



The Sikkim National Law University Act, 2018

Act 5 of 2018

Keyword(s):

Bar Council, Chief Justice, Regulating Body

Amendment appended: 12 of 2018

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SIKKIM

GOVERNMENT **GAZETTE**

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LAW DEPARTMENT
GANGTOK

No. 05/LD/18

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NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on 14th day of March, 2018 is hereby published for general information:-

THE SIKKIM NATIONAL LAW UNIVERSITY ACT, 2018

(ACT NO. 05 OF 2018)

AN

ACT

to provide for establishment of the Sikkim National Law University and to encourage the establishment of a national level institution of excellence in the field of legal education and research in the State for matters connected therewith and incidental thereto.

BE it enacted by the Legislative Assembly of Sikkim in the Sixty-ninth Year of the Republic of India as follows:

CHAPTER-I

PRELIMINARY

**Short title and
commencement**

1. (1) This Act may be called the Sikkim National Law University Act, 2018.
- (2) It shall be deemed to have come into force on 1st day of July, 2019.

Definitions

2. In this Act, unless the context otherwise requires,—
 - (a) "Academic Council" means the Academic Council of the University;

- (b) "Bar Council" means the Bar Council of Sikkim constituted under the Advocates Act, 1961 (25 of 1961);
- (c) "Bar Council of India" means the Bar Council of India constituted under the Advocates Act, 1961 (25 of 1961);
- (d) "Chancellor" means the Chancellor of the University;
- (e) "Chief Justice" means the Chief Justice of the High Court of Sikkim and includes the Judge performing the duties of the Chief Justice of the High Court of Sikkim in absence of the Chief Justice;
- (f) "Executive Council" means the Executive Council of the University;
- (g) "Finance Committee" means the Finance Committee of the University;
- (h) "Governing Council" means the Governing Council of the University;
- (i) "Government" means the Government of Sikkim;
- (j) "prescribed" means prescribed by regulations or statutes made under this Act;
- (k) "Registrar" means the Registrar of the University;
- (l) "regulating body" means a body established by the Central Government for laying down norms and conditions for ensuring academic standards of higher education, such as the University Grants Commission, Bar Council of India, and includes the Government;
- (m) "statutes and regulations" means the "statutes" and "regulations" respectively of the University made under this Act;
- (n) "student" means a person enrolled in the University for taking a course of study for a degree, diploma or other academic distinction instituted by the University, including a research degree;
- (o) "teacher" means a Professor, Associate Professor or Assistant Professor or any other person required to impart education or to guide research or to render guidance in any form to the student for pursuing a course of study of the University;
- (p) "University" means the Sikkim National Law University, Gangtok established under section 3 of this Act; and
- (q) "Vice-Chancellor" means the Vice-chancellor of the University.

CHAPTER-II

THE UNIVERSITY

Establishment of the University

3. (1) There shall be established, in the State of Sikkim, a University by the name of the Sikkim National Law University, Gangtok.
- (2) The University shall be a body corporate by the name of "Sikkim National Law University, Gangtok" having perpetual succession and a common seal, and may sue or be sued by the said name and shall be competent to acquire, hold and dispose of property, both movable and immovable and to contract and to do all things necessary for the purposes of this Act.
- (3) The seat of the Sikkim National Law University shall be at Gangtok (East Sikkim).

Objects of the University

4. The objects of the University shall be,—
- (a) to evolve and impart comprehensive legal education including distant and continuing legal education at all levels to achieve excellence;
 - (b) to organize advanced studies and promote research in all branches of law;
 - (c) to disseminate legal knowledge and legal processes and their role in national development by organizing lectures, seminars, symposia, workshops and conferences;
 - (d) to promote cultural, legal and ethical values with a view to promote and foster the rule of law and the objectives enshrined in the Constitution of India;
 - (e) to improve the ability to analyze and present for the benefit of the public contemporary issues of public concern and their legal implications;
 - (f) to liaise with institutions of higher learning and research in India and abroad;
 - (g) to publish periodicals, treatises, study books, reports, journals, magazines and other literature on all subjects relating to law;
 - (h) to hold examinations and confer degrees, titles, diplomas, certificates and other academic distinctions;
 - (i) to promote legal awareness in the community for achieving social and economic justice;
 - (j) to undertake study and training projects relating to law, legislation and judicial institutions; and
 - (k) to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objectives of the University.

