



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

बुधवार, नोव्हेंबर २८, २००७/अग्रहायण ७, शके १९२९

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग आठ

(अध्यादेश, विधेयके व अधिनियम यांचा इंग्रजी अनुवाद)

In pursuance of clause (3) of Article 348 of the Constitution of India, the following translation in English of the National Law University, Maharashtra Bill, 2007 (L. A. Bill No. LXXIX of 2007), introduced in the Maharashtra Legislative Assembly on the 27th November 2007, is hereby published under the authority of the Governor.

By order and in the name of the
Governor of Maharashtra,

A. M. SHINDEKAR,
Secretary to Government,
Law and Judiciary Department.

L. A. BILL No. LXXIX OF 2007.

A BILL

*to establish the National Law University in
the State of Maharashtra.*

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

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, at Bangalore, for improving a quality of professional legal education ;

(४८०)

[किंमत : रुपये ९.००]

AND WHEREAS after considering the abovesaid recommendations, the Government of Maharashtra considers it expedient to establish, in the State, the National University for legal studies and research for the purposes hereinafter appearing; it is hereby enacted in the Fifty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the National Law University, Maharashtra, Act, 2007.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In this Act, unless the context otherwise requires,—
- (a) "Academic Council" means the Academic Council of the University ;
- (b) "authorities" means the authorities of the University as specified by or under this Act ;
- (c) "Bar Council" means the Bar Council of Maharashtra and Goa constituted under the Advocates Act, 1961 ;
- (d) "bodies" means the bodies of the University formed by the respective authorities ;
- (e) "Registrar" means the Registrar of the University ;
- (f) "school" means the school of studies maintained by or recognized as such by the University ;
- (g) "Secretary" means the Secretary to the Government of Maharashtra ;
- (h) "State Government" means the Government of Maharashtra ;
- (i) "teacher" means professor, professor emeritus, associate professor, assistant professor, reader, honorary or contributory teacher in the University ;
- (j) "Visitor" and "Vice-Chancellor" means, respectively, the Visitor and the Vice-Chancellor of the University ;
- (k) "University" means the National Law University in Maharashtra established under section 3 of this Act ; and
- (l) "University Grants Commission" means the University Grants Commission established under the University Grants Commission Act, 1956.

Short title
and
commence-
ment.

Definitions.

25 of
1961.

3 of
1956.

CHAPTER II

THE UNIVERSITY

3. (1) With effect from such date as the State Government may, by notification in the *Official Gazette*, appoint, there shall be established, in the State of Maharashtra, a University by the name of the National Law University, Maharashtra which shall consist of the Visitor, Vice-Chancellor, Senate, Management Council, Academic Council and the Registrar.

Establishment and incorporation of University.

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

(3) The University shall be a unitary university having adequate facilities for teaching, research, examination and extension services.

4. The objects of the University shall be to advance and disseminate learning and knowledge of law and legal processes in their multidisciplinary context and their role in national development in general and in particular the objects shall be,—

Objects of University.

(a) to develop in students and research scholars a sense of responsibility to serve society at large by developing skills in regard to advocacy, legal services, legislation, law reforms, and the like ;

(b) to organize lectures, seminars, symposia and conferences;

(c) to make legal processes efficient instruments of social development ;

(d) to publish and print periodicals, treatises, text books, reports, journals, papers and other literature on all subjects relating to law;

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

(f) to undertake research, study and training projects relating to law, legislation and judicial institutions and related fields;

(g) to collaborate with other universities, industries, organizations and business houses ;

(h) to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objects of the University.

5. The University shall have the following powers and functions, namely :—

Powers and functions of University.

(a) to administer and manage the University and such centres, sub-centres and schools for teaching, research, education and to provide for instruction as are necessary for the furtherance of the objects of the University ;

(b) to establish schools of learning in various disciplines of law ;

(c) to establish specialized centers for studies and research in various disciplines of law ;

(d) to provide for instructions in such branches of knowledge or learning pertaining to law, as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge of law and other related disciplines ;

(e) to organize and undertake extra-mural teaching and extension services ;

(f) to hold examinations and to confer diplomas, certificates and degrees including joint degrees in law combined with other disciplines, and other academic distinctions, on persons subject to such conditions as the University may determine; and to withdraw any such diploma, certificates, degrees or other academic distinctions for good and sufficient cause ;

(g) to confer honorary degrees or other distinctions as prescribed by Regulations ;

(h) to fix, demand and receive or recover fees and other charges as may be regulated by the Regulations, from time to time ;

