

NATIONAL LAW SCHOOL OF INDIA ACT, 1986

22 of 1986

[March 18, 1986]

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SCHEDULE 1 :- SCHEDULE

NATIONAL LAW SCHOOL OF INDIA ACT, 1986

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STATEMENT OF OBJECTS AND REASONS KARNATAKA ACT No. 22 OF 1986 Karnataka Gazette, Extraordinary, dated 18-3-1986 One of the functions of the Bar Council of India is promotion of legal education. To carry out that objects the Bar Council of India

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

1. Short title and commencement :-

(1) This Act may be called the National Law School of India Act, 1986.

(2) It shall be deemed to have come into force on the Ninth day of January, 1986.

2. Definitions :-

In this Act, unless the context otherwise requires.

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

(2) "Bar Council of India" means the Bar Council of the India constituted under the Advocates Act, 1961 (Central Act 25 of 1961);

(3) "Bar Council of India Trust" means the Bar Council of India Trust, a public charitable trust, got created by the Bar Council of India;

(4) "Chairman" means the Chairman of the General Council;

(5) "Director" means the Director of the School;

(6) "Executive Council" means the Executive Council of the School;

(7) "General Council" means the General Council of the School;

(8) "Registrar" means the Registrar of the School;

(9) "Regulations" means the regulations of the School made under Clause 31;

(10) "School" means the National Law School of India University established under Section 3 ;

(11) "Schedule" means the Schedule appended to this Act;

(12) "Society" means the National Law School of India Society registered under the Karnataka Societies Registrations Act, 1960 (Karnataka Act 17 of 1960); and

(13) "Visitor" means the Visitor of the School.

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

(1) With effect from such date as the State Government may by notification appoint there shall be established, in the State of Karnataka, a University by the name of the National Law School of India University which shall consist of the Director, the General Council, the Executive Council, the Academic Council and the Registrar.

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

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

(4) The headquarters of the School shall be at Bangalore.

4. The objects of the School, etc. :-

(1) The objects of the School shall be to advance and disseminate learning and knowledge of law and legal processes and their role in national development, to develop in the student and research scholar a sense of responsibility to serve society in the field of law by developing skills in regard to advocacy, legal services, legislation, law reforms and the like, to organise lectures, seminars, symposia and conferences to promote legal knowledge and to make law and legal processes efficient instruments of social development, to hold examinations and confer degrees and other academic distinctions and to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objects of the School.

(2) The School shall be open to all persons of either sex irrespective of race, creed, caste or class of all religions and it shall not be lawful for the School to impose on any person any test whatsoever

of religious belief or profession in order to entitle him to be admitted thereto as a teacher or a student or to hold any office therein or to graduate thereat or to enjoy or to exercise any privilege there of.

5. Powers and functions of the School :-

The powers and functions of the School shall be.

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

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

(iii) to organise and undertake extra-mural teaching and extension services;

(iv) to hold examinations and to grant diplomas or certificates, and to confer degrees and other academic distinctions on persons subject to such conditions as the School may determine and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(v) to confer honorary degrees or other distinctions in the manner laid down in the regulations;

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

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

(viii) to establish such special centres, specialised study centres or other units for research and instruction as are, in the opinion of the School, necessary for the furtherance of its objects;

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

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

(xi) to create academic, technical, administrative, ministerial and

other posts and to make appointments thereto;

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

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

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

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

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

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

(xviii) to co-operate with any other organisation in the matter of education, training and research in law, justice, social development and allied subjects for such purposes as may be agreed upon on such terms and conditions as the School may from time to time determine;

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

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

(xxi) to establish and maintain within the School's premises or elsewhere, such class rooms, and shady halls as the School may consider necessary and adequately furnish the same and to establish and maintain such libraries and reading rooms as may appear convenient or necessary for the School;

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

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

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

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

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

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

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

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

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

(xxxi) to raise and borrow money on bonds, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the School or without any securities and upon such terms and conditions as it may think fit and to pay out of the funds of the School, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;

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

(xxxiii) to make such regulations as may, from time to time, be

considered necessary for regulating the affairs and the management of the School and to alter, modify and to rescind them;

(xxxiv) to constitute for the benefit of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed by the regulations, such as pension, insurance, provident fund and gratuity as it may deem fit and to make such grants as it may think fit for the benefit of any employees of the School, and to aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to benefit the staff and the students of the School;

(xxxv) to delegate all or any of its powers to the Director of the School or any committee or any sub-committee or to any one or more members of its body or its officers; and

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

6. Teaching of the School :-

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

(2) The courses and curricula and the authorities responsible for organising such teaching shall be as prescribed by the regulations.

