

**Hidayatullah National University Of Law Chhattisgarh
Adhiniyam, 2003**

10 of 2003

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SCHEDULE 1 :- SCHEDULE I

Hidayatullah National University Of Law Chhattisgarh Adhiniyam, 2003

10 of 2003

An Act to provide for establishment and incorporation of the Hidayatullah National University of Law, Chhattisgarh for the purposes of advancement of learning, teaching, research and diffusion of knowledge in the field of law and allied sciences; as also to cater to the needs of the society by developing professional skills and to train lawyers of national and international repute, train persons intending to take up advocacy, judicial service, law officers/managers and legislative draftsman as their profession and matters incidental thereto. Be it enacted by the Chhattisgarh State Legislature in the Fifty fourth Year of the Republic of India as follows:-

CHAPTER 1 PRELIMINARY

1. Short Title And Commencement :-

(1) This Act may be called the Hidayatullah National University of Law, Chhattisgarh, Act, 2003 (No. 10 of 2003). (2) It shall come into force at once.

2. Definitions :-

In this Act, unless the context otherwise requires,-- (i) "Academic Council" means the academic Council of the University; (ii) "Bar Council of India" means the Bar council of India constituted under the Advocates Act, 1961 (Central Act No. 25 of 1961); (iii) "Chancellor" means the Chancellor of the University; (iv) "Executive Council" means the Executive Council of the University; (v) "General Council" means the General Council of the University; (vi) "Ordinances" means the Ordinances of the University made under and in accordance with the provisions of this Act; (vii) "Registrar" means the Registrar of the University; (viii) "Regulations" means

the Regulations of the University made under and in accordance with the provisions of this Act; (ix) "Schedule" means the Schedule appended to this Act; (x) "Special Officer" means the Special Officer appointed by the State Government to oversee all matters pertaining to the preparatory work of setting up of the University, (xi) "Statutes" means the Statutes of the University made under and in accordance with the provisions of this Act; (xii) "University" means "The National University of Law, Chhattisgarh" established under Section 3; (xiii) "Vice Chancellor" means the Vice Chancellor of the University; (xiv) "Visitor" means the Visitor of the University.

CHAPTER 2

ESTABLISHMENT OF THE UNIVERSITY, ITS OBJECTIVES AND FUNCTIONS

3. Establishment And Incorporation Of The National University Of Law, Chhattisgarh :-

(1) With effect from such date as the State Government may by notification appoint there shall be established, in the State of Chhattisgarh, a University by the name of Hidayatullah national University of Law, Chhattisgarh which shall consist of the Chancellor, Vice Chancellor, the General Council, the Executive Council, the Academic Council and the Registrar; the capital expenditure for the establishment of the University shall be borne by the State Government. (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, 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 in Raipur district.

4. The Objects Of The University :-

(1) The objects of the University shall be; (a) to advance and disseminate learning and knowledge of law and research and to ensure its proper role in national development; (b) 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, judicial and other legal services, legislation, law reforms and the like; (c) to prepare and train lawyers of national and international repute and with high moral and ethical values; (d) to advance professional education and also to provide adequate orientation and training to judicial officers and others who are

involved in the administration of justice; (e) to impart training and conduct refresher courses for law teachers, judicial officers advocates and other persons engaged or interested in legal field; (f) to organize lectures, seminars, symposia and conferences, to promote legal knowledge and to make law and legal processes efficient instruments of social development; (g) to hold examinations and confer degree, diploma, certificate 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 irrespective of race creed, easte, class or religion.

5. 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 the advancement and dissemination of knowledge of law; (iii) to organize and undertake extramural teaching and extension services; (iv) to hold examinations and to grant diplomas or certificates, and to confer degrees and other academic distinctions on person subject to such condition 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 distinction in the manner laid down in the Regulations; (vi) to fix, demand and receive fees and other charges; (vii) to institute and maintain halls and hostels and to 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 centers specialized study centers 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 special arrangements in respect of the residence, discipline and teaching of women students; (xi) to create academic, technical, administrative, ministerial and other posts in the University 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, adjunct professorships, part-time lectureships, and any other teaching academic or research posts required by the University; (xiv) to appoint persons as professors, adjunct professors, associate professors, assistant professors, visiting professors, part-time 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 collaborate 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 collaborate with nationally and internationally reputed institutions of higher learning having objects wholly or partially similar to those of the University by exchange of teachers 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 advance professional education and also to provide adequate orientation and training to judicial officers and others who are involved in the administration of Justice; (xxii) to impart training and conduct refresher courses for law teachers, Judicial officers, advocates and other persons in legal field; (xxiii) to spread and promote legal literacy and legal awareness among citizens at urban and rural level; (xxiv) to provide legal aid to needy persons at pre-litigation and litigation stage; (xxv) to undertake research on traditional legal systems especially those among tribal communities and explore their usefulness in the administration of justice in the present. (xxvi) to develop teaching and research of such original sources of literature on which the modern law and the concept of nonviolence and peace is based and to explore their usefulness in the administration of justice in modern India; (xxvii) to publish research studies, treatises, books, periodicals reports and other literature relating to law and other related fields; (xxviii) to establish and maintain within the University premises or elsewhere, such class rooms and study halls as the University may consider necessary and adequately furnish the same and to establish and maintain such libraries and reading rooms as may appear convenient or necessary

