managing Trustee;
- (i) three Professors, elected by the teaching staff of the School, by rotation according to seniority:

Provided that an employee of the School shall not be eligible for nomination under category (c).

- (2) The [Vice Chancellor]¹ shall be the Chairman of the Executive Council.

8. Term of Office of Executive Council.-

- (1) 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.
- (2) 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 or if a member other than the [Vice Chancellor]¹ or a member of a faculty accepts a full time appointment in the School or if he fails to attend three consecutive meetings of the Executive Council without the leave of the Chairman of the Executive Council.

- (3) Unless their membership of the Executive Council is previously terminated as provided in the above sub-clauses members of the Executive Council shall relinquish their membership on the expiry of three years from the date on which they become members of the Executive Council but shall be eligible for re-nomination or re-appointment, as the case may be:

Provided that the term of the first Executive Council shall be five years.

- (4) A member of the Executive Council other than an *ex-officio* member may resign his office by a letter addressed to the

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Chairman of the Executive Council and such resignation shall take effect as soon as it has been accepted by the Chairman of the Executive Council.

- (5) Any vacancy in the Executive Council shall be filled either by appointment or nomination, as the case may be, by the respective authority entitled to make the same and on the expiry of the period of the vacancy . such appointment or nomination shall cease to be effective.

9. Powers and functions of the Executive Council.-

Without prejudice to clause 5, the Executive Council shall have the following powers and functions, namely:-

- (1) to appoint, from time to time, the [Vice Chancellor] ¹ the Registrar, the Librarian, Professors, Associate Professors, Assistant Professors and other members of the teaching staff, as may be necessary, on the recommendations of the selection committee constituted by regulations for the purpose:

Provided that no action shall be taken by the Executive Council, except in cases covered by the second proviso, in regard to the number, qualifications and emoluments of teachers, otherwise than after consideration of the recommendations of the Academic Council:

Provided further that it shall not be necessary to constitute any selection committee for making appointments,-

- (a) to any supernumerary post; or
 - (b) to the post of professor of a person of high academic distinction, eminence and professional attainment invited by the Executive Council to accept the post;
- (2) to create administrative, ministerial and other necessary posts, to determine the number and emoluments of such posts, to specify minimum qualification for appointment to such posts and to appoint persons to such posts on such terms and conditions of service as may be prescribed by the regulations made in this behalf, or to delegate the powers of appointments to such authority or authorities or officer or officers as the Executive Council may, from time to time, by resolution, either generally or specifically, direct;

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- (3) to grant in accordance with the regulations leave of absence other than casual leave to any officer of the School and to make necessary arrangements for the discharge of the functions of such officer during his absence;
- (4) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the School and for that purpose to appoint such agents, as it may think fit;
- (5) to invest any money belonging to the School, 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;
- (6) to transfer or accept transfers of any movable or immovable property on behalf of the School;
- (7) to enter into, vary, carry out and cancel contracts on behalf of the School and for that purpose to appoint such officers as it may think fit;
- (8) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the School;
- (9) to entertain, adjudicate upon, and if it thinks fit, to redress any grievances of the officers of the School, the teachers, the students and the School employees, who may, for any reason, feel aggrieved, otherwise than by an act of a court;
- (10) 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;
- (11) to select a common seal for the School and to provide for the custody of the seal; and
- (12) to exercise such other powers and to perform such other duties as may be conferred or imposed on it by or under this Act.

10. Meeting of the Executive Council.-

- (1) The Executive Council shall meet atleast once in three months and not less than fifteen days notice shall be given of such meeting.

- (2) Six members of the Executive Council, shall constitute a quorum at any meeting thereof.
- (3) In case of difference of opinion among the members, the opinion of the majority shall prevail.
- (4) Each member of the Executive Council shall have one vote and if there shall be equality of votes on any question to be determined by the Executive Council, the Chairman of the Executive Council, or as the case may be, the member presiding over that meeting shall, in addition, have a casting vote.
- (5) Every meeting of the Executive Council shall be presided over by the [Vice Chancellor]¹, and in his absence by a member chosen by the members present to preside on the occasion.
- (6) If urgent action by the Executive Council becomes necessary, the [Vice Chancellor]¹ may permit the business to be transacted by circulation of papers to the members of the Executive Council. The action proposed to be taken shall not be taken unless agreed to by a majority of members of the Executive Council. The action so taken shall be forthwith intimated to all the members of the Executive Council. The papers shall be placed before the next meeting of the Executive Council for confirmation.