**Powers and
functions of the
University**

5. The powers and functions of the University shall be,—
- (a) to administer and manage the University and such centers for study, research, education and instructions as are necessary in furtherance of the objects of the University;
 - (b) to provide for instructions in all branches of knowledge or learning pertaining to law and allied subjects as the University may deem fit;
 - (c) to make provisions for research and for the advancement and dissemination of knowledge of law including through distance learning continuing education programmes;
 - (d) to institute degrees, titles, diplomas, certificates and other distinctions;
 - (e) to hold examinations and to confer degrees, titles, diplomas, certificates and other academic distinctions on persons subject to such conditions as the University may determine and to withdraw any such degrees, titles, diplomas, certificates and other academic distinctions subject to such conditions as the University may determine;
 - (f) to fix demand and receive fees and other charges as may be prescribed after due intimation to the Government;
 - (g) 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;
 - (h) to establish special centers, specialized study centers or other units for research and instructions as are, in the opinion of the University, necessary in furtherance of its objects;
 - (i) 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;
 - (j) to make such arrangements in respect of residence, discipline and teaching of students;
 - (k) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
 - (l) to regulate and enforce discipline among the employees of the University and to take such disciplinary measures as may be deemed necessary;
 - (m) to institute professorships, associate professorships, assistant professorships, readerships, lectureships and any other teaching, academic or research posts required by the University;
 - (n) to appoint persons as Professors, Associate Professors, Assistant Professors, teaching assistants and visiting faculty

or otherwise as teachers and researchers of the University and other classes of employees;

- (o) to institute and award fellowships, scholarships, prizes and medals;
- (p) to provide for printing, reproduction and publication of research and other works and to organize exhibitions;
- (q) to sponsor and undertake research in all aspects of law, justice and social development;
- (r) to co-operate with any other organizations in the matter of education, training and research in law, justice, social development and allied subjects for such purposes as may be agreed on such terms and conditions as the University may from time to time determine;
- (s) 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;
- (t) to regulate the expenditure and to manage accounts of the University;
- (u) to establish and maintain within the premises of the University such schools, colleges and study halls as the University may consider necessary and adequately furnish the same;
- (v) to establish and maintain such libraries and reading rooms as may appear convenient or necessary for the University;
- (w) to receive grants, subventions, subscriptions; donations and gifts for the purpose of the University consistent with the objects for which University is established;
- (x) 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;
- (y) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable, on such terms and conditions as it may think fit and proper without prejudice to the interests and activities of the University with the prior concurrence of the Government;
- (z) to draw and accept, to make and endorse, to discount and negotiate with the Government of India and other promissory notes, acts of exchanges, cheques or other negotiable instruments;
- (za) to execute conveyances, transfers, re-conveyances, 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 with the concurrence of the Government;

- (zb) to appoint, in order to execute an instrument or transact any business of the University, any person as it may deem fit.
- (zc) to give up and cease from carrying on any classes or departments of the University;

Provided that the Government shall be informed before any such cessation and no such class or department shall be closed without ensuring that all the admitted students have completed their study in the class or department proposed to be closed or without making an alternative arrangement for the continuation of their study;

- (zd) to enter into agreement with the Central Government, Government, University Grants Commission or other authorities for receiving grants;
- (ze) to accept grant of money, security or property of any kind or description on such terms and conditions as may deem expedient;
- (zf) 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:

Provided that where the mortgage is to be created on the land transferred to the University by the Government, concurrence of the Government shall be taken before creation of such mortgage;

- (zg) to invest the funds of the University or moneys entrusted to the 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;
- (zh) to make such statutes, regulations and other instruments as may, from time to time, be considered necessary for regulating the affairs and the management of the University and its properties and to alter, modify and rescind them;
- (zi) 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;

- (zj) to confer honorary degrees and other distinctions in the manner laid down in the regulations;
- (zk) 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 in accordance with the Act or the regulations framed there under; and
- (zl) 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.

Teaching in the University

- 6. (1) All teaching in connection with the degrees, titles, diplomas and certificates of the University shall be conducted in accordance with the syllabi prescribed by the regulations.
- (2) The courses and curricula and the authorities responsible for organizing the teaching of such courses and curricula shall be as prescribed by the regulations.

Visitor of the University

- 7. (1) The Chief Justice of India or his nominee, who may be a senior Judge of the Supreme Court, shall be the Visitor of the University.
- (2) The Visitor or his nominee, when present, shall preside over the convocations of the University and the meetings of the Governing Council.

Chancellor of the University

- 8. (1) The Chief Justice shall be the Chancellor of the University.
- (2) The Chancellor shall preside over the convocations and the meetings of the Governing Council in absence of the Visitor.
- (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 equipments and of any institution maintained by the University, and also of the examinations, teaching and other work conducted or done by the University and cause an inquiry 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 or persons of eminence in law and legal educationist to advise the University in relation to affairs of the University as and when he deems it necessary.

**Vice-Chancellor of
the University**

9. (1) There shall be a Vice-Chancellor of the University who shall be appointed in the manner as provided under section 31.
- (2) The term of the Vice-Chancellor shall be for a period of five years or till he attains the age of sixty-five years, whichever is earlier.

CHAPTER-III

AUTHORITIES OF THE UNIVERSITY

**Authorities of the
University**

10. The following shall be the authorities of the University:—
- (a) the Governing Council;
 - (b) the Executive Council;
 - (c) the Academic Council;
 - (d) the Finance Committee; and
 - (e) such other authorities as may be declared by the University by regulation to be the authorities of the University.

