



NATIONAL LAW UNIVERSITY AND JUDICIAL ACADEMY, ASSAM ACT, 2009

(Assam Act No. XXV of 2009)
(As Amended by Act No. II of 2012)

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**NATIONAL LAW UNIVERSITY AND
JUDICIAL ACADEMY, ASSAM ACT, 2009**

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(Assam Act No.XXV of 2009 - as Amended by Act No. II of 2012)

An Act to provide for the establishment of a Law University and a Judicial Academy by the name of the National Law University and Judicial Academy, Assam at Guwahati for imparting legal education for development of teaching and higher learning in law with powers to award degrees, diplomas, and other academic distinctions and also to impart legal training and education for Judicial Officers.

Preamble :

Whereas it is expedient to provide for the establishment of a Law University and a Judicial Academy by the name of the National Law University and Judicial Academy, Assam at Guwahati for imparting legal education for development of teaching and higher learning in law with powers to award degrees, diplomas and other academic distinctions;

And whereas introduction of compulsory induction training for one year to all newly recruited Judicial Officers made it obligatory to have a well-equipped training academy to offer comprehensive legal training and research facilities for the Judicial Officers for the purpose of enhancing capacity and professional competence;

And whereas in furtherance of the said objects, the Government has decided that teaching and research facilities available in the Law University can also be utilized to offer comprehensive legal training to the Judicial Officers apart from development of teaching and higher learning in law with powers to award degrees, diplomas, and other

academic distinctions and for matters connected therewith or incidental thereto:

It is hereby enacted in the Sixtieth Year of the Republic of India, as follows:-

CHAPTER-I

Preliminary

1. Short title extent and commencement :

- (1) This Act may be called the ¹[National Law University and Judicial Academy, Assam Act, 2009].
- (2) It extends to the whole of Assam.
- (3) It shall come into force at once.

2. Definitions :

In this Act unless the context otherwise requires :-

- (a) "Academy"¹ means the Judicial Academy, Assam mentioned under section 3;
- (b) "Authorities of the ²[Law University]" means the authorities mentioned in section 8;
- (c) "Board" means the Board of Management of the Academy as mentioned under section 32;
- (d) "Chairperson" means the Chairperson of the Board;
- (e) "Court personnel" means an employee of the establishment of the Gauhati High Court, a court and a tribunal under the administrative control of the Gauhati High Court;

1 Substituted by an Act No. II of 2012.

2 The term "Law School" has been substituted by the term "Law University", an Act No. II of 2012.

- (f) ³[⁴“Vice-Chancellor”] means the Vice-Chancellor of the Law University appointed under section 17;]
- (g) “Director” means the Director of the Academy appointed under section 35;
- (h) “Fund” means the Judicial Training Fund mentioned in section 37;
- (i) “General Council” means the General Council mentioned in section 9;
- (j) “Government” means the Government of Assam;
- (k) “High Court” means the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh;
- (l) “Judicial Officer” means a District Judge, a Sessions Judge, an Additional District Judge, an Additional Sessions Judge, a Senior Civil Judge, a Civil Judge, a Judicial Magistrate, a Special Judicial Magistrate or a presiding officer of a court or a tribunal under the administrative control of the Gauhati High Court;
- (m) “Law University” means the National Law University and Judicial Academy, Assam, established under section 3 of this Act;
- (n) “Member” means a member of the Board;
- (o) “Prescribed” means prescribed by the Rules, Statutes and Regulations made under this Act;

3 Substituted by an Act No.II of 2012.

4 The term “Director General” has been substituted by the term “Vice-Chancellor”, an Act No. II of 2012.

- (p) ⁵[⁶ The term “Chancellor”] means Chancellor of the Law University mentioned in section 7;]
- (q) “Registrar of Law University” means the Registrar of the Law University appointed under section 18.

CHAPTER- II

The Law University

3. Establishment of the Law University :

- (1) There shall be established in the State of Assam a Law University by the name of the “National Law University and Judicial Academy, Assam”.
- (2) The Law University shall be a body corporate having perpetual succession and a common seal and shall be capable of entering into contract and sue and be sued by its name represented by the Registrar of the Law University.
- (3) The Law University shall be fully residential and be engaged in teaching and research in law with powers to award degrees, diplomas and other academic distinctions and imparting training in allied disciplines.
- (4) The main seat of the Law University shall be at Guwahati and it may establish campuses at such other places as it may deem fit.

4. Objects of the Law University :

The object of the Law University shall be:

- (i) to evolve and impart comprehensive legal education and training at all levels to achieve excellence in the working of the Judicial Institutions;

5 Substituted by an Act No.II of 2012.

6 Substituted by an Act No.II of 2012.

- (ii) to organize advanced studies and promote research in all branches of law;
- (iii) to disseminate legal knowledge by organizing lectures, seminars, symposia, workshops and conferences;
- (iv) to promote cultural, legal and ethical values with a view to promote and foster the rule of law and the objectives enshrined in the Constitution of India;
- (v) to improve the ability to analyze and present for the benefit of the public contemporary issues of public concern and their legal implications;
- (vi) to liaise with institutions of higher learning and research in India and abroad;
- (vii) to publish periodicals, treaties, study books, reports, journals and other literature on all subjects relating to law;
- (viii) to hold examinations and grant degree and confer honorary awards and other academic distinctions;
- (ix) to promote legal awareness in the community for achieving social and economic justice;
- (x) to undertake study and training projects relating to law, legislation to the members of the judicial institutions;
- (xi) to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objectives of the Law University; and
- (xii) to nurture and to promote quality and excellence in legal studies and research.

