



## **The Jammu and Kashmir National Law University Act, 2018**

Act No. 2 of 2018

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**NATIONAL LAW UNIVERSITY  
ACT, 2018**

**(Act No. II of 2018)**

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**THE JAMMU AND KASHMIR NATIONAL LAW UNIVERSITY  
ACT, 2018**

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**THE JAMMU AND KASHMIR NATIONAL LAW UNIVERSITY  
ACT, 2018****(Act No. II of 2018)**

*[Received the assent of the Governor on 28th September, 2019 and published in the Government Gazette dated 28th September, 2019].*

An Act for the establishment of a University by the name of Jammu and Kashmir National Law University in the <sup>1</sup>[State of Jammu and Kashmir] and for matters connected therewith or incidental thereto.

Be it enacted by the State Legislature in the Sixty-ninth Year of the Republic of India as follows :—

## CHAPTER I

**Preliminary**

1. *Short title and commencement.* —(1) This Act may be called the Jammu and Kashmir National Law University Act, 2018.

(2) It shall come into force on such date as the Government may, by notification in the <sup>2</sup>[Government Gazette], appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

- (1) “Academic Council” means the Academic Council of the University ;
- (2) “Bar Council” means the Bar Council of Jammu and Kashmir constituted under the Advocates Act, 1961 (Central Act No. 25 of 1961) ;
- (3) “Bar Council of India” means the Bar Council of India constituted under the Advocates Act, 1961 (Central Act No. 25 of 1961) ;
- (4) “Chancellor” means Chancellor of the University ;

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1. Now Union territory of Jammu and Kashmir.

2. Now Official Gazette.

- (5) “Chief Justice” means the Chief Justice of High Court of Jammu and Kashmir and includes the Judge performing the duties of the Chief Justice of High Court of Jammu and Kashmir ;
- (6) “Executive Council” means Executive Council of the University ;
- (7) “Finance Committee” means the Finance Committee of the University ;
- (8) “Governing Council” means the Governing Council of the University ;
- (9) “Government” means the Government of Jammu and Kashmir ;
- (10) “Registrar” means the Registrar of the University;
- (11) “Regulations” and “Statutes” means respectively the Regulations and Statutes of the University ;
- <sup>1</sup>[(12) “University” means any University established under section 3 of the Act ; and]
- (13) “Vice-Chancellor” means the Vice-Chancellor of the University.

## CHAPTER II

### **The University**

<sup>2</sup>[3. *Establishment and Incorporation of University.* —(1) The Government may, from time to time, by notification in the official Gazette, establish one or more Universities under this Act, by such place and with effect from such date as may be specified in such notification.

(2) Each University shall consist of the Chancellor, the Vice-Chancellor, the Governing Council, the Executive Council, the Academic Council and the Registrar.

(3) Each University shall be a body corporate by the name, having perpetual succession and a common seal with power, subject to the provisions

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1. Clause (12) substituted by S.O. 3808(E) dated 26.10.2020.

2. Section 3 substituted *ibid.*

of the Act, to acquire and hold property, both movable and immovable, and to contract and shall, by the said name, sue and be sued.

(4) Each University shall be engaged in teaching and research in law and allied disciplines.

(5) The Headquarters of the University shall be at such place, as may be specified by the Government by notification in the Official Gazette and it may establish campuses at such places as it may deem fit.]

4. *Objects of the University.*— The objects of the University shall be,—

- (i) to evolve and impart comprehensive legal education ;
- (ii) to impart continuing legal education at all levels to achieve excellence ;
- (iii) to organize advanced studies and promote research in all branches of law ;
- (iv) to disseminate legal knowledge and legal processes and their role in the national development by organising lectures, seminars, symposia, workshop and conferences ;
- (v) to promote cultural, legal and ethical values with a view to promote and foster the rule of law and objectives enshrined in the Constitution of India '[x x x x] ;
- (vi) to improve the ability to analyse and present for benefit of the contemporary issues of public concern and their legal implications ;
- (vii) to liaise with institutes of higher learning and research in the field of law in India and abroad ;
- (viii) to publish periodicals, treatises, study books, reports, journals and other literature on all subjects relating to law ;
- (ix) to hold examinations and confer degrees and other academic distinctions ;

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1. Words “and the Constitution of Jammu and Kashmir” omitted by S.O. 3808(E) dated 26.10.2020.