**The Governing
Council and its
constitution**

11. The Governing Council shall be the supreme authority of the University and shall have the following constitution:—
- (a) the Vice-Chancellor;
 - (b) the Minister for Finance, State of Sikkim;
 - (c) the Minister In charge of Department of Human Resource Development State of Sikkim;
 - (d) the Minister In charge of Department of Law, State of Sikkim;
 - (e) one Judge of the High Court of Sikkim nominated by the Chancellor;
 - (f) Secretary In charge of Human Resource Development Department;
 - (g) the Advocate General, State of Sikkim;
 - (h) the Chairperson of the University Grants Commission or his nominee from among the members of the University Grants Commission;
 - (i) the Chairman, Bar Council of India or his nominee;
 - (j) the Chairman, Bar Council of Sikkim;
 - (k) Chairman, Sikkim State Law Commission;
 - (l) two members of the Executive Council as are not otherwise members of the Governing Council;
 - (m) an eminent scholar in the field of Humanities, Social Sciences or Law, nominated by the Chancellor;

- (n) two distinguished persons, to be nominated by the Chancellor; and
- (o) two Vice-Chancellors of other Universities established by law in the State of Sikkim, by rotation, to be nominated by the Chancellor:

Provided that an employee of the University shall not be eligible for nomination under the foregoing clauses:

Provided further, that if Minister-in-charge of the Departments of Finance, Human Resource Development ; or Law is the Chief Minister of the State, any Minister (s) nominated by him shall be the member (s).

- (p) The Chancellor shall be the Chairman of the Governing Council.

Term of office of members of the Governing Council

12. (1) The term of office of members of the Governing Council shall be five years.-
- (2) When a person becomes member of the Governing Council by virtue of his office, he shall cease to be such member if he ceases to hold that office.
- (3) When a person is nominated as a member of the Governing Council, he shall cease to be such member if his nomination as such is withdrawn by the nominating body or person, as the case maybe.
- (4) A member of the Governing Council shall cease to be a member, if he,—
 - (a) tenders his resignation and such resignation is accepted; or
 - (b) becomes of unsound mind and stands so declared by a competent court; or becomes undischarged insolvent; or has been convicted of an offence involving moral turpitude; or
 - (c) has accepted a full time appointment to the post in the University other than the post of Vice-Chancellor.
- (5) A member of the Governing Council may, by writing, addressed to the Chancellor, resign from his office and such resignation shall take effect on the date it is accepted by the Chancellor.
- (6) Any vacancy in the Governing Council shall be filled in by nomination of a person by the relevant nominating authority and the person so nominated shall hold office for so long as the member in whose place he is nominated would have held office had the vacancy not occurred.

Powers of the Governing Council

13. The Governing Council shall have the following Powers, namely:—
 - (a) to formulate and review the broad policies and programmes of the University and suggest measures for the development of the University and devise measures for the improvement and development of the University;

- (b) to direct the Executive Council to take such steps as are necessary for achieving the objects of the University;
- (c) to consider and pass resolution on the annual report, financial estimates and audit reports on the accounts of the University;
- (d) to make recommendations to the Chancellor for the appointment of Vice-Chancellor out of the panel recommended by the Selection Committee; and
- (e) to make statutes concerning the administration of the affairs of the University including prescribing the procedure to be followed by the authorities and the office bearers of the University in the discharge of the functions.

**Meetings of the
Governing Council**

- 14. (1) The Governing Council shall meet at least once in a year. The annual meeting of the Governing Council shall be held on a date fixed by the Executive Council unless some other date has been fixed by the Governing Council in respect of a year.
- (2) The Visitor, if present, and in his absence Chancellor shall preside over the meeting of the Governing Council and in the absence of the Chancellor, the Vice-Chancellor shall preside over the meeting.
- (3) The Vice-Chancellor shall cause to be laid before the meeting of the Governing Council, a report of the working of the previous year of the University, the annual statement of accounts together with the report of auditors thereon and the budget estimates and the income and expenditure for the next financial year.
- (4) The meeting of the Governing Council may be called by the Chancellor, either of his own or 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 on the rolls of the Governing Council shall form the quorum.
- (7) Each member shall have one vote and if there be equal votes on any question, then presiding person shall have the casting vote.
- (8) In case of difference of opinion among members, the opinion of the majority shall prevail.
- (9) If any urgent action is required, the Chancellor may, with the approval of the majority of the members of the Governing Council, permit the business to be transacted by circulation among the members of the Governing Council. The action so proposed shall not be taken unless agreed by the majority of members of the Governing Council. The action so taken shall forthwith be intimated to all members of the Governing Council.

In case authority concerned fails to take decision the matter shall be referred to the Chancellor whose decision shall be final.

- (10) The report of the action so taken shall be placed before the next meeting of the Governing Council.