f o r the University; (xxix) to receive grants, subventions, subscriptions, donations and gifts for the purpose of University consistent with the objects for which the University is established; (xxx) 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 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; (xxxii) 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; (xxxiii) to draw and accept, to make and endorse, to discount and negotiate, promissory notes, Bills of Exchange, cheques or other negotiable instruments pertaining to its affairs and activities; (xxxiv) 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; (xxxv) to appoint in order to execute an instrument or transact any business of the University any person as it may deem fit; (xxxvi) to enter into any agreement with the Central Government, State Governments, the University Grants Commission or other persons and Societies for receiving grants; (xxxvii) to accept for furthering the objects of the University; grants of money, securities or property of any kind on such terms as it may deem expedient; (xxxviii) 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; (xxxix) to invest the funds of the University or money entrusted to the University in or upon such securities, and in such manner as it may deem fit, and from time to time transpose any investment; (xl) to make such Regulations as may, from time to time, be considered necessary for regulating the affairs and the management of the University and to alter, modify and to rescind them; (xli) to make provisions for pension, insurance, provident fund and gratuity for the benefit of the academic, technical, administrative, ministerial and other staff, in such manner and subject to the relevant laws in force and to such conditions as may be prescribed by the

Regulations, as it may deem fit 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 association, institutions, funds, trusts and conveyance calculated to benefit the staff and the students of the University; (xli) to delegate all or any of its powers to the Vice Chancellor of the University or any committee or any sub-committee or to any one or more members of its body or its officers; and (xlii) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or enlargement of the aforesaid objects or any one of them.

6. Teaching Of The University :-

(1) All recognized teaching in connection with the degree, diploma and certificate and any other academic distinction of the University shall be conducted, under the administrative control of the Executive Council, by the teachers of the University, in accordance with the syllabus prescribed by Regulations. (2) The courses and curricula and the authorities responsible for organizing such teaching shall be such as may be prescribed by the Regulations.

CHAPTER 3

POWERS AND FUNCTIONS OF THE VISITOR AND CHANCELLOR

7. Visitor Of The University :-

(1) The Chief Justice of the Supreme Court of India shall be the Visitor of the University. (2) The Visitor shall preside over the convocation of the University. (3) The Visitor shall have the right to call for the report on any matter pertaining to the affairs of the University.

8. Chancellor Of The University :-

(1) The Chief Justice of the High Court of Judicature of Chhattisgarh shall be the Chancellor of the University. (2) The Chancellor shall appoint the Vice Chancellor of the University in accordance with the procedure and subject to the conditions prescribed in the Statutes.

9. The Powers Of The Visitor And The Chancellor :-

(1) The Visitor and the Chancellor shall have the following powers, namely: (a) to give direction, take action, or do anything as required under the provisions of this Act and the Statutes; (b) to cause an inspection by such person, as he may direct, of any work, activity or examination of the University, college, or regional centers; (c) to give his views or advice to the Vice Chancellor in the

matters wherein an inspection or inquiry has been made under clause (b). (2) Where either the Visitor or the Chancellor of the University under clause (b) of sub-section (1) has ordered an inspection or inquiry, the University may depute one of its officers to represent it in such inspection or inquiry. (3) The Visitor or the Chancellor shall communicate the result of the inspection or inquiry and his advice to the Vice Chancellor. (4) The result and the advice referred to in sub-section (3) shall be communicated by the Vice Chancellor to the Executive Council with his comments for such action it may propose to take, and the action so taken shall be communicated by the Executive Council to the Visitor or the Chancellor, as the case may be, through the Vice Chancellor. (5) Where the Executive Council does not, within reasonable time, take action to the satisfaction of the Visitor or the Chancellor, as the case may be, the Visitor or the Chancellor may, after considering explanation; if any, furnished or representation made by the Executive Council, issue such directions as he may think fit and the Executive Council shall comply with such directions.

CHAPTER 4

AUTHORITIES OF THE UNIVERSITY

10. Authorities Of The University :-

The following shall be the authorities of the University, namely : 1. The General Council; 2. The Executive Council; 3. The Academic Council; 4. The Finance Committee; and 5. Such other authorities as may be prescribed by the Regulations.

11. The General Council :-

(1) The General Council shall be the supreme body of the University. (2) The powers and the functions of the General Council shall be such as are given under the statutes.

12. The Executive Council :-

(1) The Executive Council shall be the highest executive body of the University. (2) The administration, management and control of the University shall vest in the Executive Council which shall control and administer the property and funds of the University. (3) The composition of the Executive Council shall be such as is specified in the Schedule.

13. The Academic Council :-

(1) The Academic Council shall be the highest academic body of the University and shall, subject to the provisions of this Act and the

Regulations, have power of control and general regulation of, and be responsible for the maintenance of standards of instruction, education and examination of the University. (2) The Academic Council shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Regulations; and shall have the right to advise the Executive Council on all academic matters. (3) The Academic Council shall have the power to propose Regulations on all the matters specified in clause 15 of the Schedule and matter incidental and related thereto.