- (x) to promote legal awareness in the community for achieving social and economic justice ;
- (xi) to undertake study and training projects relating to law, legislation and judicial institutions ; and
- (xii) to do all such things as are incidental to, and necessary for, or conducive to the attainment of all or any of the objectives of the University.

5. *Powers and Functions of the University.*— The powers and the functions of the University shall be,—

- (i) to administer and manage the University and such centres for study, research, education and instructions as are necessary in furtherance of the objects of the University ;
- (ii) to provide for instructions in all branches of knowledge or learning pertaining to law and allied subjects as the University may deem fit ;
- (iii) to make provisions for research and for the advancement and dissemination of knowledge of law including through continuing education programmes ;
- (iv) to institute degrees, titles, diplomas, certificates and other distinctions ;
- (v) to hold examinations and to confer degrees, titles, diplomas and other academic distinctions on persons subject to such conditions as the University may determine and to withdraw any such degrees, titles, diplomas and other academic distinctions subject to such conditions as the University may determine ;
- (vi) to fix, demand and receive fees and other charges as may be prescribed ;
- (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 such place of residence ;



- (viii) to establish special centres, specialized study centres or other units for research and instructions as are, in the opinion of the University, necessary in furtherance of its objects ;
- (ix) to supervise and control the residence and to regulate the discipline of the students and staff of the University and to make arrangements for promoting their health and general welfare ;
- (x) to make such arrangements in respect of 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, lectureships 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 teaching and researchers of the University and as other classes of employees ;
- (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 organizations in the matter of education, training and research in law, justice and 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 otherwise 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 accounts of the University ;
- (xxi) to establish and maintain within the premises of University or elsewhere such schools, colleges or study halls as the University may consider necessary and adequately furnish the same 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 consistent with the objects for which University is established ;
- (xxiii) to purchase, take on lease, 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 ;
- (xxiv) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, moveable or immovable, on such terms and conditions as it may think fit and proper without prejudice to the interests and activities of the University ;
- (xxv) to execute conveyances, transfers, re-conveyances, mortgages, licenses and agreements in respect of property, moveable or immovable including Government securities belonging to the University or to be acquired for the purpose of the University ;
- (xxvi) to appoint in order to execute an instrument or transact any business of the University any person as it may deem fit ;
- (xxvii) to give up and cease from carrying on any classes or departments of the University ;
- (xxviii) to enter into any agreement with Central Government, <sup>1</sup>[State Government], the University Grants Commission or other authorities for receiving grants ;

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1. Now Government of the Union territory of Jammu and Kashmir.

- (xxix) to accept grant of money, securities or property of any kind or description on such terms and conditions as may be deemed expedient ;
- (xxx) 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 or debt made ;
- (xxxix) to invest the funds of the University or moneys entrusted to University in or upon such securities or deposits and in such manner as it may deem fit and from time to time, transpose any investments ;
- (xxxixii) to make such Statutes, Regulations and other instruments as may, from time to time, be considered necessary for regulating the affairs and management of the university and its properties and to alter, modify and rescind them ;
- (xxxixiii) to constitute for the benefit of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed pension insurance, provident fund and gratuity and other schemes as it may deem fit and to make such grants as it may think fit for the benefit of the staff of the University and to aid in the establishment and support of associations, institutions, funds and trusts for the benefit of the staff and the students of the University ;
- (xxxixiv) to confer honorary degrees and other distinctions in the manner laid down in the regulations ;
- (xxxixv) to delegate all or any of its powers to the Vice-Chancellor or any committee or to any one or more members of its body or its officers ;
- (xxxixvi) 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 of them.

6. *Teaching in the University.* —(1) All teaching in connection with the degrees, diplomas and certificates of the University shall be conducted in

accordance with the syllabi prescribed in the Regulations.

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

7. *Visitors of the University.*— The Chief Justice of India or his nominee, who shall be the Senior Judge of the Supreme Court of India, shall be the visitor of the University.