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

(j) to supervise and control the residence and to regulate the discipline in the students of the University and to make arrangements for promoting their health ;

(k) 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 ;

(l) to draw and accept, to make and endorse, to discount and negotiate promissory notes with Government of India and other promissory notes, bills of exchange, cheques or other negotiable instruments, wherever necessary with prior approval of the Government ;

(m) to execute conveyances, transfers, reconveyances, mortgages, leases, licenses and agreements in respect of property, movable or immovable, including Government securities belonging to the University or to be acquired for the purpose of the University ;

(n) to accept grants of money, securities or property of any kind on such terms as may deem expedient, with the prior approval of the State Government, wherever necessary ;

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

(p) to constitute funds for pension, insurance, provident fund 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, and to make such grants, as it may think fit, for the benefit of any employees of the University, 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 University ;

(q) to conduct courses and curricula and to constitute the authorities responsible for organizing such teaching as prescribed by the Regulations ;

(r) to create posts of professors, associate professors, assistant professors, readers, lecturers and any other teaching, academic or research posts required by the University with prior approval of the State Government ;

(s) to appoint or otherwise transfer persons as professors, associate professors, assistant professors, readers, lecturers and researchers of the University ;

(t) to confer and award fellowships, scholarships, prizes and medals ;

(u) to collaborate with institute of higher learning; and undertake research projects and assignments from national or international institutes, Industries, Business Houses, etc., with the prior approval of the State Government ;

(v) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of all or any of its objects ; and

(w) to provide for establishment of its centres, sub-centres and schools.

6. No citizen of India shall be excluded from any office of the University or from membership of any of its authorities, bodies or committees, or from appointment to any post, or from admission to any degree, diploma, certificate or other academic distinction or course of study on the ground only of sex, race, creed, class, caste, place of birth, religious belief or profession, or political or other opinion.

University open to all irrespective of sex, race, creed, class, caste, place of birth, religion or opinion.

Control of State Government. 7. Without prior approval of the State Government, the University shall not,—

(a) transfer by sale or lease any immovable property;

(b) incur expenditure on any development work from the funds received from the State Government for the purposes other than the purposes for which the funds are received.

CHAPTER III

OFFICERS OF THE UNIVERSITY

(A) VISITOR

Visitor and his powers. 8. (1) The Chief Justice of India shall be the Visitor of the University and the Visitor, by virtue of his office, shall be the Head of the University.

(2) The Visitor, when present, shall preside over the Convocation of the University.

(3) The Visitor may issue directions to the Vice-Chancellor to convene the meeting of any authority of the University for specific purposes, whenever necessary, and the Vice-Chancellor shall submit the minutes of such meeting to the Visitor for his perusal.

(4) The Visitor, in any matter *suo motu* or otherwise, call for a report or an explanation or such information and record relating to such matter or affairs of the University, and shall, after considering such report or explanation or information or record, issue such directions thereupon as may be deemed fit in the interest of the University or students or larger interest of public; and his directions shall be final and shall be complied with by the University forthwith.

(5) The Visitor may, after obtaining report in writing from the Vice-Chancellor, suspend or modify any resolution, order or proceedings of any authority, body, committee or officer which, in his opinion, is not in conformity with this Act or Regulations made thereunder or is not in the interest of the University.

(6) Where, in the opinion of the Visitor, the conduct of any member is detrimental to the proper functioning of the University or any authority or body or committee, he may, after giving such member an opportunity to offer his explanation in writing and after considering such explanation, if any, disqualify such member or suspend him for such period as he may deem fit.

(7) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries, equipments and of any centre, sub-centre, institution maintained by the University; and also of the

examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the University.

(8) The Visitor shall exercise such other powers and perform such other duties as may be conferred upon or vested in him by or under this Act.

(B) OTHER OFFICERS OF THE UNIVERSITY

9. The following shall be the officers of the University, namely:—

- (a) the Vice-Chancellor;
- (b) the Deans;
- (c) the Registrar;
- (d) Controller of Examinations;
- (e) the Finance and Accounts Officer; and

Other officers of the University.

(f) such other officers in the service of the University as may be prescribed by Regulations.

10. (1) There shall be a Vice-Chancellor appointed by the Visitor in the manner stated hereunder:—

Vice-Chancellor.

(a) There shall be a committee consisting of the Chief Justice of the High Court of Judicature at Bombay, as the Chairman, and the following members to recommend suitable names, for appointment of Vice-Chancellor, namely:—

- (i) the Advocate General of Maharashtra ;
- (ii) the Secretary, Higher and Technical Education Department;
- (iii) the Secretary, Law and Judiciary Department;
- (iv) One member nominated by the Visitor; and
- (v) One member nominated by the University Grants Commission.