11. Constitution of standing committee and appointment of ad-hoc committees by the Executive Council.-

- (1) Subject to the provisions of this Act and the regulations made in this behalf, the Executive Council may, by resolution, constitute such standing committees or appoint ad-hoc committees for such purposes and with such powers as the Executive Council may think fit for exercising any power or discharging any function of the School or for enquiring into, reporting or advising upon any matter relating to the School.
- (2) The Executive Council may co-opt such persons to a standing committee or an ad-hoc committee as it considers suitable and may permit them to attend the meetings of the Executive Council.

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12. Delegation of powers by Executive Council.-

The Executive Council may, by resolution, delegate to the [Vice Chancellor]¹ or to a committee, such of its powers as it may deem fit subject to the condition that the action taken by the [Vice Chancellor]¹ or such committee in the exercise of the powers so delegated shall be reported at the next meeting of the Executive Council.

13. Membership of the Academic Council.-

(1) The academic council shall consist of the following persons, namely:-

- (a) the [Vice Chancellor]¹, who shall be the chairman thereof;
- (b) three persons from amongst the educationists of repute or men of letters or members of the learned professions or eminent public men, who are not in the service of the School, nominated by the Bar Council of India, in consultation with the [Chancellor]¹;
- (c) a person nominated by the State of Karnataka;
- (d) a nominee of the Bar Council of India;
- (e) a nominee of the Bar Council of India Trust;
- (f) all the Heads of the Departments, if any;
- (g) all professors other than the Heads of the Departments, if any;
- (h) two members of the teaching staff, representing Associate and Assistant Professors of the School:

Provided that an employee of the School shall not be eligible for nomination under category (b).

(2) The term of the members other than *ex-officio* members and those whose term is specified by item (h) of sub-clause (1) shall be three years:

Provided that the term of the first Academic Council shall be five years.

14. Powers and duties of the Academic Council.-

Subject to the provisions of this Act and the regulations the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely:-

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- (1) to report on any matter referred or delegated to it by the General Council or the Executive Council;
- (2) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the School and the emoluments and the duties attached thereto;
- (3) to formulate and modify or revise schemes for the organisation 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;
- (4) to make arrangements through regulations for the instruction and examination of persons other than those enrolled in the School;
- (5) to promote research within the School and to require, from time to time, reports on such research;
- (6) to consider proposals submitted by the faculties;
- (7) to appoint committees for admission to the School;
- (8) to recognise diplomas and degrees of other universities and institutions and to determine their equivalence in relation to the diplomas and degrees of the School;
- (9) to fix, subject to any conditions accepted by the General Council, the time, mode and conditions of competition for fellowships, scholarships and other prizes, and to award the same;
- (10) to make recommendations to the Executive Council in regard to the appointment of examiners and if necessary their removal and the fixation of their fees, emoluments and travelling and other expenses;
- (11) to make arrangements for the conduct of examinations and to fix dates for holding them;
- (12) to declare 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 honour;

- (13) to awards 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;
- (14) to publish lists of prescribed or recommended text-books and to publish syllabus of the prescribed courses of study;
- (15) to prepare such forms and registers as are, from time to time, prescribed by regulations; and
- (16) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of this Act and the regulations.