8. *Chancellor of the University.* —(1) <sup>1</sup>[The Chief Justice] shall be the Chancellor of the University.

(2) The Chancellor, when present and in absence of the Visitor shall preside over the convocations of the University and the meetings of the Governing Council.

(3) The Chancellor may cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries and equipment and of any of the institution maintained by the University, and also of the examinations, teaching or other work conducted or done by the University and cause an enquiry to be made in the like manner in respect of any matter connected with the administration and finances of the University.

(4) The Chancellor may offer such advice to the University as he may deem fit with reference to the result of such inspection or inquiry.

(5) The University shall communicate to the Chancellor the action taken or proposed to be taken on such advice.

(6) In case of differences among the authorities or officers of the University on any matter which cannot be otherwise resolved, the decision of the Chancellor shall be final.

(7) The Chancellor may invite a person of eminence in law and legal education to advise the University in relation to affairs of the University as and when he deems it necessary.

9. *Pro-Chancellor of the University.* —(1) The Minister Incharge Law in the <sup>2</sup>[State] shall be the Pro-Chancellor of the University.

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1. Substituted by S.O. 3808(E) dated 26.10.2020 for “The Chief Minister”.

2. Now Union territory of Jammu and Kashmir.

(2) The Pro-Chancellor shall, in the absence of the Chancellor preside over the meetings of the Governing Council and perform all such powers, functions and duties as may be assigned or delegated to him by the Chancellor.

10. *Vice-Chancellor of the University.* —(1) There shall be a Vice-Chancellor of the University who shall be appointed in the manner provided in section 21.

(2) The term of Vice-Chancellor shall be for a period of five years.

### CHAPTER III

#### **Authorities of the University**

11. *Authorities of the University.*— The following shall be the authorities of the University, namely :—

- (a) the Governing Council ;
- (b) the Executive Council ;
- (c) the Academic Council ;
- (d) the Dispute Redressal Committee ;
- (e) the Finance Committee ; and
- (f) such other authorities as may, from time to time, be declared as such by the Statutes.

12. *Governing Council and its term of office.* —(1) The Governing Council shall be the supreme authority of the University and shall consist of following persons, namely :—

- (a) the Chancellor ;
- (b) the Pro-Chancellor ;
- (c) the Vice-Chancellor ;
- (d) one person from amongst the sitting Judges of the High Court of Jammu and Kashmir, nominated by <sup>1</sup>[the Chancellor] ;

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1. Substituted by S.O. 3808(E) dated 26.10.2020 for “the Chief Justice”.

- (e) one person from amongst the former Judges of the High Court of Jammu and Kashmir, nominated by the Chancellor ;
- (f) the Chairman, Bar Council of India or his nominee from amongst the members of the Bar Council of India ;
- (g) the Chairman, Bar Council of Jammu and Kashmir, or his nominee amongst the members of the Bar Council of the Jammu and Kashmir ;
- (h) two pre-eminent persons in the disciplines of social sciences and humanities, nominated by Chancellor ;
- (i) two pre-eminent persons in the field of legal education/legal profession, nominated by Chancellor ;
- (j) the Chief Secretary ;
- (k) the Advocate General ;
- (l) the Administrative Secretary, Finance ;
- (m) the Administrative Secretary, Law, Justice and Parliamentary Affairs.

(2) Where a person has become a member of Governing Council by reasons of appointment or office he holds, his membership shall terminate when he ceases to hold that appointment or office.

(3) The term of office of the nominated members of the Governing Council other than ex-officio members shall be three years.

(4) A member of Governing Council shall cease to be a member if he resigns or becomes insolvent or is convicted of a criminal offence involving moral turpitude. A member, other than the Vice-Chancellor or professor, shall also cease to be member if he accepts a full time appointment in the University, or if he, not being ex-officio member, fails to attend three consecutive meetings of the Governing Council without the leave of the Chancellor.

(5) A member of the Governing Council, other than the ex-officio member, may resign his office by a letter addressed to the Chancellor and such resignation shall take effect as soon as it has been accepted by him.

(6) Any vacancy of the nominated member in the Governing Council shall be filled by nomination by the respective nominating authority and on expiry of the period of the vacancy, such nomination shall cease to be effective.

