

**WEST BENGAL NATIONAL UNIVERSITY OF JURIDICAL  
SCIENCES ACT, 1999**

**5 of 1999**

[ ]

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**SCHEDULE 1 :- Stamp-Duty on Instruments**

**WEST BENGAL NATIONAL UNIVERSITY OF JURIDICAL  
SCIENCES ACT, 1999**

**5 of 1999**

[ ]

An Act to establish and incorporate a National University of Juridical Sciences at Calcutta in West Bengal. WHEREAS the Committee appointed by the Chief Justices' Conference on Legal Education and Training (1993) has recommended the establishment in each State

of an institution on the model of the National Law School of India University at Bangalore; AND WHEREAS the All India Law Ministers' Conference (1995) has resolved to set up in each State a Law School modelled on the lines of the National Law School of India University at Bangalore for improving the quality of professional legal education; AND WHEREAS it is considered necessary to encourage the establishment of such a national level institution of excellence in higher learning of law in the State of West Bengal; AND WHEREAS it is deemed expedient to establish the National University of Juridical Sciences for the purpose hereinafter appearing; Assent of the President first published in the Calcutta Gazette. Extraordinary, dated the 3rd August, 1999. It is hereby enacted as follows

**1. Short title and commencement :-**

(1) This Act may be called the West Bengal National University of Juridical Sciences Act, 1999.

(2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions of this Act.

**2. Definitions :-**

In this Act, unless the context otherwise requires,

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

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

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

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

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

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

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

(8) "regulations" means the regulations of the University made under section 13 ;

(9) "Schedule" means the Schedule to this Act;

(10) "Chief Justice" means Chief Justice of West Bengal and includes the Judge performing the duties of Chief Justice of High Court;

(11) "University" means the West Bengal National University of Juridical Sciences established under section 3 ;

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

(13) "Finance Committee" means the Finance Committee of the University.

### **3. Establishment and incorporation of the University :-**

(1) With effect from the coming into force of this Act, there shall be established, in the State of West Bengal, a University by the name of the West Bengal National University of Juridical Sciences, which shall consist of the Chancellor, the Vice-Chancellor, the General Council, the Executive Council, the Academic Council and the Registrar.

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

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

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

### **4. Check It :-**

The objects of the University. (1) The objects of the University shall be to advance and disseminate learning and knowledge of law and legal processes and their role in national development, to develop in the student and research scholar a sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, legal services, legislation, law reforms and the like, to organise lectures, seminars, symposia and conferences, to promote legal knowledge and to make law and legal processes efficient instruments of social development, to promote inter-disciplinary study of law in relation to management, technology, international co-operation and development, to hold examinations and confer

degrees including joint degrees in law combined with other disciplines and other academic distinctions, and to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objects of the University.

(2) The University shall be open to all persons of all religions of either sex irrespective of race, creed, caste or class and it shall not be lawful for the University to impose on any person any test, whatsoever of religious belief or profession, in order to entitle him to be admitted thereto as a teacher or a student or to hold any office therein or to graduate thereat or to enjoy or to exercise any privilege thereof.

### **5. Check It :-**

Powers and functions of the University. The powers and functions of the University shall be

(i) to administer and manage the University and such centres for research, education and instruction as are necessary for the furtherance of the objects of the University;

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

(iii) to organise and undertake extramural teaching and extension services;

(iv) to hold examinations and to grant diplomas or certificates, and to confer 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 diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

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

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

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

(viii) to establish such special centres, specialized study centres or

other units for research and instruction as are, in the opinion of the University necessary for the furtherance of its objects;

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

(x) to make arrangements as aforesaid in respect of the residence, discipline and teaching of women students;

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

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

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

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

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

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

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

(xviii) to co-operate with any other organization 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 University may from time to time determine;

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

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

(xxi) to establish and maintain, within the premises of the University or elsewhere, such class rooms and study halls as the University may consider necessary and adequate and to establish and maintain such libraries and reading rooms as may appear convenient or necessary for the University;

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

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

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

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

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

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

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

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

(xxx) to accept grants of money, securities or property of any kind on such terms as it may deem expedient;

(xxxi) to raise and borrow money on bonds, mortgages, promissory

notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay, out of the funds of the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;

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

(xxxiii) to make, from time to time, such regulations as may be considered necessary for regulating the affairs and the management of the University and to alter, modify or rescind such regulations;

(xxxii) to constitute for the benefit of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed by regulations, pensions, insurance, provident fund (which shall be governed by the provisions of the Provident Funds Act, 1925 , as if such fund were a Government Provident Fund) and gratuity as it may deem fit, to make such grants as it may think fit for the benefit of any employees of the University, and to aid the establishment and support of associations, institutions, funds, trusts and conveyance calculated to benefit the staff and the students of the University;

(xxxv) to delegate all or any of its powers to the Vice-Chancellor or any committee, or any sub-committee, constituted by any authority of the University or to any one or more members of the General Council of the University or to any officers of the University;

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

## **6. Teaching of the University :-**

(1) All recognized teachings in connection with the degree, diplomas and certificates of the University shall be conducted, under the control of the General Council, by the teachers of the University in accordance with the syllabus prescribed by regulations.

(2) The courses and curricula of, and the authorities responsible for

organizing, such teaching shall be such as may be prescribed by regulations.

## **7. Chancellor of the University :-**

(1) The Chief Justice of India shall be the Chancellor of the University.

(2) The Chancellor 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 and equipments, and of any 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.