7. Visitor of the School :-

(1) A Judge nominated by the Society shall be the visitor of the School: Provided that if he gives his consent the Chief Justice of India shall be nominated as the visitor.

(2) The visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the School, its buildings, libraries and equipments and of any institution maintained by the School, and also of the examinations, teaching and other work conducted or done by the School and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the School.

(3) The visitor shall, in every case give notice, to the School of his

intention to cause an inspection or inquiry to be made, and the School shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.

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

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

8. Authorities of the School :-

The following shall be the authorities of the School.

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

9. The General Council :-

(1) The General Council shall be the ¹ [Chief Advisory Body] of the School.

1. Substituted for the words "supreme authority" by Act No. 3 of 1993 and shall be deemed to have come into force w.e.f. 14-5-1992

10. Executive Council :-

(1) The Executive Council shall be the chief executive body of the School.

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

11. The Academic Council :-

The Academic Council shall be the academic body of the School, and shall, subject to the provisions of this Act and the regulations, have power of control and general regulation of, and be responsible for, the maintenance of standards of instruction, education and

examination of the School, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the regulations. It shall have the right to advise the Executive Council on all academic matters.

12. Officers of the School :-

The following shall be the officers of the School, namely.

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

13. Regulations :-

(1) Subject to the provisions of this Act, the Executive Council shall have, in addition to all the other powers vested in it, the power to frame regulations to provide for the administration and management of the affairs of the School: Provided that the Executive Council shall not make any regulation affecting the status, powers or constitution of any authority of the School until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council:

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

- (a) the constitution, powers and duties of the Academic Council;
- (b) the authorities responsible for organising teaching in connection with the School courses and related academic programmes;
- (c) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (d) the establishment and abolition of faculties, departments, halls and institutions;
- (e) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes;
- (f) conditions and modes of appointment of examiners or conduct

or standard of examinations or any other course of study;

(g) mode of enrolment or admission of students;

(h) examinations to be recognised as equivalent to School examinations.

(2) The Academic Council shall have the power to propose regulations on all the matters specified in (a) to (h) above and matters incidental and related thereto in this regard.

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

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

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

14. Appointment of a School review commission :-

(1) The visitor shall at least once in every five years constitute a commission to review the working of the School and to make recommendations.

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

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

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

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

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

(1) Notwithstanding that the General Council, the Executive Council, the Academic Council or any other authority or body of the School is not duly constituted or there is a defect in its constitution or re-constitution at any time and notwithstanding that there is a vacancy in the membership of any such authority or body, no Act or Rule or proceedings of such authority or body shall be invalidated on any such ground or grounds.

(2) No resolution of any authority or body of the School shall be deemed to be invalid on account of any irregularity in the service of notice upon any member provided that the proceedings of such authority or body were not prejudicially affected by such irregularity.

16. Removal of difficulties at the commencement :-

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

Provided that before making any such order the visitor shall ascertain and consider the opinion of the Director and of such appropriate authority of the School as may have been constituted.

17. Transitory provisions :-

Notwithstanding anything in this Act, and the regulations, the Director may, with the previous approval of the visitor and subject to the availability of funds, discharge all or any of the functions of the School for the purpose of carrying out the provisions of this Act and the regulations and for that purpose may exercise any powers or perform any duties, which by this Act and the regulations are to be exercised or performed by any authority of the School until such

authority comes into existence as provided by this Act and the regulations.

18. Authorities and officers of the School, etc :-

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

19. Indemnity :-

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

20. Power to amend Schedule :-

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

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

21. Act to have overriding effect :-

The provisions of this Act and any regulation made thereunder shall have effect notwithstanding anything in consistent 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.

22. Repeal and Savings :-

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

(2) Notwithstanding such repeal anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Act.