5. Powers and Functions of the Law University :

The powers and functions of the Law University shall be:-

- (i) to administer and manage the Law University and such other centres for study, research, education and

instructions as are necessary in furtherance of the objects of the Law University and to provide for instruction in all branches of knowledge or learning pertaining to law and allied subjects as the Law University may deem it;

- (ii) to make provisions for training, research and for the advancement and dissemination of knowledge of law to all the Departments of the State Government;
- (iii) to hold examinations and to confer degrees, titles, diplomas and other academic distinctions on persons subject to such conditions as the Law University may determine and to withdraw any such degrees, titles, diplomas and other academic distinctions subject to such conditions as the Law University may determine;
- (iv) to fix, demand and receive fees and other charges as may be prescribed;
- (v) to establish special centres, specialized study centres or other units for research and instructions as are in the opinion of the Law University, necessary in furtherance of its objects;
- (vi) to supervise and control the residence and to regulate the discipline of the trainee, students and staff of the Law University and to make arrangements for promoting their health and general welfare;
- (vii) to regulate and enforce discipline among the employees of the Law University and to take such disciplinary measures as may be deemed necessary;
- (viii) to appoint persons as Professors, Associate Professors, Assistant Professors, Readers, Lecturers or otherwise as teachers and researchers of the Law University and as other classes of employees;

- (ix) to institute an Awards, Fellowships, Scholarships, Prizes and Medals;
- (x) to provide for printing, reproduction and publication of research and other works and to organize exhibitions;
- (xi) to sponsor and undertake training of Judicial Officers or Administrative Officers of other States against payment and to take up research in all aspects of law, justice and social development;
- (xii) to co-operate with any other organisations 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 Law University may from time to time determine;
- (xiii) to co-operate with institutions of higher learning in any part of the world having objects wholly or otherwise similar to those of the Law University by exchange of teachers and scholars and generally in such manner as may be conducive to the common objects;
- (xiv) to receive grants, subventions, subscriptions, donations and gifts for the purpose of the Law University consistent with the objects for which the Law University is established;
- (xv) to accept grants of money, securities or property of any kind or description on such terms and conditions as may be deemed expedient;
- (xvi) 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 Law University or without any securities and upon such terms and conditions as, it may think fit, and to pay out of the funds of the Law University, all expenses incidental to

the raising of money, and to repay and redeem any money borrowed or debt made;

- (xvii) to invest the funds of the Law University or moneys entrusted to the Law University in or upon such securities or deposits and in such manner as it may deem fit and from time to time transpose any investments;
- (xviii) to make such Statutes, Regulations and other instruments as may, from time to time, be considered necessary for reservation of seats in terms of reservation policy of the Government, for regulating the affairs and the management of the Law University and its properties and to alter, modify and to rescind them;
- (xix) to constitute for the benefit of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed pension, insurance, provident fund and gratuity and other schemes as it may deem fit and to make such grants as it may think fit for the benefit of the staff of the Law University and to aid in the establishment and support of associations, institutions, funds and trusts for the benefit of the staff and the students of Law University; and
- (xx) to do all such other acts and things as the Law University may consider necessary, conducive or incidental to the attainment or enlargement of the aforesaid objects or any of them;
- (xxi) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
- (xxii) to institute Professorships, Associate Professorships, Assistant Professorships, Readerships, Lecturerships and any other teaching, academic or research posts required by the Law University;

- (xxiii) to regulate the expenditure and to manage the accounts of the Law University;
- (xxiv) to enter into any agreement with the Central Government, State Government, the University Grants Commission or other Authorities for receiving grants;
- (xxv) to establish and maintain within the premises of the Law University or elsewhere such ⁷[Centres], Colleges and Study halls as the Law University may consider necessary and adequately furnish the same and to establish and maintain such libraries and reading rooms as may appear convenient or necessary for the Law University;
- (xxvi) 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 Law University and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;
- (xxvii) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the Law University, movable or immovable, on such terms and conditions as it may think fit and proper without prejudice to the interests and activities of the Law University;
- (xxviii) 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;
- (xxix) to execute conveyance, transfers, re-conveyances, mortgages, leases, licences and agreements in respect

7 Substituted by an Act No.II of 2012.

- of property, movable or immovable including Government securities belonging to the Law University or to be acquired for the purpose of the Law University;
- (xxx) to appoint in order to execute an instrument or transact any business of the Law University any person as it may deem fit;
 - (xxxi) to give up and cease from carrying on any classes or departments of the Law University;
 - (xxxii) to accept grants of money, securities or property of any kind or description on such terms and conditions as may be deemed expedient;
 - (xxxiii) 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 Law University or without any securities and upon such terms and conditions as, it may think fit, and to pay out of the funds of the Law University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed or debt made;
 - (xxxiv) to invest the funds of the Law University or moneys entrusted to the Law University in or upon such securities or deposits and in such manner as it may deem fit and from time to time transpose any investments;
 - (xxxv) to make such Statues, Regulations and other instruments as may, from time to time, be considered necessary for regulating the affairs and the management of the Law University and its properties and to alter, modify and to rescind them;

- (xxxvi) to constitute for the benefit of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed pension, insurance, provident fund and gratuity and other schemes as it may deem fit and to make such grants as it may think fit for the benefit of the staff of the Law University and to aid in the establishment and support of associations, institutions, funds and trusts for the benefit of the staff and the students of Law University; and
- (xxxvii) to do all such other acts and things as the Law University may consider necessary, conducive or incidental to the attainment or enlargement of the aforesaid objects or any of them.