(b) The Secretary, Higher and Technical Education Department, shall be the Member-Secretary of the Committee.

(c) The quorum for the meeting of the Committee shall be three.

(d) The committee shall determine criteria for recommendation of the candidates considering executive and academic functions of the Vice-Chancellor of the University.

(2) The process of preparing a panel shall begin at least three months before the probable date of occurrence of the vacancy of the Vice-Chancellor and shall be completed within the time limit fixed by the Visitor. The Visitor, however, may extend such time limit if in the exigency of the circumstances, it is necessary so to do, so however that the period so extended shall not exceed three months in the aggregate.

(3) The committee shall recommend a panel of not less than three suitable persons for the consideration of the Visitor for being appointed as the Vice-Chancellor. The names shall be in alphabetical order without any preference being indicated. The report shall be accompanied by detailed write up on suitability of each person whose name is recommended.

(4) The Visitor may appoint one of the persons included in the panel to be the Vice-Chancellor.

(5) The person appointed as the Vice-Chancellor shall, subject to the terms and conditions of his contract of service, hold office for the contract period of five years from the date on which he enters upon his office or till attaining the age of sixty-five years, whichever is earlier and shall not be eligible for re-appointment.

(6) The person appointed as the Vice-Chancellor shall hold a lien, if any, on the post in which he is confirmed prior to the appointment.

(7) The Vice-Chancellor may, by writing under his signature addressed to the Visitor, after giving one month's notice resign from his office and shall cease to hold his office on the acceptance of his resignation by the Visitor or from the date of expiry of the said notice period, whichever is earlier.

(8) The Vice-Chancellor may be removed from his office if the Visitor is satisfied that the incumbent,—

(a) has become insane and stands so declared by a competent court ;

(b) has been convicted by a court for any offence involving moral turpitude ;

(c) has been declared as an undischarged insolvent by competent court ;

(d) has been physically unfit and incapable of discharging his functions due to protracted illness or physical disability ;

(e) has willfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service contract or has abused the powers vested in him or if the continuance of the Vice-Chancellor in the office is detrimental to the interests of the University ; or

(f) is an active member of, or worker of any political party or is subscribing in aid of any political activity.

Explanation.—The decision of the Visitor for the removal of the Vice-Chancellor shall be final :

Provided that, the Vice-Chancellor shall be given a reasonable opportunity to show cause by the Visitor before taking recourse for his removal under clauses (d), (e) and (f).

11. (1) The Vice-Chancellor shall be the principal academic and executive officer of the University responsible for the development of academic programmes of the University and shall, in the absence of the Visitor, preside at any convocation of the University. He shall oversee and monitor the administration of the academic programmes and general administration of the University to ensure efficiency and good order of the University.

Powers and duties of Vice-Chancellor.

(2) The other powers and duties of Vice-Chancellor shall be such as may be prescribed by the Regulations.

12. (1) There shall be a Dean for each Faculty. The Dean shall be appointed by the Management Council on the recommendation of the Vice-Chancellor.

Deans.

(2) The powers, functions and the conditions of service of the Dean of the Faculty shall be such as may be prescribed by the Regulations.

13. (1) The Registrar shall be appointed by the Vice-Chancellor.

Registrar.

(2) The powers, duties and conditions of service of the Registrar shall be such as may be prescribed by the Regulations.

14. (1) The Controller of Examinations shall be appointed by the Vice-Chancellor on the recommendations of a Selection Committee constituted for the purpose.

Controller of Examinations.

(2) The powers, duties and conditions of service of the controller of Examinations shall be such as may be prescribed by the regulations.

15. (1) The Finance and Accounts Officer shall be the principal finance and audit officer of the University.

Finance and Accounts Officer.

(2) The powers, duties and conditions of service of the Finance and Accounts Officer shall be such as may be prescribed by the Regulations.

CHAPTER IV

AUTHORITIES OF THE UNIVERSITY

16. The following shall be the authorities of the University, namely:—

Authorities of the University.

(a) the Senate,

(b) the Management Council,

(c) the Academic Council,

(d) the Faculty,

(e) such other bodies of the University as are designated by the Regulations to be the authorities of the University.

Senate. 17. (1) The Senate shall be the principal authority for all financial estimates and budgetary appropriations and for providing social feedback to the University on current and future academic programmes.