13. *Powers, functions and meetings of the Governing Council.* —(1) The Governing Council shall be plenary authority of the University and shall formulate and review from time to time the broad policies and programmes of the University and devise measures for the improvement and development of the University and shall also have the following powers and functions, namely:—

- (a) to consider and pass the annual report, financial statement and budget estimates prepared by the Executive Council and to adopt them with or without modifications ;
- (b) to make Statutes concerning the administration of the affairs of the University including prescribing the procedures to be followed by the authorities and the officers of the University in the discharge of their functions.

(2) The Governing Council shall meet at least once in a year. An annual meeting of the Governing Council shall be held on a date to be fixed by the Executive Council, unless some other date has been fixed by the Governing Council in respect of any year.

(3) A report of the working of the University during the previous year together with statement of receipt and expenditure, the balance sheet as audited, and the financial estimates shall be presented by the Vice-Chancellor to the Governing Council at its annual meetings.

(4) The meetings of the Governing Council shall be called by the Chancellor or Pro-Chancellor or by the Vice-Chancellor at the request of not less than ten members of the Governing Council.

(5) For every meeting of the Governing Council, fifteen days notice shall be given.

(6) One-half of the members existing on the rolls of the Governing 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 Governing Council the person presiding over the meeting, shall, in addition to his own vote, 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 Governing Council becomes necessary, the Chancellor may permit the business to be transacted by circulation of papers to the members of the Governing Council. The action so proposed to be taken shall not be taken unless agreed to by majority of members of Governing Council. In case the authority concerned fails to take any decision, the matter shall be referred to the Chancellor, whose decision shall be final.

14. *Executive Council.*—(1) The Executive Council shall consist of the following persons, namely :—

- (a) the Vice-Chancellor of the University ;
- (b) the Chairman of the Bar Council of India, or his nominee from amongst its members ;
- (c) the Advocate General of the <sup>1</sup>[State] ;
- (d) the Chairman, Bar Council of Jammu and Kashmir, or his nominee from amongst its members ;
- (e) the Administrative Secretary, Finance Department ;
- (f) the Administrative Secretary, Department of Law, Justice and Parliamentary Affairs ;
- (g) two Professors of Law outside the University nominated by the Chancellor ;
- (h) one eminent lawyer to be nominated by the Chancellor ;
- (i) two teachers of the University to be nominated by the Vice-Chancellor, of whom one shall be from among the Professors and one shall be from among the Associate Professors of the University by rotation for a period of one year.

(2) The Vice-Chancellor shall be the Chairman of the Executive Council.

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

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1. Now Union territory of Jammu and Kashmir.



(4) The term of office of the nominated members of the Executive Council, other than ex-officio members, shall be three years.

(5) A member of the Executive Council shall cease to be member, if he resigns or becomes insolvent or is convicted of a criminal offence, involving moral turpitude. A member other than the Vice-Chancellor or teacher shall also cease to be a member of the Executive Council, if he accepts a full time appointment in the University, or if he, being a teacher fails to attend three consecutive meetings of the Executive Council without the leave of the Vice-Chancellor.

(6) A member of the Executive Council other than ex-officio member, may resign his office by a letter addressed to the Vice-Chancellor and such resignation shall take effect as soon as it has been accepted by him.

(7) Any vacancy in the Executive Council shall be filled by nomination by the respective nominating authority and on expiry of the period of vacancy, such nomination shall cease to be effective.

15. *Powers, functions and meetings of the Executive Council.* —(1) The Executive Council shall be chief executive authority of the University and, as such, shall have all powers necessary to administer the University subject to provisions of this Act and the Statutes made thereunder, and may make Regulations with the approval of Governing Council for that purpose and also with respect to matters provided hereunder.