6. Teaching in the Law University :

- (1) All recognized teaching of the Law University in connection with the degrees, diplomas, certificates including training of the Officers shall be conducted under the Control of the General Council by the teachers and trainers, in accordance with the syllabus prescribed by the Regulations.
- (2) The course and curricula and the authorities responsible for organizing the teaching of such courses and curricula shall be as prescribed by the Regulations.

7. Chancellor of the Law University :

- (1) The Chief Justice of the Gauhati High Court (High Court of Assam, Nagaland, Manipur, Tripura, Mizoram and Arunachal Pradesh) shall be the Chancellor of the Law University and in his absence, the acting Chief Justice of Gauhati High Court shall discharge the functions of the Chancellor.

- (2) The Chancellor, when present, shall preside over the ⁸[Convocation] of the Law University and the meetings of the General Council.
- (3) The Chancellor may himself inspect at any time or may also direct inspection to be made by such person or persons as he may direct, of the Law University, its buildings, libraries and equipment and of any institution maintained by the Law University, and also of the scheduled training, examinations, teaching and other work conducted or done by the Law University and cause an enquiry to be made in the like manner in respect of any matter connected with the administration and finances of the Law University.
- (4) The Chancellor may offer such advise to the Law University as he may deem fit with reference to the result of such inspection or inquiry.
- (5) The Law University shall communicate to the Chancellor the action taken or proposed to be taken on such advice.
- (6) In case of differences among the authorities or officers of the Law University on any matter which cannot be otherwise resolved, the decision of the Chancellor shall be final.
- (7) The Chancellor may invite a person or persons of eminence in law and legal education to advise the Law University in relation to affairs of the Law University as and when he deems it necessary.

CHAPTER- III

Authorities of the Law University

8. Authorities of the Law University :

The following shall be the authorities of the Law University:-

- (a) the General Council;
- (b) the Executive council;
- (c) the Academic Council;
- (d) the Finance Committee, and such other authorities as may from time to time be declared as such by the General Council.

9. General Council and its terms of Office :

- (1) The General Council shall consist of the following persons:-
 - (i) Chief Justice of the Gauhati High Court as Chancellor;
 - (ii) any Former Chancellor on invitation of the Chancellor;
 - (iii) two sitting or retired Judges of Gauhati High Court, nominated by the Chancellor;
 - (iv) Advocate General of Assam;
 - (v) Vice-Chancellor of the Law University will be the Member-Secretary of the General Council;
 - (vi) an eminent educationist nominated by the Government of Assam;
 - (vii) ⁹[Chairman of the Bar Council of India or a nominee of the Chairman from amongst the members of the Bar Council of India;]
 - (viii) Chairman, Bar Council of Assam;

9 Substituted by an Act No.II of 2012.

- (ix) two eminent persons in the disciplines of Social Sciences and Humanities nominated by the Chancellor ;
 - (x) Director of the Judicial Academy establishment under this Act;
 - (xi) two eminent persons in legal or educational field, nominated by the Chancellor;
 - (xii) four members from the Government of Assam among whom, one shall be the Chief Secretary to the Government of Assam, one shall be the Principal Secretary to the Government of Assam, Finance Department and one shall be the Legal Remembrancer and Secretary to the Government of Assam, Judicial Department, and one shall be the Secretary to the Government of Assam, Higher Education Department;
 - (xiii) the Registrar of the Law University;
 - (xiv) ¹⁰[all the Professors, who are the Heads of Departments / Centres in the Law University;] and
 - (xv) ¹¹[one Senior Sitting Judge of the Gauhati High Court nominated by the Chancellor.]
2. (i) where a person has become a member of the General Council by reason of the post or appointment he holds, his membership shall be co-terminus with the post held by him.
- (ii) the terms of office of the nominated members of the General Council other than the *ex-officio* members shall be three years;

10 Substituted by an Act No.II of 2012.

11 Inserted by an Act No.II of 2012.

- (iii) a member of the General Council shall cease to be a member if he resigns or becomes of unsound mind, or insolvent or is convicted of a criminal offence involving moral turpitude;
- (iv) a member of the General Council other than an *ex-officio* member may resign his office by a letter addressed to the Chancellor and such resignation shall take effect as soon as it has accepted; and
- (v) any such vacancy in the General Council shall be filled by nomination by the respective nominating authority and on expiry of the period of the vacancy, such nomination shall cease to be effective.