(2) The Senate shall consist of the following members, namely :—

(a) the Visitor ;

(b) the Vice-Chancellor ;

(c) the Advocate-General of Maharashtra ;

(d) the Chairman, the Bar Council ;

(e) the Director of the Indian Institute of Technology, Mumbai ;

(f) the Director of the Indian Institute of Management, Ahmedabad ;

(g) the Director, Indian Law Institute, Delhi ;

(h) two former or sitting Judges of the Supreme Court or the High Court of Judicature at Bombay, nominated by the Visitor ;

(i) two principal donors nominated by visitor; and

(j) four eminent scholars nominated by the Visitor.

(3) The Visitor shall normally preside over the Senate and in his absence, the Vice-Chancellor shall preside.

(4) The Senate shall meet at least once a year on the date to be fixed by the Visitor.

Functions
and duties
of Senate.

18. (1) The Senate shall transact the following business at its annual meeting, namely:—

(a) review current academic programmes and collaborative programmes ;

(b) suggest new academic programmes consistent with the societal requirements in legal education ;

(c) suggest measures for improvement and development of the University ;

(d) suggest the institution of new degrees, diplomas, certificates and other academic distinctions ; and

(e) confer, on the recommendations of the Management Council, honorary degrees or other academic distinctions.

(2) The Senate shall receive, discuss and approve the annual financial estimates (budget), annual reports, accounts and audit reports of the University.

(3) The Senate shall review broad policies and programmes of the University and suggest measures for its improvement and development.

19. (1) The Management Council shall be the principal executive authority to administer the affairs of the University. The Management Council shall carry out all such duties which are not specifically assigned to any other authority. It shall consists of the following members, namely:—

Management Council.

(a) the Vice-Chancellor — Chairman ;

(b) the Advocate General of Maharashtra — *ex-officio* ;

(c) the Chairman of the Bar Council ;

(d) the Secretary, Law and Judiciary Department ;

(e) the Secretary, Higher and Technical Education Department ;

(f) the Secretary, Finance Department ;

(g) three members from the faculty; one from amongst the Professors, one from amongst the Associate Professors and one from amongst the Assistant Professors, nominated by the Vice-Chancellor ;

(h) a former or sitting Judge of the High Court of Judicature at Bombay, to be nominated by the Visitor ;

(i) four eminent educationists to be nominated by the Visitor ;

(j) one Dean from amongst the Deans of Faculties to be nominated by the Vice-Chancellor, by rotation of thirty months.

(2) The Registrar shall be the member-secretary of the Management Council.

20. The Management Council shall exercise the following powers and perform the following duties, namely:—

Powers and duties of Management Council.

(a) make Regulations as it thinks fit ;

(b) hold, control and arrange for administration of assets and properties of the University ;

(c) present the budget estimate as received from the Finance and Accounts Committee with its own modifications, if any, to the Senate for its final approval ;

(d) enter into, vary, carry out and cancel contracts on behalf of the University ;

(e) determine the form of a common seal for the University, and provide for its custody and use ;

(f) accept, on behalf of University, trusts, bequests, donations and transfer of any movable or immovable property to the University ;

(g) transfer by sale, or otherwise, any movable property on behalf of the University ;

(h) borrow, lend or invest funds on behalf of the University as recommended by the Finance and Accounts Committee ;

(i) lay down the policy for administering funds at the disposal of the University for specific purposes ;

(j) provide buildings, premises, furniture, apparatus and other means needed for the conduct of the work of the University ;

(k) recommend to the Senate conferment of honorary degrees and academic distinctions ;

(l) institute fellowships, travelling fellowships, scholarships, studentships, exhibitions, awards, medals and prizes, and prescribe rules therefor in accordance with the Regulations, made in this behalf ;

(m) make Regulations for collaboration with other Universities, institutions and organizations for mutually beneficial academic programmes recommended by the centres, sub-centres, schools of studies of the University ;

(n) create posts of University teachers and non-vacation academic staff on recommendation of the Academic Council, as and when required ;

(o) lay down, by Regulations, on the basis of qualifications and terms and conditions of service and other guidelines, approved by the State Government from time to time, and the procedure for appointment of University teachers and non-vacation academic staff and fix their emoluments and norms of workload and conduct and discipline ;

(p) create posts of officers and other employees of the University ;

(q) lay down, by Regulations, the procedure for appointment of officers and other employees of the University, qualifications, mode of recruitment, pay scales, terms and conditions of service including conduct, discipline and their duties ;

(r) prescribe fees and other charges ;

(s) prescribe honoraria, remunerations, fees, travelling and other allowances for paper-setters, examiners and other examination staff, visiting faculty and for such other services rendered to the University ;