Executive Council

15. (1) The Executive Council shall be the chief executive body of the University.
- (2) The powers of administration and management of the fund and property of the University shall vest in the Executive Council.

Constitution of the Executive Council

16. The Executive Council shall consist of the following members, namely:—
- (a) the Vice-Chancellor of the University;
 - (b) a member of the Governing Council, nominated by the Chancellor;
 - (c) the Chief Secretary to the Government or an officer not below the rank of the Secretary to the Government, to be nominated by him;
 - (d) Secretary Department of Finance to the Government;
 - (e) Secretary In charge of Human Resource Development (Higher Education) to the Government;
 - (f) Secretary In charge of Department of Law to the Government;
 - (g) Secretary In charge of Department of Home to the Government;
 - (h) three Professors of Law outside the University, to be nominated by the Chancellor;
 - (i) Chairman, Bar Council of Sikkim or his nominee;
 - (j) a member of the Governing Council, who is an educationist, to be nominated by the Chancellor; and
 - (k) two teachers of whom one shall be Professor and one shall be Associate Professor of the University, to be nominated by the Vice-Chancellor, by rotation.

Term of office of the members of the Executive Council

17. (1) The term of office of members of the Executive Council shall be three years.
- (2) When a person becomes a member of the Executive Council by reason of office or appointment he holds, his membership shall stand terminated when he ceases to hold such office or appointment.
- (3) When a person is nominated as a member of the Executive Council, he shall cease to be such member if his nomination of such membership is withdrawn by the nominating body or person, as the case maybe.

- (4) A member of the Executive Council shall cease to be a member if he,—
 - (i) tenders his resignation and such resignation is accepted; or
 - (ii) becomes of unsound mind and stands so declared by a competent Court; or
 - (iii) becomes undischarged insolvent; or
 - (iv) as been convicted of an offence involving moral turpitude; or (other than the Vice-Chancellor or member of the Faculty) has accepted a full time appointment in the University.
- (5) A member of the Executive Council may, by writing addressed to the Chancellor, resign from his office, and such resignation shall take effect on the date it is accepted by the Chancellor.
- (6) Any vacancy in the Executive Council shall be filled in by nomination of a person by the relevant authority entitled to make the same and the person so nominated shall hold office so long as the member in whose place he is nominated would have held office had the vacancy not occurred.

**Powers and
functions of the
Executive Council**

18. (1) The Executive Council shall be the chief executive authority of the University and, as such, shall have all powers necessary to administer the University subject to the provisions of this Act and the statutes made there under; and may make regulations for that purpose and also with respect to matters provided under sub-section (2).
- (2) The Executive Council shall have the following powers and functions, namely:—
 - (a) to recommend the names of three persons to the Chancellor for appointment as Registrar of the University on the recommendations 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;
 - (iii) budget proposals for the ensuing academic year after its due approval from the Finance Committee;
 - (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 any 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 in India, with the like power of varying such investments from time to time;
- (e) to transfer or accept transfer of any movable or immovable property on behalf of the University:

Provided that the concurrence of the Government shall be taken before such transfer or acceptance of any immovable property on behalf of 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 buildings, 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:

Provided that the Government shall be apprised of the fee structure fixed by the University;

- (k) to select a common seal for the University; and
- (l) to exercise such other powers and to perform such other duties as may be considered necessary, or imposed on it by or under this Act.

Meetings of the Executive Council

- 19. (1) The Executive Council shall meet at least once in four months and not less than 15 days notice shall be given of such meeting.
- (2) The notice regarding meeting of the Executive Council shall be issued by the Registrar under the instructions of the Vice-Chancellor or on the request of the Executive Council.
- (3) The Vice-Chancellor or in his absence, any member of the Executive Council, nominated by the Vice-Chancellor, shall preside over the meeting of the Executive Council.

- (4) One-half of the members of the Executive Council shall form the quorum at any meeting.
- (5) In case of difference of opinion among the members, the opinion of the majority shall prevail.
- (6) Each member of the Executive Council shall have one vote and if there be equality of votes on any question to be determined by the Executive Council, the Chairman, or as the case may be, the member presiding over that meeting shall, in addition, have a casting vote.
- (7) 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. The action so proposed shall not be taken unless agreed to by a majority of members of the Executive Council. The action so taken shall forthwith be 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.

Academic Council

20. The Academic Council shall be the academic body of the University. It shall have powers, subject to the provisions of this Act and the regulations, to control, regulate and maintain the standards of instructions, education and examination of the University and advise the Executive Council on academic matters. It shall exercise such other powers, and shall perform such other duties, as may be conferred or imposed upon it by this Act or the regulations.