10. Powers, functions and meetings of the General Council :

- (1) The General Council shall be the plenary authority of the Law University and shall formulate and review from time to time the broad policies and programmes of the Law University and devise measures for the improvement and development of the Law University and shall also have the following powers and functions, namely:-
 - (i) to consider and pass the annual report, financial statement and the budget estimates prepared by the Executive Council and to adopt them with or without modification;
 - (ii) to make statues concerning the administration of the affairs of the Law University including prescribing the procedures to be followed by the authorities and the officers of the Law University in the discharge of their functions; and
 - (iii) to recommend the person to be appointed as Vice-Chancellor of the Law University from out of the panel prepared by the Selection Committee appointed by the Executive Council, and proposed by it.

- (2) (i) 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;
- (ii) a report of the working of the Law University during the previous year, together with a statement of receipts and expenditure, duly audited balance sheet, and the financial estimates shall be presented by the Vice-Chancellor of Law University to the General Council at its annual meetings;
- (iii) meeting of the General Council shall be called by the Vice-Chancellor of Law University either at the request of not less than five members of the General Council or on the direction of the Chancellor ;
- (iv) for every meeting of the General Council, fifteen days notice shall be given;
- (v) one-third of the members existing on the rolls of the General Council shall form the quorum;
- (vi) each member shall have one vote and if there be equality of votes on any question to be determined by the General Council, the person presiding over the meeting shall, in addition, have a casting vote; and
- (vii) in case of difference of opinion among the members, the opinion of the majority shall prevail.

11. Executive Council :

- (1) The Executive Council shall consist of the following persons, namely:-
- (i) The Vice-Chancellor of the Law University;

- (ii) ¹²[Chairman of the Bar Council of India or a nominee of the Chairman from amongst the members of the Bar Council of India;]
 - (iii) the Chairman, Bar Council of the State of Assam;
 - (iv) one Judge of the Gauhati High Court, either sitting or retired nominated by the Chancellor;
 - (v) Principal Secretary to the Government of Assam, Finance Department;
 - (vi) Legal Remembrancer and Secretary to the Government of Assam, Judicial Department;
 - (vii) Registrar General of the Gauhati High Court;
 - (viii) Secretary to the Government of Assam, Higher Education Department;
 - (ix) Secretary to the Government of Assam, Personnel Department;
 - (x) the Registrar of the Law University;
 - (xi) One Senior Grade-I Judicial Officer, nominated by the Chancellor ;
 - (xii) three Senior teachers to be nominated by the Vice-Chancellor of the Law University of whom, as far as possible, one shall be from amongst the Heads of the Department, one from Professors and one from Associate Professors.
- (2) ¹³[The Vice-Chancellor shall be the Chairman of the Executive Council.]
- (3) (i) where a person has become a member of the Executive Council by reason of the office or appointment he holds,

12 Substituted by an Act No.II of 2012.

13 Substituted by an Act No.II of 2012.

his membership shall be co-terminus with the office held by him;

- (ii) the term of office of the nominated members of the Executive Council other than *ex-officio* members shall be three years;
- (iii) 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. A member, other than Vice-Chancellor of the Law University or Registrar of the Law University or teachers, shall also cease to be a member if he accepts a full time appointment in the Law University or if he being a teacher fails to attend three consecutive meetings of the Executive Council without the leave of the Vice-Chancellor of the Law University;
- (iv) a member of the Executive Council other than an *ex-officio* member may resign his office by a letter addressed to the Vice-Chancellor of the Law University and such resignation shall take effect as soon as it has been accepted by him;
- (v) any such vacancy in the Executive Council shall be filled by nomination by the respective nominating authority and on expiry of the period of vacancy, such nomination shall cease to be effective.

12. Powers, functions and meetings of the Executive Council :

- (1) Subject to the provision of section 10, the Executive Council shall be the Chief Executive Authority of the Law University and as such shall have all powers necessary to administer the Law University subject to the provisions of this Act and the Statutes made thereunder and may make Regulations for that purpose and also with respect to matters provided hereunder.

- (2) The Executive Council shall have the following powers and functions:-
- (i) to propose as and when required to the General Council for appointment as Vice-Chancellor of the Law University, a panel of three names after considering the recommendations of Selection Committee constituted for that purpose by it;
 - (ii) to recommend the names of three persons to the Chancellor for appointment as Registrar of the Law University on the recommendations of the Selection Committee constituted for that purpose by it;
 - (iii) to prepare and present to the General Council at its annual meetings:-
 - (a) a report on the working of the Law University;
 - (b) a statement of accounts; and
 - (c) budget proposals for the ensuing academic year;
 - (iv) to manage and regulate the finances, accounts, investments, properties, business and all other administrative affairs of the Law University and for that purpose, constitute committees and delegate the powers to such committees or such officers of the Law University as it may deem fit;
 - (v) to invest any money belonging to the Law University, including any unapplied income, in such stock, funds, shares or securities, as it may, from time to time, think fit, or in the purchase of immovable property in India, with the like power of varying such investments from time to time;
 - (vi) to transfer or accept transfer of any movable or immovable property on behalf of the Law University;