(t) receive and consider report of the working of the University from the Vice-Chancellor periodically as provided by the Regulations ;

(u) prepare academic calendar of the University as per the Regulations ;

(v) confer autonomous status on University departments, and recognized institutions on the recommendation of the Academic Council ;

(w) assess and approve the feasibility of proposals from the Academic Council for academic programmes ;

(x) consider and adopt the annual report, annual accounts and audit reports and forward them to the Senate for approval;

(y) cause an inquiry to be made in respect of any matter concerning the proper conduct, working and finances of institutions or departments of the University ;

(z) delegate any of its powers, except the power to make, amend or repeal Regulations, to the Vice-Chancellor or such officer or authority of the University or a Committee appointed by it, as it thinks fit.

(aa) to generate and raise funds for the expansion, collaboration or for infrastructure building by various means as recommended by the Finance and Accounts Committee.

21. (1) The Academic Council shall be responsible for laying down the academic policies in regard to maintenance and improvement of standards of teaching, research, extension and collaboration programmes in academic matters.

Academic Council.

(2) It shall consists of the following members, namely:—

(a) the Vice-Chancellor — the Chairman ;

(b) a nominee of the Chairman of the Bar Council ;

(c) a nominee of the Chairman of the University Grants Commission from amongst the members of its Law Panel ;

(d) three distinguished academicians one each from (i) Management Sciences; (ii) Science and Technology; and (iii) Law, to be nominated by the Vice-Chancellor ;

(e) Deans of Faculties ;

(f) three Professors of the University nominated by Vice-Chancellor ;

(g) one Associate Professor and one Assistant Professor of the University, nominated by the Vice-Chancellor.

22. (1) The Academic Council shall be the principal academic authority of the University and shall be responsible for regulating and maintaining the standards of teaching, research and examinations in the University.

Powers and duties of Academic Council.

(2) Without prejudice to the generality of the foregoing provisions, the Academic Council shall exercise the following powers and perform the following duties, namely:—

(a) recommend to the Management Council regarding institution of degrees, diplomas, certificates and other academic distinctions;

(b) recommend to the Management Council to make, amend or repeal Regulations on issues related to academic matters ;

(c) consider and make recommendations regarding new proposals for creation of professorships, associate professorships, readerships, lectureships, required by the University ;

(d) make proposals to the Management Council for the institution of fellowships, travelling fellowships, scholarships, studentships, medals and prizes and propose Regulations for their award ;

(e) prescribe qualifications and norms for appointment of paper-setters, examiners, moderators and others, concerned with the conduct of examinations ;

(f) appoint committees to review periodically the utility and practicability of the existing courses of study and the desirability or necessity of reviewing or modifying them in the light of new knowledge or changing societal requirements ;

(g) make proposals for the conduct of inter-faculty and area of regional studies; common facilities, such as instrumentation centers, workshops, hobby centers, museums, etc. ;

(h) make proposals to the Management Council to prescribe fees and other charges ;

(i) generally, advise the University on all academic matters and submit to the Management Council the details of the academic calendar and feasibility reports on academic programmes recommended by the Senate at its last meeting ;

(j) exercise such other powers and perform such other duties as may be conferred or imposed on it by or under this Act and Regulations.

Faculties. **23.** (1) The faculties shall be the Principal Academic Co-ordinating Authorities of the University in respect of studies and research in relation to the subjects included in the faculty.

(2) The University shall have such faculties as are prescribed by the Regulations.

(3) The faculty shall consists of the following members namely,—

(a) the Dean of the faculty — Chairman,

(b) all other teaching members of the faculty, and

(c) nominated student member of the faculty ;

Provided that, the nominated student member shall have no right to vote ;

(4) The faculty shall meet at least once in a month.

24. The Faculty shall have the following powers and duties, namely:—

Powers and duties of faculty.

(a) to design courses of study, develop curriculum and plan of action, propose faculty and student guidelines and manual of studies to the Academic Council for approval;

(b) to arrange improvement programmes for teachers and faculty at the beginning of the semester and review critically the performance at the end of the semester;

(c) to appoint examiners, whenever necessary and to fix their fees, emoluments and travelling and other expenses;

(d) to make arrangements for the conduct of examinations and to fix dates for holding such examinations;

(e) 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, honors, diplomas, titles and marks of honor;

(f) to award stipends, scholarships, medals and prizes and to make other awards in accordance with the Regulations and on such conditions as may be attached to the awards.

25. The constitution, powers, the functions and duties of the constitution authorities of the University, not laid down under any of the provisions of this Act shall be as prescribed by the Regulations.