Constitution of the Academic Council

21. (1) The Academic Council shall consist of the following members, namely:—
 - (a) the Vice-Chancellor who shall be the Chairman;
 - (b) a member of the Bar Council of India, to be nominated by the Chairman of the Bar Council of India;
 - (c) a member of the Bar Council of Sikkim, to be nominated by the Chairman of the Bar Council of Sikkim;
 - (d) one Dean of law faculty of any other University established by Law in the State of Sikkim, by rotation, to be nominated by the Government;
 - (e) all heads of departments;
 - (f) two members of the teaching staff one each 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 above category; and

- (g) three persons amongst legal academicians who have achieved their place of eminence in legal education/ research and who are not in the services of the University, to be nominated by the Chancellor.

**Powers and
functions of the
Academic Council**

22. Subject to the provisions of this Act and the regulations, the Academic Council shall have the following powers and functions, namely:—
- (a) to report on any matter referred to 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 qualifications, emoluments and the duties attached thereto;
 - (c) to formulate, modify or revise schemes for the organization of the faculties, schools, centers or specialized institutes, and to assign to them their respective subjects and also to report to the Executive Council as to the expediency of the abolition or sub-division of any faculty, school, center or specialized institute, or the combination of one with another;
 - (d) to make arrangements by regulations for the instruction and examination of persons other than those enrolled in the University;
 - (e) to promote research and to require reports on such research;
 - (f) to consider proposal submitted by faculties;
 - (g) to lay down policies for admission to the University.
 - (h) to recognize diplomas and degrees of other Universities and institutions and to determine their equivalence in relation to the diplomas and degrees of the University;
 - (i) to fix, subject to any conditions laid by the Governing Council, the time, mode and conditions of competition for fellowships, scholarships and other prizes, and to award the same;
 - (j) to make recommendations to the Executive Council in regard to the appointment of examiners and fixation of their fees, emoluments and travelling and other expenses;
 - (k) to make arrangements for the conduct of examinations and to fix dates for holding such examinations;
 - (l) to declare the result of examinations, or to appoint committees or officers for declaration of such result, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, certificates, titles and marks of honour;
 - (m) to award stipends, scholarships, medals and prizes and to make other awards in accordance with the regulations and on such conditions as may be attached to the awards;

- (n) to perform, in relation to academic matters, all such duties and to do all such acts as may be necessary for carrying out the provisions of this Act and the regulations.
- (o) 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;
- (p) to approve or revise lists of prescribed or recommended text books and to publish the same and syllabus and the prescribed courses of study;
- (q) to approve such forms and registers as are, from time to time, required by the regulations;
- (r) to formulate, from time to time, the desired standards of legal education to be adhered to drawing up the curriculum /syllabi for being taught in the University; and
- (s) 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 there under.

**Meetings of the
Academic Council**

23. (1) The Academic Council shall meet as many times as may be necessary, but at least once in six months.
- (2) One-half of the existing members shall form the quorum for a meeting of the Academic Council.
- (3) In case of difference of opinion among the members, the opinion of the majority shall prevail.
- (4) Each member of the Academic Council, including the Chairman, shall have one vote and if there is an equality of votes on any question to be determined by the Academic Council, the Chairman, or, as the case may be, the member presiding over the meetings shall, in addition, have a casting vote.
- (5) Every meeting of the Academic Council shall be presided over by the Vice-Chancellor and in his absence by a member chosen in the meeting to preside on the occasion.
- (6) 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 so proposed 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.

**Transitory powers of
the Vice-Chancellor**

24. Where any authority of the University is not constituted, the Vice-Chancellor, with the approval of the Chancellor, may discharge all

(14)

or any of the functions of such authority and, for that purpose, may exercise any power of such authority till such authority is constituted.

CHAPTER-IV

COMMITTEES

Finance Committee 25. Finance Committee constituted by the Executive Council shall consist of the following members, namely:—

- (a) the Secretary (Finance) to the Government or his nominee ;
- (b) Registrar;
- (c) three members, nominated by the Executive Council of whom one shall be Professor:

Provided that members of the Finance Committee, other than Vice-Chancellor and Professor shall hold office so long as they continue to be members of Executive Council.

**Powers and
functions of the
Finance Committee**

26. (1) The Finance Committee shall have the following powers and functions, 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, to consider re-appropriation statements and audit reports, and to make recommendations thereon to the Executive Council; and
 - (d) to give views and to make recommendations to the Executive Council on any financial matters affecting the University, either on its own motion or on a reference from the Executive Council or the Vice-Chancellor.
- (2) The Finance Committee shall meet at least once in every six months. Three members of the Finance Committee shall form the quorum for a meeting.
- (3) The Vice-Chancellor shall preside over the meetings of the Finance Committee and in his absence a member elected at a meeting shall preside.
- (4) The decisions of the Finance Committee shall be taken by simple majority of the members present and voting.
- (5) All matters relating to creation of posts and grant of scales shall be brought before the Finance Committee for its recommendations before being placed before the Executive Council.