- (vii) to enter into, vary, carryout and cancel contracts on behalf of the Law University and for that purpose to appoint such officers as it may think fit;
 - (viii) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the Law University;
 - (ix) to entertain, adjudicate upon, and if it thinks fit, to redress any grievances of the officers, the teachers, the students and the employees of the Law University;
 - (x) to create teaching, administrative, ministerial and other necessary posts, to determine the number and emoluments of such posts, to specify the minimum qualifications for appointment to such posts on such terms and conditions of service as may be prescribed by the Regulations made in this behalf;
 - (xi) 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;
 - (xii) to select a common seal for the Law University; and
 - (xiii) to exercise such other powers and to perform such other duties as may be considered necessary; or imposed on it by or under this Act.
- (3) (i) The Executive Council shall meet at least once in four months and not less than fifteen days notice shall be given of such meeting;
- (ii) the meeting of the Executive Council shall be called by the Vice-Chancellor of Law University or by the Registrar either on their own or at the request of not less than five members of the Executive Council;

- (iii) six members of the Executive Council shall form the quorum at any meeting;
- (iv) in case of differences of opinion among the members, the opinion of the majority shall prevail;
- (v) each member of the Executive Council shall have one vote and if there be equality of votes on any question to be determined by the Executive Council, the Chairman of the Executive Council or as the case may be, the Member presiding over that meeting shall, in addition, have a casting vote;
- (vi) every meeting of the Executive Council shall be presided over by the Vice-Chancellor of the Law University and in his absence by a member chosen by the members present;
- (vii) if urgent action by the Executive Council becomes necessary, the Vice-Chancellor of the Law University may permit the business to be transacted by circulation of papers to the members of the Executive Council. The action so 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.

13. Academic Council :

- (1) The Academic Council shall consist of the following persons, namely:-
 - (i) the Vice-Chancellor of the Law University who shall be the Chairman thereof;
 - (ii) one Judge of the Gauhati High Court, either sitting or retired, nominated by the Chancellor;

- (iii) Registrar General of the Gauhati High Court;
 - (iv) the Registrar of the Law University;
 - (v) three persons from amongst retired judges of the Gauhati High Court or educationists of repute or men of letters or members of the legal profession or eminent public men, who are not in the service of the Law University, nominated by the Chancellor;
 - (vi) all the Heads of the Departments of the Law University;
 - (vii) all Professors other than the Heads of the Departments; and
 - (viii) two members of the teaching staff, one each respectively representing the Associate and Assistant Professors of the Law University nominated by the Vice-Chancellor of Law University for the term specified;
 - (ix) a nominee of the Bar Council of India;
 - (x) a nominee of the Bar Council of Assam;
- (2) The term of the members other than *ex-officio* members and those whose term is not specified by any of the clauses of sub-section (1) shall be three years:

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

14. Powers, functions and meetings of the Academic Council¹⁴

- (1) Subject to the provisions of the Act, Statutes and Regulations¹⁵[* * *], the Academic Council shall manage the academic affairs

14 The existing provisions of clause (viii) has been deleted and clauses (ix), (x), (xi), (xii), (xiii), (xiv), and (xv) have been renumbered respectively as (viii), (ix), (x), (xi), (xii), (xiii), and (xiv), by an Act No. II of 2012.

15 The words "and overall supervision of Executive Council" omitted by an Act No. II of 2012.

and matters of the law University and in particulars shall have the following powers and functions, namely:-

- (i) to report on any matter referred or delegated to it by the General Council or the Executive Council;
- (ii) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the Law University and the emoluments payable and the duties attached thereto;
- (iii) to formulate and modify or revise schemes for the organization of the faculties, and to assign to such faculties their respective subjects and also to report to the Executive Council as to the expediency of the abolition or sub-division of any faculty or the combination of one faculty with another;
- (iv) to recommend arrangements for the training, instruction and examination of persons other than those enrolled in the Law University;
- (v) to promote research within the Law University and to require from time to time, reports on such research;
- (vi) to consider proposals submitted by the faculties;
- (vii) to suggest policies for admissions to the Law University;
- (viii) 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 recommend for award the same;
- (ix) to make recommendations to the Executive Council in regard to the appointment of examiners and if necessary their removal and fixation of their fees, emoluments and travelling and other expenses;

- (x) to recommend arrangements for the conduct of examinations and the dates for holding them;
 - (xi) to declare or review the results 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, licenses, titles and marks of honour;
 - (xii) to recommend stipends, scholarships, medals and prizes and to make other awards in accordance with the Regulations and such other conditions as may be attached to the awards;
 - (xiii) to approve or revise lists of prescribed or recommended text books and to publish the same and syllabus of the prescribed courses of study;
 - (xiv) to approve such forms and registers as are, from time to time, required by the Regulations; and
 - (xv) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for proper carrying out of the provisions of this Act and the Regulations made thereunder.
- (2)
- (i) The Academic Council shall meet as often as may be necessary, but not less than two times during an academic year;
 - (ii) one half of the existing members of the Academic Council shall form the quorum for a meeting of the Academic Council;
 - (iii) in case of difference of opinion among the members, the opinion of the majority shall prevail;

- (iv) each member of the Academic Council, including the Chairman of the Academic Council, have one vote and if there be an equality of votes on any question to be determined by the Academic Council, the Chairman of the Academic Council, or as the case may be, the member presiding over the meetings, shall in addition, have a casting vote;
- (v) every meeting of the Academic shall be presided over by the Vice-Chancellor of Law University and in his absence by a member chosen in the meeting to preside on the occasion;
- (vi) 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 the members of the Academic Council. The action so taken shall forthwith be intimated to all the members of the Academic Council. The papers shall be placed before the next meeting of the Academic Council for confirmation.