Powers, functions and duties of authorities.

26. The term of every authority constituted under this Act shall be of five years from the date of constitution and the term of the members of every authority shall expire on the expiry of the said period of five years irrespective of the date on which a member has entered upon his office.

The term of authority.

27. (1) A person shall be disqualified for being a member of any of the authorities of the University, if he,—

Disqualification for membership of authority.

(a) is of unsound mind and stands so declared by a competent court;

(b) is an undischarged insolvent;

(c) has been convicted of any offence involving moral turpitude;

(d) is conducting or engaging himself in private tuitions or private coaching classes;

(e) has been punished for indulging in or promoting unfair practices in the conduct of any examination in any form anywhere;

(f) discloses or causes to disclose to the public, in any manner whatsoever, any confidential matter, in relation to examination, the knowledge of which he has come to be in possession, due to his official position.

Resignation
of
membership
of any
authority or
body.

28. (1) A member, other than an *ex-officio* member, of any authority or body may resign by writing under his signature. A nominee of the Visitor may resign by addressing to the Visitor and any other member may resign by addressing to the Vice-Chancellor. The person shall cease to be a member upon his resignation being accepted by the Visitor or the Vice-Chancellor, as the case may be.

(2) If a person nominated to an authority or body remains absent without prior permission of the authority or body for three consecutive meetings, he shall be deemed to have vacated his membership and he shall cease to be a member from the date of third such meeting in which he has remained absent.

Meeting of
the
authorities.

29. Save as otherwise provided by this Act, all matters with regard to the conduct of meetings of the authorities, bodies or committees, if any, constituted by the University or any authority shall be such as may be prescribed by the Regulations.

Casual
vacancy
and
Standing
Committee
to fill
vacancy.

30. (1) When any vacancy occurs in the office of a member, other than an *ex-officio* member, of any authority or other body of the University before the expiry of his normal term, the vacancy shall be filled, as soon as may be, by nomination of a person by the Standing Committee constituted under sub-section (2). The person so nominated shall be a person who is otherwise eligible to be elected on the said authority or body from the same category. The person so nominated shall hold office only so long as the member in whose place he has been nominated, would have held it, if the vacancy had not occurred.

(2) The Constitution of the Standing Committee for filling in the vacancies mentioned in sub-section (1) shall be as follows, namely:—

(a) two members, nominated by the Senate, from amongst its members ;

(b) two members, nominated by the Management Council from amongst its members ;

(c) two members, nominated by the Academic Council, from amongst its members ; and

(d) a nominee of the Visitor on the Management Council.

(3) The Chairman of the Standing Committee shall be elected by its members from amongst themselves.

(4) The term of office of the Standing Committee shall be co-terminus with the term of the Senate.

CHAPTER V

REGULATIONS

31. (1) The Management Council may make the Regulations which are consistent with the provisions of the Act. Regulations.

(2) Every Regulation made by the Management Council shall be laid before the Senate in its meeting held immediately after the Regulations are made and the Regulations so laid shall be subject to the modifications, if any, made by the Senate, so, however, that any such modification shall be without prejudice to the validity of anything previously done or omitted to be done under that Regulation.

(3) The Academic Council shall have the power to propose Regulations on all or any of the matters specified below:—

(a) the constitution, powers and duties of the Academic Council ;

(b) the authorities responsible for organizing teaching in connection with the courses and related academic programmes ;

(c) the withdrawal of degrees, diplomas, certificates and other academic distinctions ;

(d) the establishment and abolition of faculties, departments, specialized institutions of learning and research ;

(e) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes ;

(f) the conditions and modes of appointment of examiners or conduct or standard of examinations or any other course of study ;

(g) the mode of enrolment or admission of students ;

(h) the examinations to be recognized as equivalent to the University examinations.

CHAPTER VI

COMMITTEES

32. (1) **Library Committee.**—(a) There shall be a library committee for administering, organizing and maintaining the libraries and library services of the University. The constitution of the Library Committee shall be such as may be prescribed by Regulations. Committees.

(b) All members of the library committee other than the *ex-officio* members, shall hold office for a period of five years.

(c) The duties of the committee shall be as follows :—

(i) to provide for proper organization and functioning of the library, documentation services and updating the stock of books ;

(ii) to provide for modernization and improvement of library and documentation services ;

(iii) to recommend to the Management Council fees and other charges for the use of library services by students and others ;

(iv) to prepare the annual budget and proposals for development of the library for approval of the Management Council ; and

(v) to submit the annual report to the Management Council on the functioning of the library.

