



The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 149

Shillong, Friday, September 9, 2022

18th Bhadra, 1944 (S. E.)

PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 9th September, 2022.

No.LB.83/LA/2022/2. - The Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) (Repealing) Bill, 2022 introduced in the Meghalaya Legislative Assembly on the 9th September, 2022, together with the Statement of Objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

**THE MEGHALAYA STREET VENDORS PROTECTION OF LIVELIHOOD AND
REGULATION OF STREET VENDING) (REPEALING) BILL, 2022**

A

BILL

to repeal the Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Act No. 11 of 2014).

Be it enacted by the Legislature of the State of Meghalaya in the Seventy-third Year of the Republic of India as follows:-

- | | | |
|-----------------------------|----|---|
| Short title. | 1. | This Act may be called the Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) (Repealing) Act, 2022. |
| Repeal & Saving. | 2 | (1) The Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 is hereby repealed.

(2) Notwithstanding such repeal, all orders issued and all actions taken or purported to be issued or taken under the said Act, shall deemed to have been taken, or purported to be issued or taken under the provisions of "The Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act No. 7 of 2014)". |

STATEMENT OF OBJECTS AND REASONS

The Meghalaya State Legislature has enacted the Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Act No. 11 of 2014) and came into force on the 10th November, 2014. Parliament has enacted the Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 (Central Act No. 7 of 2014) and it extends the whole of India except the State of Jammu & Kashmir. Thereby, it means that both the Acts of the State and the Centre applies in the State of Meghalaya. The State Government has examined and found the Central Act more comprehensive and to avoid, any confusion of conflict in implementation of the Acts, the Meghalaya Act No. 11 of 2014 *i.e.* The Meghalaya Street Vendors (Protection of Livelihood and Regulation of Street Vending) Act, 2014 be repealed.

Hence the Bill.

SNIAWBHALANG DHAR,

Minister in-charge,
Urban Affairs.

ANDREW SIMONS,

Commissioner & Secretary,
Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

There will be no financial involvement from the consolidated Fund of the State.



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PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 9th September, 2022.

No.LB.81/LA/2022/3. - The Meghalaya Fiscal Responsibility and Budget Management (Amendment) Bill, 2022 introduced in the Meghalaya Legislative Assembly on the 9th September, 2022, together with the Statement of Objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

**THE MEGHALAYA FISCAL RESPONSIBILITY AND BUDGET MANAGEMENT
(AMENDMENT) BILL, 2022**

A

BILL

to amend the Meghalaya Fiscal Responsibility and Budget Management Act, 2006 (Meghalaya Act No. 4 of 2006).

Be it enacted by the Legislature of the State of Meghalaya in the Seventy-third Year of the Republic of India as follows:-

Short title and Commencement.

1. (1) This Act may be called the Meghalaya Fiscal Responsibility and Budget Management (Amendment) Act, 2022.

(2) It shall come into force at once.

Amendment of Section 4.

2. In Section 4 of the Meghalaya Fiscal Responsibility and Budget Management Act, 2006, In sub-section (1), for clause (b), the following shall be substituted, namely:-

“(b) to maintain fiscal deficit to an annual limit of 4% of GSDP during Fiscal Year 2022-23”.

Repeal & Savings.

3. (1) The Meghalaya Fiscal Responsibility and Budget Management (Amendment) Ordinance, 2022 (Ordinance No. 9 of 2022) is hereby repealed.