15. Finance Committee :

- (1) There shall be a Finance Committee constituted by the Executive Council consisting of the following:-
 - (i) the Vice-Chancellor of Law University;
 - (ii) the Registrar of Law University; and
 - (iii) three members nominated by the Executive Council from amongst its members out of whom at least one shall be from those nominated by the Chancellor and one from among them nominated by the Government of Assam.

- (2) The members of the Finance Committee other than the Vice-Chancellor of Law University and Registrar of Law University, shall hold office so long as they continue as members of the Executive Council.
- (3) The functions and duties of the Finance Committee shall be as follows:-
 - (i) to examine and scrutinize the annual budget of the Law University and to make recommendations on financial matters to the Executive Council;
 - (ii) to consider all proposals for new expenditure and to make recommendations to the Executive Council;
 - (iii) to consider the periodical statement of accounts and to review the finances of the Law University from time to time and to consider re-appropriation statements and audit reports and to make recommendations to the Executive Council.
 - (iv) to give its views and to make recommendations to the Executive Council on any financial question affecting the Law University either on its own initiative or on reference from the Executive Council or the Vice-Chancellor of Law University.
- (4) The Finance Committee shall meet at least thrice in every year. Three members of the Finance Committee shall form the quorum.
- (5) The Vice-Chancellor of Law University shall preside over the meetings of the Finance Committee, and in his absence, the Registrar of Law University shall preside. In case of difference of opinion among the members, the opinion of the majority of the members present shall prevail.

15(A) Academic Planning Board¹⁶

- (1) There shall be an Academy Planning Board consisting of the following:-
 - (i) the Vice-Chancellor;
 - (ii) ten members who shall be academic persons to be nominated by the Executive Council on the recommendation of the Vice-Chancellor,
- (2) All the members of the Board, other than the Vice-Chancellor, shall hold office for a term of three years.
- (3) The Board may design and formulate appropriate plans for development and expansion of the University and it may, in addition, advise the Executive Council and the Academic Council on any matter which it may deem necessary for the fulfillment of the objects of the University.
- (4) The Board may constitute such committee as may be necessary for planning and monitoring the programmes of the University.
- (5) The Board shall meet at such intervals as is deemed expedient but at least once in a year.

CHAPTER-IV

Officers of the Law University

16. Officers of the Law University :

The following shall be the officers of the Law University:

- a. the Vice-Chancellor of the Law University;
- b. the Registrar of the Law University;

¹⁶ Inserted by an Act No. II of 2012.

- c. Heads of the Departments;
- d. such other officer as may be prescribed by the Statutes or Regulations.

17. The Vice-Chancellor of the Law University :

- (1) The Vice-Chancellor of the Law University shall be an academic person and an outstanding scholar in law with published works of high quality to his credit or a person who has been a Judge of the High Court. He should, in the estimation of the General Council, be capable of providing effective leadership to the Law University community. He shall be appointed by the Chancellor on the basis of the recommendations of the General Council from out of the panel prepared by the Selection Committee appointed by the Executive Council and proposed by the Executive Council. The term of the office of the Vice-Chancellor of the Law University is initially for a period of not more than three years and he is eligible for re-appointment. On the expiry of his term, he shall continue in office until his successor is appointed or an alternative arrangement is made by the Chancellor, whichever is earlier.
- (2) The Vice-Chancellor of Law University shall:-
 - (i) ensure that the provisions of this Act, Statutes and Regulations are duly observed, and he shall have all powers as are necessary for that purpose;
 - (ii) 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;
 - (iii) preside over the meetings of the General Council in the absence of the Chancellor;

- (iv) be the competent authority to appoint the teachers, librarians, Accounts Officer and other officers in consultation with the Chancellor on the recommendations of the Selection Committee appointed by the Executive Council thereof for that purpose in accordance with the guidelines prescribed;
- (v) be the competent authority to take disciplinary action against the above officers in accordance with the procedure prescribed;
- (vi) have all powers relating to the maintenance of proper discipline in the Law University;
- (vii) if, in the opinion of the Vice-Chancellor of Law University, any emergency has arisen which requires immediate action be taken, he shall take such action as he may deem fit and shall report the same for confirmation in the next meeting of the authority which in the ordinary course would have dealt with the matter.

18. The Registrar of Law University:

- (1) The Registrar of the Law University shall be appointed by the Chancellor on the recommendation of the Selection Committee appointed by the Executive Council on such terms and conditions of service as it may specify, subject to the provisions of Statutes and Regulations.
- (2) (i) except those authorities, committees and other bodies where Vice-Chancellor is the Member-Secretary, the Registrar of the Law University shall be *ex-officio* Member-Secretary of all the authorities, Committees and other bodies of the Law University and shall also be the Convener of all the meetings. He shall note and maintain the minutes of meetings;

- (ii) the Registrar of the Law University shall be the principal administrative officer of the Vice-Chancellor of the Law University in all matters pertaining to the administration of the Law University. The Executive Council may entrust to him special responsibilities and powers;
- (iii) the Registrar of the Law University shall have the power to appoint in consultation with the Vice-Chancellor of the Law University, the non-teaching staff including employees of last grade service and contingent staff in pursuance of the recommendations of the Selection Committee, appointed for that purpose, in the prescribed manner. He shall be the competent authority to take disciplinary action against such employees in accordance with such procedure as may be prescribed by the Regulations;
- (iv) the Registrar of the Law University shall comply with all directions and orders of the Executive Council and Vice-Chancellor of the Law University;
- (v) the Registrar of the Law University shall be the custodian of records, common seal and such other property of the Law University as the Executive Council shall commit to his charge.