(2) The Executive Council shall have the following powers and functions, namely :—

- (a) to recommend the names of three persons (the names being arranged in the alphabetical order) to the Chancellor for appointment as Registrar of the University on the recommendation of the selection committee constituted for that purpose by it and headed by the Vice-Chancellor ;
- (b) to prepare and present to the Governing Council at its annual meeting—
  - (i) a report on the working of the University ;
  - (ii) a statement of accounts ; and
  - (iii) budget proposal for ensuing academic year ;

- (c) to manage and regulate the finances, accounts, investments, properties, business and all other administrative affairs of the University and for that purpose, constitute committees and delegate the powers to such committees or such officers of the University as it may deem fit ;
- (d) to invest money belonging to the University, including any unapplied income, in such stock, funds, shares or securities, as it may, from time to time, think fit, or in the purchase of immovable property, with the like power of varying such investments from time ;
- (e) to transfer or accept transfer of any moveable or immovable property on behalf of the University ;
- (f) to enter into, vary, carry out and cancel contracts on behalf of the University and for that purpose to appoint such officers as it may think fit ;
- (g) to provide the building, premises, furniture and apparatus and other means needed for carrying on the work of the University ;
- (h) to entertain, adjudicate upon, and if it thinks fit, to redress any grievances of the officers, teachers, students and employees of the University ;
- (i) to create teaching, administrative, ministerial and other necessary posts, to determine the number and emoluments of such posts, to specify the minimum qualifications for appointment to such posts on such terms and conditions of service as may be prescribed by the Regulations made in this behalf ;
- (j) to appoint examiners and moderators, and if necessary to remove them and to fix their fees, emoluments and travelling and other allowances, after consulting the Academic Council ;
- (k) to select a common seal for the University ; and
- (l) to exercise such other powers and to perform such duties as may be considered necessary, or imposed on it by or under this Act.

(3) The Executive Council shall meet, at least, once in three months and not less than fifteen days notice shall be given for such meetings.

(4) The meeting of the Executive Council shall be called by the Registrar under instructions of the Vice-Chancellor or at the request of not less than five members of the Executive Council.

(5) One-half of the members of the Executive Council shall form the quorum at any meeting.

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

(7) Each member of the Executive Council shall have one vote and if there be equality of votes on any question to be determined by the Executive Council, or as the case may be, the member presiding over that meeting shall, in addition to his own vote, have a casting vote.

(8) Every 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.

(9) 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 Executive Council. The action so taken shall be forthwith intimated to all the members of the Executive Council. In case the authority concerned fails to take decision, the matter shall be referred to the Chancellor whose decision shall be final.

16. *Academic Council.* —(1) The Academic Council shall consist of the following persons, namely :—

- (a) the Vice-Chancellor who shall be the Chairman ;
- (b) three persons from amongst educationists of repute or men of letters or members of the legal profession or eminent public men, who are not in the service of the University, nominated by the Chancellor ;
- (c) a nominee of the Bar Council of India ;
- (d) all Heads of the Department ;
- (e) two members of the teaching staff, one each respectively representing the associate and assistant professors of the University, nominated by the Vice-Chancellor for a period of one year on rotation :

Provided that an employee of the University shall not be eligible for nomination under clause (b) of this sub-section.

(2) The term of the members other than ex-officio members and those whose term is specified by clause (e) of sub-section (1), shall be three years.

17. *Powers, functions and meetings of the Academic Council.* —(1) Subject to the provisions of this Act, Statutes and Regulations and overall supervision of the Executive Council, the Academic Council shall manage the academic affairs and matters in the University and in particular shall have the following powers and functions, namely :—

- (a) to report on any matter referred or delegated to it by the Governing Council or the Executive Council ;
- (b) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the University and the emoluments payable and the duties attached thereto ;
- (c) to formulate and modify or revise schemes for the organization of the faculties, and to assign to such faculties their respective subjects and also to report to the Executive Council as to the expediency of the abolition or sub-division of any faculty or combination of one faculty with another ;
- (d) to recommend arrangements for the instruction and examination of persons other than those enrolled in the University ;
- (e) to promote research within the University and to require from time to time, reports on such research ;
- (f) to consider proposals submitted by the faculties ;
- (g) to lay down policies for admission to the university;
- (h) to recommend recognized diplomas and degrees of other Universities and institutions and to determine their equivalence in relation to the certificates, diplomas and degrees of the University ;
- (i) to fix, subject to any conditions accepted by the Governing Council, the time, mode and conditions of competition for fellowships,

scholarships and other prizes and to recommend for award of the same ;