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

STATEMENT OF OBJECT AND REASONS

1. As per the Meghalaya Fiscal Responsibility and Budget Management Act, 2006 (Principal Act) the fiscal deficit of the State has been fixed at 3 percent of GSDP.
2. However, Government of India, Ministry of Finance *vide* letter F.No.40(2)/PF-S/2022-23, dated 31st March, 2022 in line with the recommendation of the Fifteenth Finance Commission has fixed the normal borrowing ceiling of the State at 3.5 percent of GSDP for the financial year 2022-23.
3. Further, in addition to the enhancement of the fiscal deficit from 3 to 3.5 percent of GSDP, the Fifteenth Finance Commission recommended an extra/additional annual borrowing space for the States of 0.50 percent of their GSDP, over and above the 3.5 percent, mentioned at (2) above, for each of the first four years of the award period covering the period 2021-22 to 2024-25, based on certain performance criteria in the power Sector.
4. In line with the above recommendation, Government of India, Ministry of Finance, Department of Expenditure *vide* letter F.No.40(02)/PF-S/2020-21, dated 9th June, 2021 has recommended performance-based additional borrowing space of 0.50 percent of the GSDP to States the power sector for each year for a four year period from 2021-22 to 2024 - 25.
5. One of the conditions for availing additional borrowing limit of 0.50 percent of GSDP linked to performance in the power sector is amendment of the State FRBM Act.
6. Therefore, in order to give effect to the recommendation of the Fifteenth Finance Commission mentioned at (2) & (3) above and in compliance with Government of India letters F.No.40(02)/PF-S/2020-21, dated 9th June, 2021 mentioned at (4) above and F.No.40(2)/PF-S/2022-23, dated 31st March, 2022 mentioned at (2) above, it is proposed to amend Section - 4(1)(b) of the Meghalaya Fiscal Responsibility and Budget Management Act, 2006 raising the Fiscal Deficit to 4 percent of GSDP during 2022 - 23.
7. In view of the circumstances stated above, an immediate legislation was necessitated. As such, the Hon'ble Governor had approved an Ordinance of the Meghalaya Fiscal Responsibility and Budget Management (Amendment) Ordinance, 2022

on the 30th August, 2022 under clause (1) of Article 213 of the Constitution of India.

8. Therefore, now that the Assembly is in Session, a Bill to replace the above Ordinance (Ordinance No. 9 of 2022), without modification is necessary to be introduced in the House by way of a Bill, namely, the Meghalaya Fiscal Responsibility and Budget Management (Amendment) Bill, 2022.

Hence, the Bill.

CONRAD K. SANGMA,
Chief Minister, In-charge Finance.

ANDREW SIMONS,
Commissioner & Secretary,
Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

As the amendment will raise the borrowing limit of the State, there will be expenditure on payment of interest and repayment of principal to be incurred from the Consolidated Fund of the State on implementing the provisions of this Act.



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PART-V

GOVERNMENT OF MEGHALAYA

MEGHALAYA LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 9th September, 2022.

No.LB.84/LA/2022/2. – The National Law University of Meghalaya Bill, 2022 introduced in the Meghalaya Legislative Assembly on the 9th September, 2022 together with the Statement of Objects and Reasons is published under Rule 71 of the Rules of Procedure and Conduct of Business in the Meghalaya Legislative Assembly for general information.

THE NATIONAL LAW UNIVERSITY OF MEGHALAYA BILL, 2022

A

BILL

to provide for the establishment of a Law University by the name of the National Law University of Meghalaya at Shillong for imparting legal education for development of teaching and higher learning in law with powers to award degrees, diplomas, and other academic distinctions and also to impart legal education and training as mandated by the Ministry of Law and Justice, Government of India.

And whereas in furtherance of the said objects, the Government has decided that teaching and research facilities available in the Law University can also be utilized to offer comprehensive legal training apart from development of teaching and higher learning in law with powers to award degrees, diplomas, and other academic distinctions and for matters connected therewith or incidental thereto;

Be it enacted by the Legislature of the State of Meghalaya in the Seventy-third Year of the Republic of India as follows:-

**CHAPTER – I
PRELIMINARY**

Short title extent and commencement.

1. (1) This Act may be called the National Law University of Meghalaya Act, 2022.
- (2) It extends to the whole of Meghalaya.
- (3) It shall come into force with effect from the date of its notification in the Official Gazette.

Definitions.