19. Heads of the Departments :

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

20. Other officers and employees :

- (1) Subject to the Regulations made for the purpose, every officer or employee of the Law University shall be appointed in

accordance with a written contract which shall be lodged with the Law University and a copy thereof shall be furnished to the officer or employee concerned.

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

21. Selection Committees :

The Executive Council shall constitute various Selection Committees for appointment to the posts of officers and non-teaching staff including last grade service and contingent staff. The procedure for appointment of members of Selection Committees and the procedure to be adopted by the Committees shall be as may be prescribed by the Statutes or the Regulations as the case may be.

22. Statutes and Regulations :

- (1) The first Statutes of the Law University shall be made by the Vice-Chancellor with the approval of the Chancellor. They shall be placed before the General Council at its first meeting, which may adopt them with or without modifications.
- (2) The first Regulations of the Law University shall be made by the Vice-Chancellor of the Law University in consultation with the Chancellor. They shall be placed before the Executive Council at its first meeting which may adopt them with or without modifications.

23. Appointment of first Vice-Chancellor and first Registrar of the Law University :

Notwithstanding anything in this Act and the Statutes, the first Vice-Chancellor and the first Registrar of the Law University shall be appointed by the Chancellor on a salary, to be fixed by him and each of the said officers shall hold office for a period to be fixed by him but not exceeding three years.

CHAPTER-V

General

24. Deemed validity of appointments :

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

25. Vacancy, etc., not to invalidate any act or proceeding :

No act or proceeding of the General Council, the Executive Council or any other authority or Officer or Council of the Law University shall be invalidated or questioned on the ground merely of the existence of any vacancy or defect in the constitution thereof.

26. Indemnity against general proceedings :

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

27. Overriding effect :

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

28. Power to remove difficulties :

If any difficulty arises as to the first constitution or reconstitution of any authority of the Law University after the commencement of this Act or otherwise in giving effect to the provisions of this Act, the Chancellor may, by order, make such provisions, not inconsistent with the provisions of this Act, as may appear to him to be necessary or expedient for removing the difficulty.

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

CHAPTER-VI

Judicial Academy

29. Academy to be the part and parcel of the Law University :

- (1) The Academy shall be the part and parcel of the Law University and shall impart comprehensive legal training and research facilities to the Judicial Officers and court personnel.
- (2) The Academy shall have the right to use all the infrastructural facilities of the Law University.

30. Functions of the Academy :

The Academy shall,-

- a) impart pre-service and in-service training to the Judicial Officers and court personnel;

- b) develop the skills and techniques for court management, case management, delay reduction, alternate dispute resolution and judgment writing;
- c) ¹⁷[conduct examinations and award certificates;]
- d) develop training courses relating to administration of justice including use of information technology;
- e) hold conferences, seminars, lectures, workshops and symposia relating to court management, administration of justice, law and development and legislative drafting;
- f) publish books, journals, research papers and reports on important topics relating to administration of justice;
- g) promote research on case management, court management, trial skills and judicial reasoning;
- h) encourage legal and constitutional research;
- i) inculcate and promote ethical values and standards in judicial officers and court personnel;
- j) coordinate with other educational and training institutions including the institutions of other State Governments and Central Government;
- k) Conduct training and examinations of other officers and personnel on the direction of the Board; and
- l) Perform such other functions as may be assigned to it by the Board.

31. Manner of training :

- (1) The Academy shall use all modern techniques for imparting judicial training, teaching methods and evaluation system shall be at par with international standards.

17 Substituted by an Act No. II of 2012, Section 12.

- (2) The Academy may enter into arrangements with other recognized public and private institutions for imparting training.
- (3) The Academy shall institute a quality examination and evaluation system with regard to the training imparted.

32. Board of Management :

- (1) The management and administration of the Academy shall vest in the Board.
- (2) The Board shall consist of –

a) Chancellor of the Law University	Chairperson
b) Two Judges of the Gauhati High Court sitting or retired, nominated by the Chairperson	Member
c) Vice-Chancellor of the Law University	Member
d) ¹⁸ [Senior-most Secretary to the Government of Assam, Administrative Reforms and Training Department]	Member
e) Registrar General, Gauhati High Court	Member
f) Secretary to the Government of Assam, Finance Department;	Member
g) Secretary to the Government of Assam, Judicial Department;	Member
h) A District & Sessions Judge nominated by the Chairperson; and	Member
(i) Director of the Academy	Member Secretary
- (3) The existence of a vacancy in the Board shall not invalidate an act or proceeding of the Board.

18 Substituted by an Act No.II of 2012.

33. Meetings of the Board:

- (1) The Board shall meet at least thrice in a calendar year.
- (2) The Director shall convene a meeting of the Board on the direction of Chairperson or written request of three or more members.
- (3) In the meeting of the Board-
 - a. the Chairperson, or in his absence, a member nominated by the Chairperson shall preside;
 - b. five members shall constitute the quorum;
 - c. all decisions of the Board shall be taken by simple majority;
 - d. the Chairperson or a member presiding shall have a casting vote; and
 - e. the Director shall record the minutes of the meeting.