(2) Finance and Accounts Committee.— (a) There shall be a finance and accounts committee consisting of the following members, namely :—

(i) the Vice-Chancellor—Chairman;

(ii) the Director of Accounts and Treasuries or his representative, not below the rank of Deputy Director of Accounts and Treasuries ;

(iii) one person, nominated by the Management Council from amongst its members ;

(iv) one person, nominated by the Academic Council from amongst its members ;

(v) one Chartered Accountant or Cost Accountant to be nominated by the Vice-Chancellor ;

(vi) the Finance and Accounts Officer—Member-Secretary,

(vii) the Registrar shall be the permanent invitee.

(b) The quorum for a meeting of the committee shall be three.

(c) All members of the committee other than *ex-officio* member shall hold office for a term of five years.

(d) The committee shall meet at least four times a year to examine the accounts, the progress of expenditure and all new proposals involving fresh expenditure in the light of the provisions available.

(e) The annual statement of accounts and the financial estimates (budget) of the University, prepared by the Finance and Accounts Officer shall be laid before the Finance and Accounts Committee for consideration and recommendation, and for submission thereafter to the Management Council for such action as it thinks fit.

(f) The budget shall be prepared in the following three distinct parts:—

(i) maintenance ;

(ii) development ; and

(iii) independent project or scheme or collaborative programmes grants.

(g) The committee shall perform the following additional functions and duties, namely :—

(i) recommend to the Management Council the limits for the total recurring and non-recurring expenditure for the year, based on the income and resources of the University, including the proceeds of loans for productive work ;

(ii) recommend to the Management Council productive investment and management of University assets and resources ;

(iii) explore the possibilities of, and resort to, augmenting further the resources for the development of the University ;

(iv) take necessary steps to have the University accounts audited by auditors appointed by the Management Council ;

(v) advise the Management Council on matters related to the administration of the property and the funds of the University ;

(vi) ensure proper implementation of the State Government's orders issued from time to time, in respect of financial matters ;

(vii) advise on financial matters referred to it by the Management Council, Academic Council or any other authority, body or committee or any officer of the University ;

(viii) report to the Vice-Chancellor any lapse or irregularity in financial matters which comes to its notice who may take suitable prompt actions after assessing the seriousness of the matter or refer it to the Management Council.

(h) The other powers and duties of the committee and the procedure at its meeting shall be such as may be prescribed by the Regulations.

(i) The annual accounts of the University and institutions shall be open for audit by the auditors appointed by the State Government.

(3) Purchase Committee.— (a) There shall be purchase committee for dealing with all matters pertaining to all purchases of the University, in respect of such items where individual cost of each item exceeds rupees one lakh at a time.

(b) The committee shall consists of the following members, namely :—

(i) the Vice-Chancellor – Chairman ;

(ii) one member, nominated by the Management Council, from amongst its members ;

(iii) the Registrar ;

(iv) the Finance and Accounts Officer.

(c) The Finance and Accounts Officer shall ordinarily act as the Secretary of the purchase committee. During the period when there is no Finance and Accounts Officer or during his absence, the Registrar shall act as the Secretary of the committee.

(d) The purchase committee shall invite the Deans of the Faculties for which the purchase is to be made.

(e) All members of the committee, other than *ex-officio* members, shall hold office for a period of two years.

(f) The powers and duties of the committee and the procedure for its meetings shall be such as may be prescribed by the Regulations.

(4) Other Committees.— In addition to the committees constituted under this Act, the authorities of the University may appoint such other committees with suitable terms and reference for any specific task, and such committee shall consist of members of the same authority constituting such committee and also of such other persons as that authority may nominate.

CHAPTER VII

ENROLMENT, DISCIPLINARY POWERS AND CONVOCATION

Enrolment of students. 33. A person to be enrolled as a student of the University shall possess such qualifications and fulfill such conditions as may be prescribed by the Regulations.

Disciplinary powers. 34. (1) All powers relating to discipline and disciplinary action in relation to the students of the University shall vest in the Vice-Chancellor.

(2) The Vice-Chancellor may, by order, delegate all or any of his powers under the Act as he deems fit, to such other officer as he may nominate in that behalf.

(3) The Vice-Chancellor may, in the exercise of his powers, by order, direct that a student or students be expelled or rusticated for a specified period, or be not admitted to a course or courses of study in the University for a specified period, or be punished with fine, or be debarred from taking an examination or examinations conducted by the University for a specified period not exceeding five years or that the result of the student or students concerned in examination in which he or they have appeared be cancelled :

Provided that, the Vice-Chancellor shall give reasonable opportunity to the student concerned of being heard, if expulsion is for a period exceeding one year.