15. Procedure of the Meetings of the Academic Council.-

- (1) The Academic Council shall meet as often as may be necessary, but not less than two times during an academic year.
- (2) One half of the total number of members of the Academic Council shall form quorum for a meeting of the Academic Council.
- (3) In case of difference of opinion among the members, the opinion of the majority shall prevail.
- (4) Each member of the Academic Council, including the Chairman of the Academic Council, shall have one vote and if there shall 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 meeting, shall, in addition, have a casting vote.
- (5) Every meeting of the Academic Council shall be presided over by the Chairman of the Academic Council and in his absence, by a member chosen by the meeting to preside on the occasion.
- (6) If urgent action by the Academic Council becomes necessary, the Chairman of the Academic Council may permit the business to be transacted by circulation of papers to the members of the Academic Council. The action proposed to be taken shall not be taken unless agreed to by a majority of members of the Academic Council. The action so taken shall

be forthwith intimated to all the members of the Academic Council. The papers shall be placed before the next meeting of the Academic Council for confirmation.

16. Finance Committee.-

- (1) There shall be a Finance Committee constituted by the Executive Council consisting of the following, namely:-
 - (a) the Treasurer of the School;
 - (b) the [Vice Chancellor]¹
 - (c) three members nominated by the Executive Council from amongst its members out of whom atleast one would be from the Bar Council of India and one from the Government of Karnataka.
- (2) The members of the Finance Committee other than the [Vice Chancellor]¹, shall hold office for a term of three years.
- (3) The functions and duties of the Finance Committee shall be as follows, namely:-
 - (a) to examine and scrutinise the annual budget of the School and to make recommendations on financial matters of the Executive Council;
 - (b) to consider all proposals for new expenditure and to make recommendations to the Executive Council;
 - (c) to consider the periodical statements of the accounts and to review the finances of the School from time to time and to consider reappropriation statements and audit reports and to make recommendations to the Executive Council
 - (d) to give its views and to make recommendations to the Executive Council on any financial question affecting the School either on its own initiative or on reference from the Executive Council or the [Vice Chancellor]¹;
- (4) The Finance Committee shall meet atleast twice every year. Three members of the Finance Committee shall form the quorum.
- (5) The Treasurer shall preside over the meetings of the Finance Committee, and in his absence, the [Vice Chancellor]¹ shall preside. In case of difference of opinion among the members, the opinion of the majority of the members present shall prevail.

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17. Selection Committee.-

- (1) The Executive Council shall constitute selection committee for making recommendations to the Executive Council for appointment to posts of professors, associate professors and other teachers in the School.
- (2) The selection committee shall consist of the following members:-
 - (a) the [Vice Chancellor]¹, who shall be the chairman of the committee;
 - (b) the Chairman;
 - (c) the Head of the Department concerned, if any, provided he holds a post not lower than the level of the post for which the selection is to be made;
 - (d) three experts for selecting professors, associate professors and assistant professors nominated by the [Vice Chancellor]¹ from amongst a panel of names recommended by the Academic Council and approved by the Executive Council;
- (3) The meeting of the selection committee shall be convened by the [Vice Chancellor]¹ whenever necessary. The [Vice Chancellor]¹ shall preside over the meetings of the selection committee. Three members of whom one shall be the expert of the selection committee shall form the quorum.

18. [Vice Chancellor]¹-

- (1) The [Vice Chancellor]¹ of the School shall be appointed by the Executive Council in accordance with the regulations made in that behalf and in consultation with the [Chancellor]¹:
Provided that the First [Vice Chancellor]¹ shall be appointed by the Society with the approval of the Bar Council of India.
- (2) Subject to the specific and general directions of the Executive Council, the [Vice Chancellor]¹ shall exercise all powers of the Executive Council in the management and administration of the School.
- (3) The [Vice Chancellor]¹ who shall be an academic person and a Professor of Law at the School, shall hold office for a term of five years, which shall be renewable by a resolution to that effect by the Executive Council or upto the age of

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retirement of the members of the teaching staff, whichever is earlier. Upon the expiry of this term, he shall continue in office until his successor is appointed and enters upon his office.

- (4) The [Vice Chancellor]¹ shall,-
 - (a) ensure that the provisions of this Act and the regulations are duly observed, and he shall have all powers as are necessary for that purpose;
 - (b) convene the meetings of the General 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) represent the School in suits or proceedings by or against the School, sign powers-of-attorney and verify the pleadings or depute representatives for the purpose.
 - (d) have all powers relating to the proper maintenance of discipline in the School.
- (5) If, in the opinion of the [Vice Chancellor]¹, any emergency has arisen, which requires that immediate action be taken, 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.