CHAPTER 5

OFFICERS OF THE UNIVERSITY

14. Officers Of The University :-

The following shall be the officers of the University; namely: (a) The Vice Chancellor (b) The Registrar (c) The Finance Officer (d) The Controller of Examinations, and (e) Such other officers as may be prescribed by Regulations.

CHAPTER 6

STATUTES, ORDINANCES AND REGULATIONS

15. Statutes :-

(1) The Statutes of the University shall contain such instructions, directions, procedures and details as are necessary to be laid down under and in accordance with the provisions of this Act. (2) The Statutes as contained in the Schedule to this Act as amended from time to time, shall be binding on all authorities officers, teachers and employees of the University and persons connected with the University. (3) Executive Council shall have all powers to make any amendments in the Statutes contained in the Schedule to this Act; Provided that the Executive Council shall not amend Statute affecting the constitution, status or power of any authority of the University without affording to such authority a reasonable opportunity of making a representation on the proposed changes. (4) Any amendments to the Statutes, whether by adding, deleting or in any other manner, shall not take effect unless the Chancellor has, after consultation with the State Government, assented to it and, he may after the said consultation and on being satisfied that assent be not given, withhold assent or return the proposal for amendment to the Executive Council for reconsideration in the light of observation if any, made by him. (5) Notwithstanding anything contained in sub-section (3) or subsection (4) the Chancellor shall

have power to amend, after consultation with the State Government, whether by adding, deleting, or in any other manner, the Statutes contained in the Schedule. (6) An amendment to the Statutes shall come into force on the date of its publication in the Official Gazette.

16. Ordinances Of The University :-

(1) Subject to the provisions of this Act and the Statutes contained in the Schedule, as amended from time to time, the Ordinances of the University may be made by the Executive Council for all or any of the following matters, namely : (a) the courses of study, admission of students, fees qualifications requisite for any degree, diploma or certificate and grant of fellowship. (b) the conduct of examination including the appointments of the examiners and their terms and conditions; (c) management of colleges, institutions, research bodies and other agencies admitted to the privileges of the University; and (d) any other matter required by the Statutes to be dealt by Ordinances of the University. (2) The first Ordinances of the University shall, as soon as may be, after the commencement of this Act, be made by the Vice Chancellor with previous approval of the State Government, and may be amended at any time, in the manner, as is provided under this Act or as may be specified in the Statutes. (3) Save as otherwise provided in subsection (2), no Ordinances concerning the admission to the University or its examinations, courses of study, scheme of examinations, attendance and appointment of examiners shall be considered by the Executive Council unless draft of such Ordinance has been proposed by the Academic Council. (4) The Executive Council shall not amend the draft of the Ordinance proposed by the Academic Council unless the Academic Council consents to said amendment; but the Executive Council shall have power to reject or return the draft to the Academic Council for reconsideration either in whole or in part, together with any amendments, which it may suggest. (5) (i) The draft Ordinances made by the Executive Council shall be submitted to the General Council for consideration at next meeting, and shall come into effect from the date on which the General Council approves the same by resolution; (ii) The General Council shall have power by resolution passed by a majority of not less than two-thirds of the members present and voting, to cancel and Ordinance made by the Executive Council and such Ordinance shall, from the date of such resolution, be void.

17. Regulations :-

(1) Subject to the provisions of this Act, the Executive Council shall have, in addition to all the other powers vested in it, the power to frame Regulations to provide for the administration and management of the affairs of the University : Provided that the Executive Council shall not make any regulation affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed is considered by the Executive Council: Provided further that except with the prior concurrence of the Academic Council the Executive Council shall not make, amend or repeal any regulation affecting any or all of the following matters namely : (a) the constitution powers and duties of the academic Council; (b) the persons responsible for organizing teaching in connection with the courses of study and related academic programmes; (c) the withdrawal of degrees, diplomas certificates and other academic distinctions; (d) the establishment and abolition of faculties, departments, hall and institution; (e) the institution of fellowships, scholarships, studentship, medals and prizes; (f) conditions and modes of appointment of examiners or conduct of or standard of examinations or any other course of study; (g) mode of enrolment or admission of students; and (h) examinations to be recognized as equivalent to University examinations. (2) The Academic Council shall have the power to propose Regulations on all the matters specified in (a) to (h) above and matter incidental and related thereto.

18. Powers Of Authorities To Make Regulations :-

An authority of the University shall have the power to make Regulations, in the manner prescribed by the Statutes, for the conduct of its affairs and the affairs of the committees constituted by such authority, and such Regulations shall not be inconsistent with the provisions of this Act, Statutes and the Ordinances of the University.

CHAPTER 7

REVIEW COMMISSION

19. Appointment Of A University Review Commission :-

(1) The Chancellor shall, at least once in every five years, or as and when required, 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 the appointment of the members shall be such as the Chancellor may determine. (4) The Commission shall after holding such inquiry as it deems fit, make its recommendation to the Chancellor. (5) The Chancellor may, in consultation with the State Government, take such action, as he deems fit on the recommendation made by the Review Commission for the working and development of the University.