2. In this Act, unless the context otherwise requires, -
 - (a) “Act” means National Law University of Meghalaya Act, 2022;
 - (b) “Authorities of the Law University” means the authorities mentioned in Section 8 of this Act;
 - (c) “Bar Council of India” means the Bar Council of India constituted under the Advocate Act, 1961;
 - (d) “Chancellor” means the Chancellor of the University mentioned in Section 7 of this Act;
 - (e) “General Council” means the General Council mentioned in Section 9 of this Act;
 - (f) “Government” means the Government of Meghalaya;
 - (g) “High Court” means the High Court of Meghalaya;
 - (h) “Law University” means the National Law University of Meghalaya established under Section 3 of this Act;
 - (i) “Prescribed” means prescribed by the Rules, Statutes and Regulations made under this Act;
 - (j) “Registrar” means the Registrar of the Law University appointed under Section 18 of this Act;
 - (k) “UGC” or “University Grants Commission” means the University Grants Commission established under the University Grants Commission Act, 1956; and
 - (l) “Vice-Chancellor” means the Vice-Chancellor of the University mentioned in Section 17 of this Act.

**CHAPTER - II
THE LAW UNIVERSITY**

Establishment of the Law University.

3. (1) There shall be established in the State of Meghalaya, a Law University by the name of “The National Law University of Meghalaya”.
- (2) The Law University shall be a body corporate having perpetual succession and a common seal and shall be capable of entering into contract and sue and be sued by its name represented by the Registrar of

the Law University.

(3) The Law University shall be fully residential and be engaged in teaching and research in law with powers to award degrees, diplomas, and other academic distinction and imparting training in allied disciplines.

(4) The main seat of the Law University shall be at Shillong and it may establish campuses at such other places within the State of Meghalaya as it may deem fit.

(5) The Law University shall be fully funded through the grants allotted by the State Government on the budget proposals submitted by the University. The grants provided by the State Government shall be operated through the Personal Ledger Account of the Government.

Objects of the Law University.

4. The object of the Law University shall be-

- (i) to organize advanced studies and promote research in all branches of law;
- (ii) to disseminate legal knowledge by organizing lectures, seminar, workshops, and conferences;
- (iii) 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;
- (iv) to improve the ability to analyze and present for the benefit of the public contemporary issue of public concern and their legal implication;
- (v) to liaise with instruction of higher learning and research in India and abroad;
- (vi) to publish periodicals, treaties, study books, reports, journals and other literature on all subjects relating to law;
- (vii) to hold examinations and grant degree and confer honorary awards and other academic distinctions;
- (viii) to promote legal awareness in the community for achieving social and economic justice;
- (ix) to undertake study and training projects relating to law and legislation to the members of the Judicial institutions;
- (x) to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objectives of the Law University; and
- (xi) to nurture and to promote quality and excellence in

legal studies and research.

Powers and functions of the Law University. 5. The powers and functions of the Law University shall be, -

- (i) to administer and manage the Law University and such other centers for study, research, education and instruction as are necessary in furtherance of the objects of the Law and to provide for instruction in all branches of knowledge or learning pertaining to law and allied subjects as the Law University may deem fit;
- (ii) to make provisions for training, research and for the advancement and dissemination of knowledge of law to all the Departments of the State Government;
- (iii) to hold examination and to confer degrees, titles, diplomas and other academic distinctions on persons subject to such conditions as the Law University may determine and to withdraw any such degrees, titles, diplomas and other academic distinctions subject to such conditions as the Law University may determine;
- (iv) to fix, demand and receive fees and other charges as may be prescribed;
- (v) to establish special centers, specialized study centers or other units for research and instructions as are in the opinion of the Law University, necessary in furtherance of its objects;
- (vi) to supervise and control the residence and to regulate the discipline of the trainee students and staff of the Law University and to make arrangement for promoting their health and general welfare;
- (vii) to regulate and enforce discipline among the employees of the Law University and to take such disciplinary measures as may be deemed necessary;
- (viii) to appoint persons as professors, associate professors, assistant professors, readers, lecturers or otherwise as teachers and researchers of the Law University and as other classes of employees;
- (ix) to institute Awards, Fellowships, Scholarships, Prizes and Medals;
- (x) to provide for printing, reproduction and publication of research and other works and to organize exhibitions;
- (xi) to co-operate with any other organization in the matter of education, training and research in law, justice, social development and allied subjects for such purposes as may be agreed upon on such terms and

conditions as the Law University may from time to time determine;