**Dispute Resolution
Committee**

27. (1) There shall be a Dispute Resolution 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 the Chancellor; and
 - (c) one member, nominated by the Chancellor, who is not part of any of the council or committees to the University and who is a distinguished law academic with at least fifteen years' experience in a similar institution.
- (2) The Registrar shall be the convener of the Dispute Resolution Committee.
- (3) Where the dispute relates to a complaint of sexual harassment, the Dispute Resolution Committee shall be reconstituted by co-opting certain additional members consistent with the law relating to sexual harassment.
- (4) The Executive Council, or any smaller body, that may be constituted by it for this purpose, shall be the Appellate Authority.
- (5) The rules and regulations governing the functioning of the Dispute Resolution Committee and the Appellate Authority shall be as framed by the Executive Council.

Selection Committee

28. (1) The Executive Council shall constitute Selection Committee for making recommendations for appointment to the posts of Professors, Associate Professors and other teachers of the University.
- (2) The Selection Committee shall consist of the following members, namely:—
- (a) the Vice-Chancellor or his nominee ;
 - (b) the Head of the Department concerned, if any, who is not lower in rank than that of the post for which selection is to be made;
 - (c) where an appointment is to be made to any academic post, three experts nominated by the Vice-Chancellor from amongst a panel of names recommended by the Academic Council; and
 - (d) Where appointment is to be made to any administrative post, three experts in the fields of University administration, nominated by the Vice-Chancellor from amongst a panel of names recommended by the Executive Council.
- (3) Where an endowment from a donor is accepted by the University for instituting a Chair, the donor may be co-opted

as a member of the Selection Committee for the purpose of filling in that post.

- (4) The meeting of the Selection Committee shall be convened by the Vice-Chancellor whenever necessary. The Vice-Chancellor or in his absence, a member of Selection Committee nominated by him shall preside over the meeting of the Selection Committee. Three members of the Selection Committee of whom one shall be an expert, shall form the quorum for a meeting of the Committee.

**Standing Committee
and ad-hoc
committees**

29. Subject to the provisions of this Act and the regulations, the Executive Council may, by resolution, constitute such Standing Committees or appoint *ad-hoc* committees of such persons, 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 inquiring into and reporting or advising upon, any matter relating to the University.

CHAPTER-V

OFFICERS OF THE UNIVERSITY

**Officers of the
University**

30. The following shall be the officers of the University:—

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

The Vice-Chancellor

31. (1) The Vice-Chancellor shall be an accomplished academician 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 by the Selection Committee constituted under sub-section (4).
- (3) The Selection Committee shall, while submitting the names, also forward to the Governing Council a concise statement showing the academic qualifications and other accomplishments of each of the persons so recommended, but shall not indicate any order of preference:

Provided that if the Chancellor does not approve any of the persons so recommended, he may call for the fresh recommendations.

- (4) 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 from among the retired or serving Judges of the Supreme Court or the High Court of Sikkim. The person nominated by the Chancellor shall be the convener of the Selection Committee:

Provided that, no person who is an employee of the University shall be nominated as the member of the Selection Committee.

- (5) The Vice-Chancellor shall hold office for a term of 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. He shall be eligible for re-appointment for another term till he attains the age of sixty-five years:

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 until he attains the age of sixty-five years.

- (6) The emoluments and other conditions of service of the Vice-Chancellor shall be as prescribed by regulations.
- (7) 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 maybe.
- (8) 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 that purpose in accordance with the guidelines prescribed by regulations;
 - (e) be the competent authority to take disciplinary action against the above officers in accordance with the procedure prescribed by regulations;

- (f) have all powers relating to the maintenance of proper discipline in the University; and
- (g) if, in his opinion, any emergency has arisen which requires that immediate action be taken, he shall take such action as he may deem fit and shall report the same for confirmation in the next meeting of the authority which, in the ordinary course, would have dealt with the matter.

The Registrar

- 32. (1) The Registrar shall be an academic person in law not below the rank of a Professor shall be appointed by the Chancellor on the recommendations of the Selection Committee constituted by the Executive Council and headed by the Vice-Chancellor in accordance with 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 be responsible for circulation of notices and agenda of all the 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 and powers as may be deemed fit;
 - (c) subject to the provisions of clause (d) of sub-section (8) of section 31, 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 manner prescribed by regulations. He shall be the competent authority to take disciplinary action against such employees in accordance with such procedure as may be prescribed by regulations;
 - (d) comply with all directions and orders of the Executive Council and Vice-Chancellor; and
 - (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 two years, whichever is earlier. He shall be eligible for re-appointment by the Vice-Chancellor, with the approval of the Chancellor, for another term till he attains the age of sixty two years.
- (4) In the event of the post of Registrar remaining vacant for any reason, it shall be open to the Vice-Chancellor to authorize

any officer of the University to exercise such powers, functions and duties as the Vice-Chancellor may deem fit.