20. Action Not To Be Invalidated Merely On The Ground Of Defect In The Constitution, Vacancy Etc :-

No act, or rule or proceedings of the General Council, the Executive Council, the Academic Council or any other authority or body of the University shall be invalidated only on the ground or grounds that such authority or body is not duly constituted or there is a defect in its constitution or reconstitution at any time, or that there is a vacancy in the membership thereof.

21. 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 giving effect to the provisions of this Act and the Regulations, the Chancellor may, at any time, before all 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 necessary or expedient for the purpose of removing the difficulty and every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Act and the Regulations : Provided that before making any such order, the Chancellor shall ascertain and consider the opinion of the Vice Chancellor and of such appropriate authority of the University as may have been constituted.

22. Transitory Provisions :-

Notwithstanding anything contained in this Act and the Regulations, the First Vice Chancellor may, 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 this Act and the Regulations and for that purpose may exercise any powers or perform any duties, which by this Act and the Regulations are to be exercised or performed by any authority of the University until such authority comes into existence as provided by this Act and the

regulations, and ratifies the same.

23. Authorities And Officers Of The University :-

The authorities of the University and their composition, powers, functions and other matters relating to them and the officers of University and their appointment, powers, functions and other matters relating to them and all other matters relating to the financial powers, teaching, administration and management of the affairs of the University shall be governed by the provisions as specified in the Schedule and subject to the provisions of this act shall also be governed by the Regulations as may be made under the provisions of this Act.

24. Indemnity :-

No suit, prosecution or other legal proceedings shall lie against, and no damages shall be claimed from, the University, the Chancellor, 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 any Regulations made there under.

SCHEDULE 1

SCHEDULE I

(See Section 15)

STATUTES GENERAL COUNCIL

1. Membership of General Council.--

There shall be a General Council of the University which shall consist of the following members, namely:

- (i) The Chief Justice of the High Court of Judicature of Chhattisgarh;
- (ii) The Minister in-charge of Law, Government of Chhattisgarh;
- (iii) The Minister in-charge of Higher Education, Government of Chhattisgarh;
- (iv) The Minister in-charge of Tribal Affairs, Government of Chhattisgarh;
- (v) Advocate General, Chhattisgarh;
- (vi) The Chairperson of the University Grants Commission,
- (vii) Three eminent person nominated by the Chancellor working in the field of law;
- (viii) The Vice Chancellor;
- (ix) The Chairman, Chhattisgarh State Bar Council;
- (x) Three eminent jurists to be nominated by the Visitor;
- (xi) The Director.--Vice Chancellor of National level Law Universities at Bangalore, Bhopal, Hyderabad, Jodhpur and Kolkata;

Provided that, an employee of the University shall not be eligible for nomination to the General Council.

2. Donor members.--

Any person who makes a donation to the University at any one time of an amount exceeding rupees one crore shall be the Donor member during his life time and shall have a right to nominate a representative to attend meetings.

3. Chairperson and Secretary of the General Council.--

- (1) The Chancellor shall be the Chairperson of the General Council.

(2) The Registrar shall be the Secretary of the General Council.

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

(1) The term of office of the members of the General Council except Donor members, if any, shall, subject to sub-sections (2) and (3), be three years.

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

(2) Where a member of the General Council becomes such member by virtue of the office or appointment he holds or is a nominated member, his membership shall terminate when he ceases to hold such office or appointment or as the case may be, his nomination is withdrawn or cancelled.

(3) A Member of the General Council shall cease to be member :

(a) if he resigns or becomes of unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude;

(b) if any member other than the Vice Chancellor accepts a full time appointment in the University;

(c) if he is a nominated member and fails to attend three consecutive meetings of the General Council without the leave of the Chairperson.

(4) A member other than ex officio member of the General Council may resign his office by a letter addressed to the Chairperson and such resignation shall take effect as soon as such resignation is accepted by the Chairperson.

(5) Any vacancy in the General Council shall be filled either by appointment or nomination, as the case may be of a person by the respective authority entitled to make the same and the person so appointed or nominated shall hold office so long only as the member in whose place he is appointed or nominated could have held office if the vacancy had not occurred.

5. Powers of the General Council.--

(1) the General Council shall have all the powers necessary for the administration and management of the University and for conducting its affairs including the power to review the action of the Authorities and the power to review the Regulations made by the Executive Council and shall exercise all powers of the University except as otherwise provided in this Act.

(2) Without prejudice to the generality of the powers conferred by subclause (1), the General Council shall:

(a) Recommend the broad policies and programmes of the University and suggest measures for the improvement and development of the university.

(b) Consider and pass the resolutions on the annual report the financial estimates and the audit report on such accounts;

(c) Perform such other functions, not inconsistent with the provisions of this Act, as it may deem necessary for the better functioning and administration of the University.

6. Meeting of the General Council.--

(1) The General Council shall meet at least once in a year on a date to be fixed by the Executive Council unless the General Council in respect of any year has fixed some other date.

(2) The Vice Chancellor shall preside over the meetings :

Provided that the Chancellor may attend any meeting of the General Council and if he so attends a meeting he shall preside over such meeting.

(3) A report of the working of the University during the previous year together with a statement of receipt and expenditure as also the balance sheet as audited and the financial estimates shall be presented by the Vice Chancellor to the General Council at its meeting.