(4) The Vice-Chancellor shall, subject to the approval of the Management Council, make rules of discipline and proper conduct for students of the University and every student shall be supplied with a copy of such rules.

(5) At the time of admission, every student shall sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and the other officers and authorities or bodies of the University and shall observe and abide by the rules made by the Vice-Chancellor in that behalf.

Convocation. 35. The convocation of the University shall be held at least once during an academic year in the manner prescribed by the Regulations for conferring degrees, post-graduate diplomas or for any other purpose.

CHAPTER VIII

UNIVERSITY FUNDS, ACCOUNTS AND AUDITS

36. (1) The University shall establish the Capital Fund. The following shall form part of, or be paid into, the Capital Fund,— Capital Fund.

(a) any grant made by the State Government or the Government of any other State ;

(b) any grant specific or otherwise made by the University Grants Commission or the Government of India ;

(c) any bequests, donations, endowments or other grants made by private individuals, trusts, foundations, incorporated bodies, etc. ;

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

(e) amounts received from any other sources.

(2) The said fund may be employed for such purpose of the University and in such manner, as may be prescribed by the Regulations.

37. Surplus moneys at the credit of the Capital Fund, which cannot immediately or at an early date be applied for the purpose aforesaid shall, from time to time, be deposited in the nationalized or Scheduled Banks or invested in any other equity or securities issued by the Corporation having financial participation of the State Government or in units of Unit Trust of India (U.T.I.), National Saving Certificates (N.S.C.), bonds investment approved by the Management Council. Investment of fund.

38. (1) The accounts of the University shall be maintained on accrual basis as per the double entry book keeping system and the applicable Accounting Standards shall be followed. Annual accounts and audit.

(2) The accounts of the University shall be audited at least once and in any case within six months of the close of the financial year by the auditors appointed by the Management Council from amongst the firms of chartered accountants whose proprietor or partner has no interest in any of the authorities or affairs of the University.

(3) The audited accounts shall be published by the University and a copy thereof, together with the copy of the auditors report, shall be submitted to the Visitor, the State Government and the Senate. The Senate shall consider and pass such resolution thereon as it thinks fit.

(4) The State Government shall conduct the test audit or full audit of the accounts of the University at regular intervals by the auditors appointed by the State Government.

Annual
report.

39. The annual report of the University shall be prepared and published by the University and such report as approved by the Management Council shall be submitted to the Visitor, the State Government and the Senate. The Senate may consider the annual report in its meeting and may make recommendations, as it deems fit. The Management Council shall take appropriate action on the recommendations of the Senate and report the action taken to the Senate.

Review
committee.

40. The Visitor shall at least once in every two years constitute a committee to review the working of the University and to make recommendations. The committee shall consist of not less than three eminent educationalists, one of whom shall be the Chairman appointed by the Visitor in consultation with the State Government.

CHAPTER IX

MISCELLANEOUS

Provident
fund,
gratuity,
pension and
other
benefits.

41. (1) The Employees holding tenure positions shall be entitled to provident fund, gratuity or other benefits, as may be prescribed, by the Regulations, from time to time.

(2) Non tenure employees shall enjoy such terminal benefits as may be prescribed, by the Regulations from time to time.

Removal of
difficulties.

42. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion requires, but not later than two years from the date of commencement of this Act, by order, do anything, not inconsistent with the objects and purposes of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty.

STATEMENT OF OBJECTS AND REASONS.

At present, the law colleges affiliated to various universities in the State are imparting legal education based on the syllabus prepared by the concerned universities. Alongwith the modernization and computerization, the new types of crimes, particularly " Cyber Crimes " are emerging. The international economy and international agreements has necessitated the need of having specialized law consultants in the field.

2. The Committee appointed by Chief Justices Conference on Legal Education and Training in 1993 has recommended the establishment of institution on the model of National Law School of India University, at Banglore, in the State. The All India Law Ministers Conference, 1995, has also resolved to set up, in each State, a Law School modelled on the lines of the National Law School of India University, at Banglore.

3. After considering the aforesaid recommendations and with a view to provide for improving the quality of professional legal education and research, the Government of Maharashtra considers it expedient to enact a special law to provide for the establishment of the National University for Legal Studies and Research, on the model of National Law School of India University, at Banglore, in the State, in addition to the existing law colleges affiliated to the various universities.

4. The Bill is intended to achieve the above objectives.

Nagpur,
Dated the 23rd November, 2007.

DILIP VALSE-PATIL,
Minister for Higher and
Technical Education.