- Heads of Department** 33. (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 regulations.
- Other officers and employees** 34. (1) Subject to the regulations made for the purpose, every officer or employee 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 regulations.
- Statutes and regulations** 35. (1) 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. Subsequent statutes or modifications in the first statutes shall be made by the Governing Council.
- (2) 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 at its first meeting which may adopt them with or without modifications. Subsequent regulations or modifications in the first regulations shall be made by the Executive Council.
- Appointment of first Vice-Chancellor and first Registrar** 36. Notwithstanding anything contained in this Act and the statutes, the first Vice-Chancellor who shall be an accomplished 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 five years or till he attains the age of sixty- five years, whichever is earlier. The first Registrar shall be an academic person in law not below the rank of a Professor shall be appointed by the Chancellor on the recommendations of the Vice-Chancellor. He shall hold office for a period of five years or till a regular Registrar is appointed, whichever is earlier.
- Discipline** 37. 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 Heads of Departments, hostels and institutions.

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 student concerned a reasonable opportunity of being heard to show cause against the action proposed to be taken against him.

Deemed validity of appointments

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

CHAPTER-VI

FINANCE

University Fund

39. (1) The University shall establish a fund to be called the University Fund.
- (2) The following shall form part of, or be paid into, the University Fund, namely:—
- (a) all contributions or grants made by the Government, the Central Government, the Bar Council of India, the Bar Council of Sikkim or the University Grants Commission;
 - (b) the income of the University from all sources including income from fees and charges; and
 - (c) all income or money from trusts, bequests, donations, endowments, subventions and other grants.
- (3) The University Fund shall, at the discretion of the Executive Council, be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or in a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970.
- (4) The University Fund may be expended for such purpose of the University and in such manner, as may be prescribed by regulations.

Annual accounts and financial estimates

40. (1) The annual accounts of the University shall be prepared under the directions of the Executive Council.
- (2) The Executive Council shall prepare, before such date as may be prescribed by regulations, the annual financial estimates for the ensuing year and place the same before the Governing Council.

- (3) Where expenditure in excess of the amount provided in the budget is required to be incurred, the Executive Council may, for reasons to be recorded in writing, incur expenditure subject to such conditions and restrictions as may be prescribed by regulations and a report of such excess expenditure shall be made to the Governing Council at its next meeting.
- (4) The accounts of the University shall be audited by the auditors appointed by the Executive Council:

Provided that the Government may, whenever it considers necessary, direct that audit of the accounts of the University, including the institutions managed by it, shall be audited by such auditors as it may specify.

- (5) The accounts together with the audit report shall be placed before the Executive Council and shall also be submitted to the Government.
- (6) The annual accounts and the financial estimates shall be considered by the Governing Council at its annual meeting. The Governing Council may pass resolutions with reference thereto and communicate the same to the Executive Council, which shall take them into consideration and take such action thereon as it thinks fit. The Executive Council shall inform the Governing Council at its next meeting of the action taken by it or its reasons for taking no action.

CHAPTER-VII

ENROLMENT AND DEGREE

Qualifications for admission of students

41. No student shall be enrolled as a student of the University, unless he possesses such qualifications as may be prescribed by regulations.

University to follow Government policy in regard to reservation

42. (1) The University shall adopt the policy of the Government and orders issued, from time to time, in regard to the reservation for Scheduled Castes, Scheduled Tribes, Other Backward Classes, Persons with Disabilities (PWD) for appointment to different posts and for the purpose of admission of students.
- (2) Thirty five percent of the seats for admission to each course shall be reserved for students who are bonafide residents of Sikkim:

Provided that if the requisite number of students fail to apply for the reserved seats, University shall be entitled to fill such seats on the basis of merit from the students residing anywhere in India.

- (3) Ten seats shall be reserved for Non Resident Indians or the persons sponsored by them.

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| Terms and conditions of study | 43. A student of the University shall study on such terms and conditions as may be prescribed by regulations. |
| Honorary degree | 44. The Governing Council may, on the recommendations of not less than two-third of members of the Academic Council, confer by resolution, honorary degree or academic distinction, on a person who has eminent attainment and position. |
| Withdrawal of degree or diploma | <p>45. (1) The Governing Council may, on the recommendation of the Executive Council, withdraw any degree, title, diploma, certificate, other distinction or privilege conferred on, or granted to, any person who has been convicted by a court of law for an offence involving moral turpitude or if he has been guilty of gross misconduct, by a resolution passed by majority of the 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.</p> <p>(2) No action under sub-section (1) shall be taken against any person unless he has been given an opportunity of being heard to show cause against the action proposed to be taken.</p> <p>(3) The resolution so passed by the Governing Council shall take effect immediately and the copy of the same shall be sent to the person concerned.</p> |