(4) Meeting of the General Council shall be called by the Vice Chancellor on his own

or at the request of not less than two-thirds of the members of the General Council including the ex officio members.

(5) For every meeting of the General Council at least 15 days notice shall be given.

(6) One third of the members of the general Council shall form the quorum.

(7) Each member shall have one vote and if there is equality of votes on any question to be determined by the General Council, the Chairperson or the person presiding over meeting shall, in addition, have a casting vote.

(8) In case of difference of opinion among the members, the opinion of the majority shall prevail.

(9) If urgent action by the General Council becomes necessary, the Chairperson may permit the business to be transacted by circulation of papers to the members of the General Council however, the action proposed to be taken shall not be taken unless agreed to by a majority of the members of the General Council, and the action so taken shall forthwith be intimated to all the members of the General Council and the papers shall be placed before the next meeting of the General Council for confirmation.

EXECUTIVE COUNCIL

7. Membership of the Executive Council.--

(1) The Executive Council shall consist of the following namely :

(i) The Vice Chancellor;

(ii) One Member of the General Council (to be nominated by the General Council);

(iii) Advocate General Chhattisgarh;.

(iv) The Secretary to the Government, Law and Legal Affairs Department. Chhattisgarh;

(v) The Secretary to the Government, Higher Education Department; Chhattisgarh.

(vi) The Secretary to the Government Finance Department, Chhattisgarh;

(vii) The Chairman the State Bar Council, Chhattisgarh;

(viii) Two senior most faculty Members to be nominated by the Vice Chancellor by rotation,

(ix) Two eminent academicians or jurists to be nominated by the Visitor;

(x) Chairman, Bar Council of India.

(2) The Vice Chancellor shall be the Chairperson and the Registrar shall be the Secretary of the Executive Council.

8. Term of Office of Executive Council.--

(1) Where a person has become a member of the Executive Council by virtue of the office or appointment he holds his membership shall terminate when he ceases to hold that office or appointment.

(2) A member of the Executive Council shall cease to be a member if he resigns or becomes of unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude or if a member other than the Vice Chancellor or a member of the faculty accepts a full time appointment in the University or if he is a member, other than ex-officio member and fails to attend three consecutive meetings of the Executive Council without the leave of the Chairperson of the Executive Council.

(3) Unless their membership of the Executive Council is previously terminated as provided in the sub-clause (2), members of the Executive Council shall cease to be members on the expiry of three years from the date on which they become members of the Executive Council:

Provided that the term of the Executive Council shall be three years.

(4) A member of the Executive Council, other than an ex-officio member, may resign his office by a letter addressed to the Chairperson of the Executive Council and such resignation shall take effect as soon as the Chairperson of the Executive

Council accepts it.

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

9. Powers and Functions of the Executive Council.--

Without prejudice to the provisions contained in section 5, the Executive Council shall have the following powers and functions, namely :

(1) to create faculty position of and appoint in the position of, from time to time, Professor-Director of Schools, Chairperson of Undergraduate and PostGraduate studies, Professors, Associate Professors, AssistantProfessor and other teaching staff of the faculty on the recommendation of the Selection Committee constituted under the Regulation of the University on that behalf;

(2) to create positions in administrative, teaching, research and subordinate management staff, on tenure and non tenure basis on such terms and conditions as may be determined by Regulations and to appoint personnel in such posts in such manner as may be determined under Regulations; the Executive Council may also delegate such functions to the Vice Chancellor in such manner as may be stipulated in the regulation;

(3) to grant in accordance with the Regulations, leave of absence other than earned or casual leave to any officer of the University and to make necessary arrangement for the discharge of the functions of such officer during his absence;

(4) to manage and regulate the finances accounts, investments, property, other matters and all other administrative affairs of the University and for that purpose to appoint such agents as it may think fit;

(5) to invest any money belonging to the University, in such funds, or securities as it may, from time to time, think fit or in the purchase of immovable property with the like power of varying such investments form time to time;

(6) to transfer or accept transfers of any movable or immovable property on behalf of the University;

(7) to enter into, very, carry out and cancel contracts on behalf of the University and for that purpose to appoint such officers as it may think fit;

(8) to provide the buildings premises, furniture and apparatus and other means needed for carrying on the work of the University;

(9) to provide purchase or accept by donation, books for the library of the University;

(10) to entertain, adjudicate upon and if it thinks fit, to redress any grievances of the officers of the University, the teachers, the students and the employees, who may for any reason, feel aggrieved, otherwise than by any decision of a Court;

(11) to appoint examiners and moderators and if necessary to remove them and to fix their fees, emoluments and travelling and other allowances, in consultation with the Academic Council;

(12) to select a common seal for the University and to provide for the custody of the seal and to exercise such other powers and to perform such other duties as may be conferred or imposed on it by or under this Act.

10. Meeting of the Executive Council.--

(1) The Executive Council shall meet at least once in six months and a notice of not less than fifteen days shall be given of meeting.

(2) Five members of the Executive Council shall constitute a quorum at any meeting thereof;

(3) In case of difference of opinion among the members, the opinion of the majority shall prevail.

(4) livery meeting of the Executive Council shall be presided over by the Vice Chancellor and in his absence by a member chosen by the members present to preside on the occasion.