- (j) to make recommendations to the Executive Council in regard to the appointment of examiners and, if necessary, their removal, fixation of their fees, emoluments, travelling and other expenses ;
- (k) to recommend arrangements for the conduct of the examinations and dates of holding them ;
- (l) to declare or review the result of the various examinations or to appoint committees or officers to do so, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, licences, titles and marks of honour ;
- (m) to recommend stipends, scholarships, medals and prizes and to make other awards in accordance with the Regulations and such other conditions as may be attached to the awards ;
- (n) to approve or revise lists of prescribed or recommended text books and to publish the same and syllabus at the prescribed courses of study ;
- (o) to perform, in relation to academic matters, all such forms and the registers as are, from time to time, required by the Regulations ;
- (p) to formulate, from time to time, the desired standards of legal education to be adhered in drawing up the curriculum/syllabi for being taught in the University ; and
- (q) 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 made thereunder.

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

(3) Two-third of the existing members of the Academic Council shall form the quorum for a meeting of the Academic Council.

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

(5) Each member of the Academic Council, including the Chairman of the Academic Council, have one vote and if there be an equality of votes on any question to be determined by the Academic Council, the Chairman of the Academic Council, or, as the case may be, the member presiding over the meetings shall in addition to his own vote, have a casting vote.

(6) Every meeting of the Academic Council shall be presided over by the Vice-Chancellor and in his absence by a member nominated by the Vice-Chancellor for this purpose to preside on the occasion.

(7) If urgent action by the Academic Council becomes necessary, the Chairman of the Academic Council may permit the business to be transacted by circulation of the papers to the members of the Academic Council. The action proposed to be taken shall not be taken unless agreed to, by a majority of the members of the academic Council. The action so taken shall forthwith be intimated to all the members of the Academic Council. In case the authority concerned fails to take decision, the matter shall be referred to the Chancellor whose decision shall be final.

18. *Dispute Redressal Committee.* —(1) There shall be a Dispute Redressal Committee to redress the dispute that may arise between the management and staff, management and students, teachers and students and teachers and management, comprising :—

- (a) the Vice-Chancellor or his nominee ;
- (b) one member of the Executive Council, nominated by Chancellor ;
- (c) one member, nominated by the Chancellor, who is not part of any of the council or committees to the University and who is distinguished law academic with at least five years experience in a similar institution.

(2) The Registrar shall be the Convenor of the Dispute Redressal Committee.

(3) Where the dispute relates to a complaint of sexual harassment, the Dispute Redressal Committee shall be reconstituted by co-opting certain additional members consistent with the law.

(4) The Executive Council, or any smaller body, that may be constituted by it for this purpose, shall be appellate authority.

(5) The rules and regulations governing the functioning of the Dispute Redressal Committee and the appellate authority shall be as framed by the Executive Council.

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

- (a) the Vice-Chancellor ;
- (b) the Administrative Secretary, Finance Department ;
- (c) three other members nominated by the Executive Council from amongst its members of whom one shall be professor ;
- (d) Financial Advisor/Chief Accounts Officer of the Department of Law, Justice and Parliamentary Affairs.

(2) The members of the Finance Committee, other than the Vice-Chancellor, Professor and Financial Advisor/Chief Accounts Officer shall hold office so long as they continue as members of Executive Council.

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

- (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 re-appropriation statements and audit reports and to make recommendations to the Executive Council ; and
- (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 at least, four times in every year. Four members of the Finance Committee shall form the quorum.

(5) The Vice-Chancellor shall preside over the meetings of the Finance Committee, and in his absence, a member nominated by the Vice Chancellor for this purpose/meeting shall preside. In case of deference of opinion among the members, the opinion of the majority of the members present shall prevail.

20. *The Academic Planning Board.* —(1) The Academic Planning Board shall consist of the following persons, namely :—

- |     |   |     |          |
|-----|---|-----|----------|
| (a) | the Pro-Chancellor  | ... | Chairman |
| (b) | the Vice-Chancellor   | ... | Member   |
| (c) | two Directors of Law Universities to be nominated by the Chancellor   | ... | Member   |
| (d) | two eminent Professors of Law, to be nominated by the Vice-Chancellor | ... | Member   |
| (e) | the Advocate General of the <sup>1</sup> [State]                      | ... | Member   |
| (f) | Chairman of State Bar Council of Jammu and Kashmir                    | ... | Member.  |

(2) The meeting of the Academic Planning Board shall be called once in a year to develop plans on the future programmes of the University and recommend the same for the consideration of the Academic Council and Executive Council. It shall also recommend long term plans on different activities of the University as and when found necessary.