19. Heads of the Departments.-

- (1) There shall be a Head of the Department for each of the departments in the School.
- (2) The powers, functions, appointments and the conditions of service of the Heads of the Departments shall be as prescribed by the regulations.

20. Registrar.-

- (1) The Registrar shall be appointed by the Executive Council and shall be a whole time officer of the School. The terms and conditions of service of the Registrar shall be such as may be prescribed by the regulations.
- (2) The Registrar shall be the *ex-officio* Secretary of the Executive Council, the Academic Council, the Finance Committee and

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the faculties, but shall not be deemed to be a member of any of these authorities.

- (3) The Registrar, shall,-
- (a) comply with all directions and orders of the Executive Council and the [Vice Chancellor]¹;
 - (b) be the custodian of the records, common seal and such other property of the School as the Executive Council shall commit to his charge;
 - (c) issue all notices convening meeting of the Executive Council, the Academic Council, the Finance Committee, the faculties, the Board of studies and of any committee, appointed by the authorities of the School;
 - (d) keep the minutes of all meetings of the Executive Council, the Academic Council, the Finance Committee, the faculties and any committee appointed by the authorities of the School;
 - (e) conduct the official correspondence of the Executive Council and the Academic Council;
 - (f) supply the [Chancellor]¹, the copies of the agenda of the meetings of the authorities of the School, as soon as they are issued and the minutes of the meetings of the authorities, ordinarily within a month of the holding of the meeting;
 - (g) call a meeting of the Executive Council forthwith in an emergency, when neither the [Vice Chancellor]¹ nor the officer duly authorised is able to act and to take its directions for carrying on the work of the School;
 - (h) be directly responsible to the [Vice Chancellor]¹ for the proper discharge of his duties and functions; and
 - (i) perform such other duties as may be assigned, from time to time, by the Executive Council or the [Vice Chancellor]¹
- (4) In the event of the post of the Registrar remaining vacant for any reason, it shall be open to the [Vice Chancellor]¹ to authorize any officer in the service of the School to exercise such powers, functions, and duties of the Registrar as the [Vice Chancellor]¹ deems fit.

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21. Other Officers and Employees.-

- (1) Subject to the regulations made for the purpose every other officer or employee of the School shall be appointed under a written contract setting out the conditions of service as prescribed by the regulations which shall be lodged with the School and a copy thereof furnished to the officer or employee concerned.
- (2) Any dispute arising out of the contract between the School and any of its officers or employees shall, at the request of the officer or the employee concerned, or at the instance of the School be referred to a Tribunal for arbitration consisting of three members appointed by the Executive Council as prescribed by the regulations.

22. Provident Fund, Gratuity, Pension and any other benefit Scheme.- All the permanent employees of the School shall be entitled to the benefit of the provident fund and gratuity in accordance with such regulations as may be framed in that behalf by the Executive Council.

23. Funds of the School.-

- (1) There shall be for the School a School Fund which shall include,-
 - (a) any contribution or grant made by the State Governments;
 - (b) any contribution or grant made by the University Grants Commission or the Central Government;
 - (c) any contribution made by the Bar Council of India;
 - (d) any contribution made by the Bar Council of India Trust;
 - (e) any contribution made by the State Bar Councils;
 - (f) any bequests, donations, endowments or other grants made by private individuals or institutions;
 - (g) income received by the School from fees and charges, and
 - (h) amounts received from any other source.
- (2) The amount in the said Fund shall be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934 or in a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertaking) Acts of

1970 and 1980 or may be invested in such securities authorised by the Indian Trusts Act, 1982, as may be decided by the Executive Council.

- (3) The said Fund may be employed for such purpose of the School and in such manner as may be prescribed by regulations.