(5) Each member of the Executive Council shall have one vote and if there shall be equality of votes on any question to be determined by the Executive Council, the Vice Chancellor or the member presiding over that meeting shall, in addition, have a casting vote.

(6) If urgent action by the Executive Council becomes necessary, the Vice Chancellor may permit the business to be transacted by circulation of papers to the members of the Executive Council, and the action proposed to be taken shall not be taken unless agreed to by a majority of members of the Executive Council; however, the action so taken shall be forthwith intimated to all the members of the Executive Council and the papers shall be placed before the next meeting of the Executive Council for information.

11. Constitution of Standing Committee and appointment of Ad hoc committees by the Executive Council.--

Subject to the provisions of this Act and the Regulations made in this behalf, the Executive Council may, by resolution, constitute from among its members such Standing Committees or appoint ad hoc committees for such purposes and with such powers as the Executive Council may think fit for exercising any power or discharging any function of the University or for inquiring into reporting on advising upon any matter relating to the University.

11A. The Executive Council may co-opt such other persons to a Standing Committee or an ad hoc committee as it considers suitable and may permit them to attend the meetings of the Executive Council.

12. Reservation of posts and seats.--

The Executive Council may provide for reservation in the admission to undergraduate and post graduate students in the University excepting super-speciality courses, of such number of seats for Scheduled Castes, Scheduled Tribes and girl students as may be provided in the Regulations.

13. Delegation of powers by Executive Council.--

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

ACADEMIC COUNCIL

14. Membership of the Academic Council.--

(1) The Academic Council shall consist of the following persons, namely :

(a) The Vice Chancellor, who shall be the Chairperson thereof;

(b) Three persons nominated by the Chancellor from amongst eminent educationists or men of letters or members of learned professions, who are not in the service of the University;

(c) The Secretary to the Government Law and Legal Affairs Department, Government of Chhattisgarh;

(d) One person nominated by the Chairman, Bar Council of India;

(e) All Heads of the Departments of the University;

(f) All the Professors (other than the Heads of the Department);

(g) Two members of the teaching staff, to be nominated by the Vice Chancellor from amongst Associate and Assistant Professors of the University in order of seniority in each category by rotation;

(h) One member of the Legal Education Committee of the Bar Council of India to

be nominated by the Chairman of that Committee;

(i) Three persons to be nominated by the Chancellor from among eminent academicians jurists or lawyers.

Provided that such of the Associate Professors or Assistant Professors who have been nominated as members of Executive Council by the Vice Chancellor, shall also be nominated as members of the Academic Council.

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

(2) The terms of office of the members, other than ex-officio members shall be three years.

15. Powers and Duties of the Academic Council.--

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

(a) To Report on any matter referred or delegated to it by the General Council or the Executive Council.

(b) To make arrangements through Regulations for the instruction and examination of persons other than those enrolled in the University;

(c) To promote research within the University and to enquire from time to time reports on such research;

(d) To consider proposals submitted by the faculties;

(e) To appoint committees for admission to the University;

(f) To recognise diploma and degree of other Universities and institutions and to determine their equivalence in relation to the diploma and degree of the University.

(g) To fix, subject to any conditions accepted by the General Council the time, mode and conditions of competition for fellowships, scholarships and other prizes and to award the same;

(h) To make recommendations to the Executive Council in regard to the appointment of examiners and if necessary their removal and the fixation of their fees; emoluments and travelling and other expenses;

(i) To make arrangements for the conduct of examinations and to fix dates for holding them;

(j) To declare result of the various examinations, or to appoint committees or officers to do so and to make recommendations regarding the conferment or grant of degree, diploma, and other honours.

(k) To award stipends, scholarships, medals and to make other awards in accordance with the Regulations and such other conditions as may be attached to the awards;

(l) To publish lists of prescribed or recommended text-books and to publish syllabus or the prescribed courses of study;

(m) To prepare such forms and registers as are, from time to time prescribed by Regulations; and

(n) To perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for the proper carrying out of the provisions of this Act and the Regulations.

16. Procedure of the meetings of the Academic Council.--

(1) The Academic Council shall meet as often as may be necessary but not less than two times during an academic year.

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

(3) Every meeting shall be presided over by the Chairperson of the Academic Council and in his absence, by a member chosen for the purpose by those present.

(4) If urgent action by the Academic Council becomes necessary, the Chairperson may permit the business to be transacted by circulation of papers to the members and the action proposed to be taken shall not be taken unless agreed to by a majority of members; the action so taken shall be forthwith intimated to all members and placed before the next meeting of the Academic Council for information.

FINANCE COMMITTEE

17. Finance Committee.--

(1) There shall be a Finance Committee constituted by the Executive Council consisting of the following, namely :

(a) The Vice Chancellor, who shall be the Chairperson;

(b) One member nominated by the Executive Council from amongst its members;

(c) One officer each of the Finance Department and the Higher Education Department, Government of Chhattisgarh, being not below the rank of a Deputy Secretary;

(d) Finance Officer of the University;

(e) One senior teacher nominated by the Vice Chancellor who, as far as possible, is a specialist of finance and account matters;

(f) Three experts in finance not having any relation with the University and nominated by the Chancellor.