(3) The Chancellor shall, in every case, give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

(4) The Chancellor may address the Vice-Chancellor with reference to the result of such inspection or inquiry, and the Vice-Chancellor shall communicate to the General Council the views of the Chancellor along with such advice as the Chancellor may offer on the action to be taken thereon.

(5) The General Council shall communicate through the Vice-Chancellor to the Chancellor such action if any, as it proposes to take, or as has been taken, on the result of such inspection or inquiry.

## **8. Authorities of the University :-**

The following shall be the authorities of the University:

(1) the General Council;

(2) the Executive Council;

(3) the Academic Council;

(4) the Finance Committee; and

(5) such other authorities as may be declared by the University to be the authorities of the University.



### **9. The General Council :-**

The General Council shall be the supreme authority of the University.

### **10. The Executive Council :-**

(1) The Executive Council shall be the Chief Executive body of the University.

(2) The administration management and control of the University and the income thereof shall vest in the Executive Council which shall control and administer the property and funds of the University.

### **11. The Academic Council :-**

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

### **12. Officers of the University :-**

The following shall be the officers of the University:

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

### **13. Regulations :-**

(1) Subject to the provisions of this Act, the Executive Council shall have, in addition to all other powers vested in it, the power to make regulations to provide for the administration and management of the affairs of the University:

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

opinion so expressed shall be considered by the Executive Council:

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

- (a) the constitution, powers and duties of the Academic Council;
- (b) the authorities responsible for organizing teaching in connection with the University courses and related academic programmes;
- (c) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (d) the establishment and abolition of Faculties, Departments, halls and institutions;
- (e) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes;
- (f) conditions and modes of appointment of examiners, or conduct or standard of examinations, or any other course of study;
- (g) mode of enrolment or admission of students;
- (h) examinations to be recognized as equivalent to school examinations.

(2) The Academic Council shall have the power to propose regulations on all or any of the matters specified in clauses (a) to (h) and matters incidental or related thereto.

(3) Where the Executive Council has rejected any regulation proposed by the Academic Council, the Academic Council may appeal to the Chancellor, and the Chancellor may, by order, direct that the proposed regulation may be laid before the next meeting of the General Council for its approval and that pending such approval of the General Council, such regulation shall have effect from such date as may be specified in the order:

Provided that if the regulation is not approved by the General Council at such meeting, it shall cease to have effect.

(4) All regulations made by the Executive Council shall be submitted, as soon as may be, for approval, to the Chancellor and to the General Council at its next meeting, and the General Council shall have, by a resolution passed by a majority of not less than two-thirds of the members present, the power to cancel any

regulations made by the Executive Council and such regulations shall, from the date of such resolution, cease to have effect.

**14. Appointment of a University Review Commission :-**

(1) The Chancellor shall, at least once in every five years, constitute a Commission to review the working of the University and to make recommendations.

(2) The Commission shall consist of not less than three eminent educationists, one of whom shall be the Chairman of such Commission appointed by the Chancellor in consultation with the State Government.

(3) The terms and conditions of appointment of the members shall be such as the Chancellor may determine.

(4) The Commission shall, after holding such enquiry as it deems fit, make its recommendation to the Chancellor.

(5) The Chancellor may take such action on the recommendations as he deems fit.

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

(1) Notwithstanding that the General Council, the Executive Council, the Academic Council or any other authority or body of the University is not duly constituted or there is a defect in its constitution or reconstitution at any time or there is a vacancy in the membership of any such authority or body, no act or proceedings of such authority or body shall be deemed to be invalid on any such ground or grounds.

(2) No resolution of any authority or body of the University shall be deemed to be invalid on account of any irregularity in the service of notice upon any member,

provided that the proceedings of such authority, or body were not prejudicially affected by such irregularity.

**16. Removal of difficulties at the commencement :-**

If any difficulty arises with respect to the establishment of the University or in connection with the first meeting of any authority of the University or otherwise in first giving effect to the provisions of this Act or the regulations, the Chancellor or the Vice-Chancellor, if the Chancellor so decides, may, at any time, before all the

authorities of the University have been constituted, by order make any appointment or do anything consistent, so far as may be, with the provisions of this Act and the regulations, which appear to him to be necessary or expedient for the purpose of removing the difficulty, and every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Act or the regulations, as the case may be:

Provided that before making any such order, the Chancellor or the Vice-Chancellor, as the case may be, shall ascertain and consider the opinion of the Vice-Chancellor or the Chancellor, as the case may be, and of such appropriate authority of the University as may have been constituted:

Provided further that no order shall be made under this section after the expiration of a period of two years from the date on which this Act comes into force.

#### **17. Transitory provisions :-**

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

#### **18. Authorities and officers of the University :-**

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

#### **19. Indemnity :-**

No suit, prosecution or other legal proceedings shall lie against and no damages shall be claimed from, the University, the Vice-Chancellor, the authorities or officers of the University, or any other person in respect of anything which is in good faith done or

purported to have been done in pursuance of this Act or the regulations.

**20. Power to amend Schedule :-**

(1) The General Council may, with the prior approval of the Chancellor and the State Government, by notification published in the Official Gazette, amend, either prospectively or retrospectively, the Schedule.

(2) A copy of every notification made under sub-section (1) shall be laid before the State Legislature, as soon as may be, after it is made.

**21. Act to have overriding effect :-**

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

**SCHEDULE 1**

Stamp-Duty on Instruments