34. Powers and Functions of Board :

- (1) the Board shall-
 - (a) exercise supervision and control over the affairs of the Academy;
 - (b) lay down the policy and program for training and approve courses of the Academy;
 - (c) evaluate or cause to be evaluated the performance of the Academy;
 - (d) approve the annual budget and revised budget estimates of the Academy;
 - (e) cause proper books of accounts to be maintained for all sums of money received and expenditures incurred by the Academy and arrange for the audit of accounts;

- (f) determine the terms and conditions of service of the Director of the Academy and staff of the Academy;
 - (g) create, abolish or upgrade a post;
 - (h) appoint an officer up to clerical grade; and
 - (i) prescribe qualifications, conditions of service and other matters relating to faculty, officers and staff.
- (2) the Board may,-
- a. purchase, acquire, hire, dispose of or construct any property for the Academy;
 - b. hold, control and administer the property of the Academy;
 - c. receive grants-in-aid and donations from the Central Government, the State Government or any other organization, person or agency;
 - d. regulate, determine and administer all matters concerning the Academy;
 - e. appoint advisors, consultants and experts for assistance;
 - f. appoint or hire permanent or visiting faculty;
 - g. assign a specific power to a person or organization; and
 - h. exercise any other power ancillary to the aims and objects of the Academy;
- (3) The Board may delegate all or any of its powers or functions to the Chairperson, a member or a committee of members.

35. Director of the Academy :

- (1) The Chairperson shall appoint the Director of the Academy ¹⁹[for a term of five years] on the recommendation of the Board.

19 Substituted by an Act No.II of 2012.

- (2) The Director may resign by tendering his resignation to the Chairperson and shall cease to hold office upon acceptance of his resignation.
- (3) The Chairperson on the recommendation of the Board may, after providing an opportunity of being heard, remove the Director of the Academy during the term of his office.
- (4) ²⁰[The Director of the Academy shall be a person who has been a Judge of the Gauhati High Court or a Professor of Law or a Senior District Judge.]
- (5) The Director of the Academy shall be the chief executive officer of the Academy and shall be responsible for the affairs of the Academy before the Board.
- (6) The Director of the Academy shall be the principal accounting officer of the Academy.
- (7) The Director of the Academy shall, within two months of conclusion of each financial year, submit annual report to the Board containing performance and proposals for the improvement in the performance of the Academy.

36. Appointment of officers and staff :

- (1) The Board or the Director may appoint officers and staff of the Academy in accordance with the provisions as may be provided by the Board for appointment on direct recruitment, deputation, promotion or on contract basis.
- (2) The Board shall determine the manner and the terms and conditions of appointment of officers and staff of the Academy.
- (3) The Board shall determine qualification and experience of the teaching staff of the Academy taking into account the qualification and experience provided for such staff in the world renowned Judicial Academies.

20 Substituted by an Act No.II of 2012.

37. Fund :

- (1) There shall be a separate fund in the Law University to be known as the Judicial Training Fund.
- (2) The Director of the Academy shall ensure the deposit of the income of the Academy in the Fund and incurring of the expenditures of the Academy from the Fund.
- (3) The sources of income of the Fund shall be;-
 - (a) grants made by the Government;
 - (b) donations, endowments and grants from any individual, organization or agency, whether national or international;
 - (c) sale proceeds of the property and publications of the Academy; and
 - (d) any other sum received by the Academy from any lawful source.
- (4) The Fund shall be kept in such custody, for being utilized and regulated in the manner prescribed by the Rules.

38. Budget and Accounts :

- (1) The Director of the Academy shall utilize the Budget and maintain the accounts of the Academy in the prescribed manner.
- (2) The Director of the Academy shall prepare the Budget of the Academy for each financial year.
- (3) The Director shall not incur any expenditure from the Fund without the approval of the Board.

39. Audit :

- (1) The Board shall appoint a chartered accountant or a firm of chartered accountants to audit the accounts of the Academy.

- (2) The Director of the Academy, with the approval of the Board, within six months of the close of the financial year, shall submit to the Government the annual statement of accounts of the Academy along with the report of the auditor.

40. Submission of the Report :

- (1) The Director of the Academy shall, with the approval of the Board within the period of six months of the close of the financial Year shall submit performance reports in the meeting of the Board, which shall include the following:
 - (a) details of courses run and designed by the Academy;
 - (b) details of examinations carried out by the Academy;
 - (c) research work done by the Academy;
 - (d) the quality of training imparted at the Academy;
 - (e) the standard of the students trained at the Academy and any other subject matter as may be directed by the Chairman.
- (2) The Director shall, within a month of submission of the above reports in the meeting of the Board, shall place the same before the Finance Committee of the Law University.

41. Power to make Rules :

- (1) The Government may, by notification in the official gazette, make Rules for carrying out the purposes of this Act.
- (2) All the Rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in

any of such Rules or resolves that any such Rules should not be made, such Rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

MOHD.A.HAQUE,

Secretary to the Government of Assam,
Legislative Department, Dispur.