(g) The Registrar who shall be the Member Secretary of the Finance Committee.

(2) The members of the Finance Committee shall hold office for a term of three years.

(3) The functions and duties of the Finance Committee shall be as follows namely:

(a) To examine and scrutinize the annual budget of the University and to make recommendations on financial matters to the Executive Council;

(b) To consider all proposals for new expenditure and to make recommendations to the Executive Council.

(c) To consider the periodical statements of accounts and to review the finances of the University from time to time and to consider reappropriation statements and audit reports and to make recommendations to the Executive Council;

(d) To give its views and to make recommendations to the Executive Council on any financial question affecting the University either on its own initiative or on reference from the Executive Council or the Vice Chancellor.

(4) The Finance Committee shall meet twice every year, and five of its members shall form the quorum.

(5) The Vice Chancellor shall preside over the meetings of the Finance Committee and in case of difference of opinion among its members, the opinion of the majority shall prevail.

SELECTION AND REMOVAL OF TEACHERS

18. Selection Committee.--

All appointments to teaching and non teaching posts on temporary or on tenure basis shall be made on the basis of recommendation of the Selection Committee composed in such manner as may be prescribed under the Regulations.

VICE CHANCELLOR

19. Appointment and the powers of the Vice Chancellor.--

(1) The Vice Chancellor shall be appointed by the Chancellor on the principle of "the doctrine of pleasure" upon the recommendations of a Search Committee and after obtaining the advice of the State Government there on;

Provided that the Special Officer appointed by the State Government shall be the first Vice Chancellor of the University for a period not exceeding three years.

(2) The Search Committee, referred to in sub-section (1), shall consist of the

following:

(i) A person nominated by the Executive Council who should not be connected with the University or any other college affiliated to the University or any institution there of;

(ii) One eminent authority on law nominated by the Chancellor,

(iii) One nominee of the Chairman, Bar Council of India.

(3) The Chancellor may appoint one of the members of the Search Committee constituted under sub-section (2) to act as the Chairperson of the Committee.

(4) The Search Committee shall submit a panel of at least three suitable persons for appointment to the position of Vice Chancellor for the consideration of the Chancellor; and the panel may include any such person who has served as the Vice Chancellor of the University previously.

(5) The term of the Vice Chancellor, except the first Vice Chancellor; shall be five years from the date on which he enters upon his office or until he attains the age of sixty-five years, whichever is earlier.

(6) The Vice Chancellor shall be the Chief Executive and Academic Head of the University and subject to the specific and general directions of the Executive Council, he shall exercise all powers of the Executive Council in the management and administration of the University;

(7) The Vice-Chancellor shall, -

(a) Ensure that the provisions of this Act and the Regulations are duly observed, and he shall have all powers as are necessary for that purpose.

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

(c) Have all powers relating to the proper maintenance of discipline in the University; and

(d) If, in the opinion of the Vice Chancellor, any emergency has arisen, which requires that immediate action be taken, he shall take such action as he deems necessary and shall report the same for confirmation to the next meeting of the authority which in the ordinary course, would have dealt with the matter.

REGISTRAR

20. Registrar.--

(1) The Registrar shall be appointed by the Executive Council on the recommendation of the Selection Committee constituted by the Executive Council under the Chairmanship of the Vice chancellor.

Provided that the First Registrar of the University shall be appointed by the Chancellor, in consultation with the State Government.

(2) The Registrar shall be the ex-officio Secretary of the Executive Council, the Finance Committee and the faculties, but shall not be deemed to be a member of these authorities.

(3) The Registrar shall:

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

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

(c) Issue all notices for convening meetings of the General Council, Executive Council, the Academic Council, the Finance Committee, the faculties and of any Committee appointed by the authorities of the University,

(d) Keep the minutes of all meetings of the General Council, Executive Council, the Academic Council, the Finance Committee, the faculties and any Committee appointed by the authorities of the University;

- (e) Conduct the official correspondence with the Executive Council and the Academic Council;
- (f) Supply the Visitor the copies of the agenda of the meeting of the authorities of the University as soon as they are issued and the minutes of the meetings of the authorities ordinarily within a month of the holding of the meeting;
- (g) Call a meeting of the Executive Council forthwith in an emergency, when neither the Vice Chancellor nor the officer duly authorized is able to act, and to take its directions for carrying on the work of the University,
- (h) Be directly responsible to the Vice Chancellor for the proper discharge of his duties and function;
- (i) Perform such other duties as may be assigned from time to time by the Executive Council or the Vice Chancellor, and
- (j) In the event of the post of the Registrar remaining vacant for any reason, it shall be open to the Vice Chancellor to authorize any officer in the service of the University to exercise such powers, functions and duties of the Registrar as the Vice Chancellor deems fit.

FINANCE OFFICER

21. Finance Officer.--

There shall be a finance officer who shall be appointed in the same manner as in the case of the Registrar having such qualification as may be prescribed in the regulation.

Provided the First Finance Officer shall be appointed by the Executive Council in consultation with the State Government.

PROVIDENT FUND, GRATUITY, PENSION

22. Provident fund, Gratuity, Pension and other Benefit Schemes.--

All the permanent employees of the University shall be entitled to the benefit of the provident fund, and other beneficial scheme in accordance with such Regulations as may be framed in that behalf by the Executive Council.