24. Annual Accounts and Audit.-

- (1) The Annual Accounts of the School shall be prepared under the directions of the Executive Council.
- (2) The accounts of the School shall, atleast once in a year, be audited by the auditors appointed by the Executive Council:
Provided that the State Government or the Bar Council of India Trust shall have the power to direct, whenever considered necessary, an audit of the account of the School, including the institutions managed by it, by such auditors, as it may specify.
- (3) The accounts when audited shall be published by the Executive Council and a copy of the accounts together with the audit report shall be placed before the Executive Council and also shall be submitted to the State Government.
- (4) The Annual Accounts shall be considered by the General Council at its annual meeting. The General Council may pass resolutions with reference thereto and communicate the same to the Executive Council. The Executive Council shall consider the suggestions made by the General Council and take such action thereon as it thinks fit. The Executive Council shall inform the General Council at its next meeting all actions taken by it or the reasons for not taking action.

25. Financial Estimates.-

- (1) The Executive Council shall prepare before such date as may be prescribed by the regulations, the financial estimates for the ensuing year and place the same before the General Council.
- (2) The Executive Council may, in case where the expenditure in excess of the amount provided in the budget is to be incurred or in cases of urgency, for reasons to be recorded in writing,

incur expenditure subject to such restrictions and conditions specified in the regulations. Where no provision has been made in the budget in respect of such excess expenditure a report shall be made to the General Council at its next meeting.

26. Annual Report.-

- (1) The Executive Council shall prepare the annual report containing such particulars as the General Council may specify, covering each financial year and submit it to the General Council on or before such date as may be prescribed by the regulations. The General Council may pass resolutions thereon and the Executive Council shall take action in accordance therewith. The action taken shall be intimated to the General Council.
- (2) Copies of the annual report along with the resolution of the General Council thereon shall be submitted to the State Government. The State Government shall lay the same before both the Houses of the State Legislature at their next earliest session.

27. Execution of Contracts.-

All contracts relating to the management and administration of the School shall be expressed as made by the Executive Council, and shall be executed by the [Vice Chancellor]¹ when the value of the contract is above ten lakhs of rupees and by the Registrar, when its value does not exceed ten lakhs of rupees.

28. Eligibility for Admission of Students.-

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

29. Residence of Students.- Every student of the School shall reside in a hostel maintained or recognised by the School or under such conditions as may be prescribed by the regulations.

30. Honorary Degrees.- If not less than two thirds of the members of 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

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position, fit and proper to receive such degree or academic distinction, the General Council may, by a resolution, decide that the same may be conferred on the person recommended.

31. Withdrawal of Degree or Diploma.-

- (1) The General 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 the total membership of the General Council and by a majority of not less than two thirds of the members of the General 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 General Council involves moral turpitude or if he has been guilty of gross misconduct.
- (2) No action under this rule shall be taken against any person unless he has been given an opportunity to show cause against the action proposed to be taken.
- (3) A copy of the resolution passed by the General Council shall be immediately sent to the person concerned.
- (4) Any person aggrieved by the decision taken by the General Council may appeal to the [Chancellor] ¹ within thirty days from the date of the receipt of such resolution.
- (5) The decision of the [Chancellor] ¹ in such appeal shall be final.

32. Discipline.-

- (1) The final authority responsible for maintenance of discipline among the students of the School shall be the [Vice Chancellor] ¹. His directions in that behalf shall be carried out by the Heads of the School, hostels and institutions.
- (2) Notwithstanding anything contained in sub-clause (1) the punishment of debarring a student from the examination or rustication from the School or a hostel or an institution, shall on the report of the [Vice Chancellor] ¹ be considered and imposed by the Executive Council:

Provided that no such punishment shall be imposed without giving to the student concerned a reasonable opportunity to

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show cause against the action proposed to be taken against him.

33. Sponsored Schemes.-

Whenever the School receives funds from any Government, the University Grants Commission or other agencies sponsoring a scheme to be executed by the School, notwithstanding anything in this Act and Regulations,-

- (a) the amount received shall be kept by the School separately from the School Fund and utilised only for the purpose of the scheme; and
- (b) the staff required to execute the scheme shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organisation.