CHAPTER-VIII

GENERAL

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|--|--|
| Execution of contracts | 46. All contracts relating to the management and administration of the University shall be expressed to be made by the Executive Council and such contracts shall be executed on behalf of the Executive Council by the Vice-Chancellor when the value of the contract is more than twenty lakhs rupees and by the Registrar when its value does not exceed twenty lakhs rupees. |
| University to follow rules, regulations, norms of the regulating bodies | 47. Notwithstanding anything contained in this Act, University shall be bound to comply with all the rules, regulations, norms of the regulating bodies and provide all such facilities and assistance to such bodies as are required by them to discharge their duties and carry out their functions. |
| Appointment of Review Commission | <p>48. (1) The Chancellor shall, at least once in every five years, constitute a Commission to review the working of the University and to make recommendations.</p> <p>(2) The Commission shall consist of not more than three eminent educationists, one of whom shall be the Vice-Chancellor, appointed by the Chancellor in consultation with the Government.</p> |

- (3) The terms and conditions of appointment of the members shall be such as may be determined by the Chancellor.
- (4) The Commission shall, after holding such enquiry as it deems fit, make its recommendations to the Chancellor.
- (5) The Chancellor may take such action on the recommendations as he deem fit.

Officers and employees to be public servant

49. Every officer and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Proceedings not invalidated by vacancies

50. No act or proceedings of any authority or body of the University shall be invalid on the grounds merely of the existence of any vacancy in or any defect in constitution of such authority or body.

Protection of action taken in good faith

51. No suit shall be instituted against or other legal proceedings shall lie against or no damages shall be claimed from, the University, the authority or officer of the University, in respect of anything which is in good faith done or purported to have been done in pursuance of this Act or the regulations.

Sponsored Scheme

52. Notwithstanding anything contained in this Act or the regulations, whenever the University receives funds from any State Government, the University Grants Commission or other agencies sponsoring a scheme to be executed by the University,

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

Power to remove difficulties

53. If any difficulty arises in giving effect to the provisions of this Act or the regulations, the Government may, by order or as occasion requires, do anything consistent, so far as may be, with the provisions of this Act and the regulations, which appear to it to be necessary or expedient for the purpose of removing the difficulty. Every such order shall have effect as if such action had been taken under this Act or the regulations:

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

JAGAT B. RAI (SSJS)
L.R-cum-SECRETARY,
LAW DEPARTMENT.

SIKKIM

GOVERNMENT **GAZETTE**

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok	Wednesday 13 th June, 2018	No. 316
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GOVERNMENT OF SIKKIM
LAW DEPARTMENT
GANGTOK

No.12/LD/18

Dated: 13.06.2018

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 11th day of June, 2018 is hereby published for general information:-

THE SIKKIM NATIONAL LAW UNIVERSITY (AMENDMENT) ACT, 2018
(ACT NO. 12 OF 2018)

AN

ACT

to amend the Sikkim National Law University Act, 2018

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

- | | |
|------------------------------|--|
| Short title and commencement | 1. (1) This Act may be called the Sikkim National Law University (Amendment) Act, 2018.

(2) It shall come into force at once. |
| Amendment of Section 1 | 2. In the Sikkim National Law University Act, 2018 hereinafter referred to as the "Principal Act," in Section 1, in sub-section (2), for the words "it shall be deemed to have come into force on 1 st day of July, 2019", the words "it shall come into force at once" shall be substituted. |
| Amendment of Section 7 | 3. In the Principal Act, in Section 7, in sub-section (1), the word "senior" shall be omitted. |
| Amendment of Section 16 | 4. In the Principal Act, in Section 16,
(i) after clause (b), the following clause shall be inserted, namely:- |

"(bb) Sitting Judge of the High Court of Sikkim to be nominated by the Chief Justice, High Court of Sikkim."

(ii) after clause (c), the following clause shall be inserted, namely:-

"(cc) Advocate General."

Amendment of
Section 25

5. In the Principal Act, in Section 25, in proviso to clause (c) for the word "Vice Chancellor", the word "Registrar" shall be substituted.

Amendment of
Section 26

6. In the Principal Act, in Section 26, sub-section (3) shall be omitted.

Jagat B. Rai (SSJS),
LR-cum-Secretary,
Law Department.

SIKKIM



GOVERNMENT

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Section 1**

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**Amendment of
Section 7**

3. In the Principal Act, in Section 7, in sub-section (1), the word "senior" shall be omitted.

**Amendment of
Section 16**

4. In the Principal Act, in Section 16,
 - (i) after clause (b), the following clause shall be inserted, namely:-

“(bb) Sitting Judge of the High Court of Sikkim to be nominated by the Chief Justice, High Court of Sikkim.”

(ii) after clause (c), the following clause shall be inserted, namely:-

“(cc) Advocate General.”

**Amendment of
Section 25**

5. In the Principal Act, in Section 25, in proviso to clause (c) for the word “Vice Chancellor”, the word “Registrar” shall be substituted.

**Amendment of
Section 26**

6. In the Principal Act, in Section 26, sub-section (3) shall be omitted.

**Jagat B. Rai (SSJS),
LR-cum-Secretary,
Law Department.**