23. Fund of the University.--

(1) There shall be a University Fund which shall include:

- (a) any contribution or grant made by the State Government;
- (b) any contribution or grant made by the University Grants Commission or the Central Government;
- (c) any contribution made by the Bar Council of India;
- (d) any contribution made by the Bar Council of India Trust;
- (e) any contribution made by the State Bar Council;
- (f) any bequests, donations, endowments or other grants made by any private individual or institution;
- (g) income received by the University from fees and charges; and (h) amounts received from any other source.

(2) The amount of the said Fund shall be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (Central Act No. 2 of 1934), or in a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Central Act No. 5 of 1970) and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (Central Act No. 40 of 1980) or may be invested in such securities authorized by the Indian Trust Act, 1982 (Central Act No. 11 of 1982), as may be decided by the Executive Council.

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

24. Annual Accounts, Audit and financial estimates.--

(1) The Annual Accounts of the University shall be prepared under the directions of the Executive Council.

(2) The auditors appointed by the Executive Council shall audit the accounts of the University, at least once in each financial year;

Provided that there shall be a Special Audit of the Accounts, if the Executive Council considers it necessary to do so, and auditors for such special Audit shall be specified by the Executive Council.

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

(4) The Annual Accounts shall be considered by the General Council at its annual meeting and it may pass resolutions with reference thereto and communicate the same to the Executive Council, which shall consider the suggestions made by the General Council and take such action thereon, as it thinks fit; and the Executive Council shall inform the General Council at its next meeting with respect to all actions taken by it as also the reasons, if any, for not taking action.

(5) The Executive Council shall prepare, before such date as may be prescribed by the Regulations, the financial estimates for the ensuing year and place the same before the General Council.

(6) The Executive Council may, in cases where expenditure is to be incurred in excess of the amount provided in the budget or in cases of urgency for reasons to be recorded in writing, incur such expenditure subject to such restrictions and conditions as may be specified in the Regulations; and, where no provision has been made in the budget in respect of such excess expenditure, a report shall be made to the General Council at its next meeting.

25. Annual report.--

(1) The Executive Council shall prepare the annual report covering each financial year, containing such particulars as the General Council may specify, and submit it on or before such date as may be prescribed by the regulation to the General Council which may pass resolution thereon and the Executive Council shall take action in accordance therewith; and the action taken shall be intimated to the General Council.

(2) Copies of the annual report along with the resolution of the General Council thereon shall be submitted to the State Government, which shall lay the same before the State Legislature at their next session.

MISCELLANEOUS

26. Execution of contract.--

All contracts relating to the management and administration of the University shall be expressed to be made by the Executive Council and shall be executed in accordance with the provisions of Regulations framed separately for this purpose.

27. Eligibility for admission of students.--

No student shall be eligible for admission to a course of study for a degree or diploma, in the absence of such qualifications as may be prescribed by the Regulations.

28. Residence of students.--

Every student of the University shall reside in a hostel maintained or recognized by the University under such conditions as may be prescribed by the Regulations.

29. Honorary Degrees.--

If not less than two-thirds of the members of the Academic Council, recommend that an honorary degree or academic distinction be conferred on any person on the ground that he is in their opinion, by reason of eminent attainment and position, fit and proper to receive such degree or academic distinction, the General Council may, by a resolution decide that the same may be conferred on the person

recommended.

30. Withdrawal of Degree or Diploma.--

(1) Where any person has been guilty of gross misconduct, the General Council may, on the recommendation of the Executive Council, withdraw any distinction, degree, diploma or privilege conferred on or granted to such person by a resolution passed by the majority of its total membership and of not less than two-thirds of those present and voting.

(2) No action under this rule shall be taken against any person unless he has been given an opportunity to show cause in respect of the action proposed to be taken.

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

(4) Any person aggrieved by the decision taken by the General Council may appeal to the Visitor within thirty days from the date of the receipt of such resolution.

(5) The decision of the Visitor in such appeal shall be final.

31. Discipline.--

(1) The final authority responsible for maintenance of discipline among the students of the University shall be the Vice Chancellor; and all Heads of the Departments, Hostels and Institutions shall carry out his directions in that behalf.

(2) Notwithstanding anything contained in sub-section (1), the punishment of debarring a student from the examination or rustication from the University or a hostel or an institution shall, on the report of the Vice Chancellor, be considered and imposed by the Executive Council.

Provided that before such report is considered, the Vice Chancellor shall give to the student concerned a reasonable opportunity to show cause in respect of the action proposed to be taken against him.

32. Sponsored Schemes.--

The sponsored research projects, studies and consultancies undertaken by the University shall be approved by the Academic Council before they are formally accepted by any officer, teacher or authority of the University; and the University, shall however, be at liberty to accept and undertake such self-financing research projects, studies and consultancies for Government departments, public corporations, reputed private organizations, University Grants Commission or any other academic and research organization, as it may deem proper;

Provided that where an academic or research activity is undertaken at the behest of a private organization, the same shall be governed by such Regulations and on such terms and conditions as the State Government may specify by order.