#### CHAPTER IV

##### **Officers of the University**

21. *Officers of the University.*— The following shall be the officers :—

- (a) the Vice-Chancellor ;
- (b) the Registrar ;
- (c) Heads of the Departments ;

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1. Now Union territory of Jammu and Kashmir.



- (d) such other officers as may be prescribed by the Statutes or Regulations.

22. *The Vice-Chancellor.*—(1) The Vice-Chancellor shall be an academic person and an outstanding scholar in law or an eminent jurist. He shall be a whole time salaried officer of the University.

(2) The Vice-Chancellor shall be appointed by the Chancellor on the recommendations of the Governing Council from out of a panel of not less than three persons recommended (the names being arranged in the alphabetic order) by a selection committee constituted under sub-section (3).

(3) The selection Committee referred to in sub-section (2) shall consist of three members of whom one shall be nominated by the Executive Council, one by the Chairman, University Grants Commission and one by the Chancellor. The person nominated by the Chancellor shall be the Convener of the Committee :

Provided that no person who is an employee of the University shall be nominated as the member of the selection committee.

(4) The Vice-Chancellor shall hold office for a term of five years or such less period as the Governing Council may decide, from the date on which he enters upon his office, or until he attains the age of seventy-five years, whichever is earlier :

Provided that the Chancellor may require the Vice-Chancellor after his term has expired to continue in office for such period, not exceeding a total period of one year as may be specified by him.

(5) The emoluments and other conditions of service of the Vice-Chancellor shall be as prescribed by Regulations.

(6) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise or if he is unable to perform his duties due to ill health or any other cause, the Chancellor shall have the authority to designate a professor of the University to perform the functions of the Vice-Chancellor until the new Vice-Chancellor assumes his office or until the existing Vice-Chancellor attends to the duties of his office, as the case may be.

(7) The Vice-Chancellor shall—

- (a) ensure that the provisions of this Act, Statutes and Regulations are duly observed, and he shall have all powers as are necessary for that purpose ;
- (b) convene the meetings of the Governing Council, the Executive Council, the Academic Council and shall perform all other acts, as may be necessary to give effect to the provisions of this Act ;
- (c) preside over the meetings of the Governing Council in the absence of the Chancellor ;
- (d) be the competent authority to appoint the teachers, librarians, finance officer and other officers in consultation with the Chancellor on the recommendations of the selection committee appointed by the Executive Council thereof for the purpose in accordance with the guidelines prescribed ;
- (e) be the competent authority to take disciplinary action against the above officers in accordance with the procedure prescribed ;
- (f) have all powers relating to the maintenance of proper discipline in the University ;
- (g) if, in his opinion, any emergency has arisen which requires that immediate action be taken, take such action as he may deem fit and shall report the same for confirmation in the next meeting of the authority which, in the ordinary course, would have dealt with the matter.

23. *Registrar.* —(1) The Registrar, who shall be an academic person in law not below the rank of a Professor shall be appointed by the Chancellor on the recommendation of the selection committee constituted by the Executive Council and headed by the Vice-Chancellor on such terms and conditions of service as the selection committee may specify subject to the provisions of the Statutes and Regulations.

(2) The Registrar shall—

- (a) be ex-officio Secretary of all the authorities, committees and other bodies of the University and shall also be the Convener of all meetings. He shall note and maintain the minutes of the meetings ;

- (b) be the Principal adjutant of the Vice-Chancellor in all matters pertaining to the administration of the University. The Executive Council may entrust to him special responsibilities/powers ;
- (c) have the power to appoint, with the approval of the Vice-Chancellor, the non-teaching staff, including employees of last grade service and contingent staff in pursuance of the recommendations of the selection committee, appointed for that purpose, in the prescribed manner. He shall be the competent authority to take disciplinary action against such employees in accordance with such procedure as may be prescribed.
- (d) comply with direction and orders of the Executive Council and Vice-Chancellor ;
- (e) be the custodian of records, common seal and such other property of the University as the Executive Council shall commit to his charge.

(3) The term of appointment of the Registrar shall be for a period of five years or till he attains the age of sixty-five years, whichever is earlier, and he shall be eligible for re-appointment by the Vice-Chancellor with the approval of the Chancellor.

*24. Heads of Department.* —(1) There shall be a head for each department in the University.

(2) The powers, functions, appointments and conditions of service of the heads of the departments shall be as prescribed by the Regulations.

*25. Other Officers and Employees.* —(1) Subject to the Regulations made for the purpose, every officer or employees of the University shall be appointed in accordance with a written contract which shall be lodged with the University and a copy thereof shall be furnished to the officer or employees concerned.

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

*26. Selection Committee.*— The Executive Council shall constitute various selection committees for appointment to the posts of officers and non-

teaching staff, including last grade service and contingent staff. The procedure for appointment of members of selection committees and the procedure to be adopted by the committee shall be as may be prescribed by the Regulations.

*27. Statutes and Regulations.* —(1) The first Statutes of the University shall be made by the Vice-Chancellor with the approval of the Chancellor. They shall be placed before the Governing Council at its first meeting, which may adopt them with or without modifications. Subsequently, Statutes or modification in the Statutes shall be made by the Governing Council.

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

*28. Appointment of first Vice-Chancellor and first Registrar.*— Notwithstanding anything contained in this Act and the Statutes, the First Vice-Chancellor who shall be an academician in law or an eminent jurist shall be appointed by the Chancellor and shall hold office of the Vice-Chancellor for a period of three years and the person so appointed shall be eligible for grant of extension of tenure by the Chancellor by the maximum of three years. The first Registrar who shall be an academician in law and the rank of not less than a professor shall be appointed by the Chancellor on the recommendations of the Vice-Chancellor. The said officer shall hold office for a period of three years or till a regular Registrar is appointed, whichever is earlier.

*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 Governing Council may, by a resolution, decide that the same be conferred on the person recommended.

*30. Withdrawal of Degree or Diploma.* —(1) The Governing Council may, on the recommendation of the Executive Council, withdraw any distinction, degree, diploma or privilege conferred on, or granted to, any person, by a resolution passed by the majority of total membership of the Governing Council and by a majority of not less than two-third of the members of the Governing Council present and voting, at the meeting, if such person has been convicted by a court of law for an offence, which in the opinion of the Governing Council, involves moral turpitude or if he has been guilty of gross misconduct.

(2) No action under sub-section (1) shall be taken against any person unless he has been given an opportunity to show cause against the action proposed to be taken.

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

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

(5) The decision of the Chancellor 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. His directions in that behalf shall be carried out by the head of departments, hostels and institutions.

(2) Notwithstanding anything contained in sub-section (1) the punishment of debarring a student from an 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 no such punishment shall be imposed without giving the students concerned a reasonable opportunity to show cause against the action proposed to be taken against him.

32. *Deemed Validity of Appointments.*— Notwithstanding anything contained in any other law or instrument having the force of law for the time being in force, the appointment made to any post in the University in accordance with the Statutes and Regulations shall be deemed to be valid and in accordance with law.

33. *Vacancy, etc. not to invalidate any act of proceeding.*— No act or proceeding of the Governing Council, the Executive Council or any other authority or officer or body of the University shall be invalidated or questioned on the ground merely of the existence of any vacancy or defect in the constitution thereof.

34. *Indemnity against General Proceedings.*— No suit, prosecution or other legal proceedings shall lie against the University or any authority or officer or employee of the University for anything which is in good faith done

or intended to be done in pursuance of the provisions of this Act, or the Statutes or Regulations or rules made thereunder.

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

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

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

37. *Sponsored Schemes.*— Whenever the University receives funds from any Government, the University Grants Commission or other agencies sponsoring a scheme to be executed by the University, notwithstanding anything in this Act or the regulations :—

- (a) the amount received shall be kept by the University separately from the University fund and utilized only for the purpose of the scheme ; and
- (b) the staff required to execute the scheme shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organization.

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