- (xii) to co-operate with institutions of higher learning in any part of the world having objects wholly or otherwise similar to those of the Law University by exchange of teachers and scholars and generally in such manner as may be conducive to the common objects;
- (xiii) to receive grants, subventions, subscriptions, donations and gifts for the purposes of the Law University consistent with the objects for which the Law University is established;
- (xiv) to accept grants of money, securities or property of any kind or description on such terms and conditions as may be deemed expedient;
- (xv) to raise and borrow money on bonds, mortgages, promissory notes or other obligations or securities funded or based upon all or any of the properties and assets of the Law 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 Law University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed or debt made;
- (xvi) to invest the funds of the Law University or moneys entrusted to the Law University in or upon such securities or deposits and in such manner as it may deem fit and from time to time transpose any investment;
- (xvii) to make such Statutes, Regulations and other instruments as may, from time to time, be considered necessary for reservation of seats and vacancies in terms of norms being followed by all other National Law Universities in other States and also the reservation policy of the State Government;
- (xviii) 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 Law 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 Law University;

- (xix) subject to approval of the Government, to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
- (xx) to institute professorships, associate professorships, assistant professorships, readerships, lectureships and any other teaching, academic or research posts required by the Law University;
- (xxi) to regulate the expenditure and to manage the accounts of the Law University;
- (xxii) to enter into any agreement with the Central Government, State Government, the University Grants Commission, the Bar Council of India or other Authorities for receiving grants;
- (xxiii) to establish and maintain within the premises of the Law University or elsewhere such Universities, colleges and Study halls as the Law University may consider necessary and adequately furnish the same and to establish and maintain such libraries and reading rooms as may appear convenient or necessary for the Law University;
- (xxiv) to directly purchase, take on lease, or accept as gifts, or otherwise any land as per law or building or works, which may be necessary or convenient for the purpose of the Law 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;
- (xxv) to sell, exchange, lease or otherwise dispose of all or any portion of the properties of the Law University, movable or immovable as per law on such terms and conditions as it may think fit and proper without prejudice to the interests and activities of the Law University;
- (xxvi) to draw and accept, to make and endorse, to discount and negotiate Government of India and other promissory notes, bills of exchange, cheques or other negotiable instruments;
- (xxvii) to execute conveyances, transfers, re-conveyances, mortgages, leases, licenses and agreements in respect

of property, movable or immovable including Government securities belonging to the Law University or to be acquired for the purpose of the Law University;

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

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

(xxx) 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 Law University and its properties and to alter, modify and to rescind them; and

(xxxii) to do all such other Acts and things as the Law University may consider necessary, conducive or incidental to the attainment or enlargement of the aforesaid objects or any of them.

Teaching in the Law University.

6. (1) All recognized teachings of the Law University in connection with the degrees, diplomas, certificates including training of the Officers shall be conducted under the Control of the General Council, by the teachers and trainers, in accordance with the syllabus prescribed by the Regulation.

(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 and Chancellor of the Law University.

7. (1) The Chief Justice of India or his nominee, who shall be Senior Judge of the Supreme Court of India, shall be the Visitor of the University.

(2) The Visitor when present shall preside over the convocation of the University.

(3) The Chief Justice of High Court of Meghalaya, shall be the Chancellor of the Law University and in his absence, the acting Chief Justice of Meghalaya High Court shall discharge the functions of the Chancellor.

(4) The Chancellor, when present, shall preside over the functions of the Law University.

(5) The Chancellor may himself inspect at any time or may also direct inspection to be made by such person or persons as he may direct, of the Law University, its buildings, libraries and equipments and of any institution maintained by the Law University, and also of the schedule training, examination, teaching and other works conducted or done by the

Law 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 Law University.

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

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

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

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

(10) The Chancellor, when present and in the absence of the Visitor shall preside over the convocations of the University.

CHAPTER III AUTHORITIES OF THE LAW UNIVERSITY

Authorities of the Law University.

8. The following shall be the authorities of the Law University:-

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

General Council and its terms of Office.

9. (1) The General Council shall consist of the following members: -

- (i) the Chancellor shall be the President of the General Council;
- (ii) a sitting Judge of High Court of Meghalaya nominated by the Chief Justice of the High Court of Meghalaya;
- (iii) Advocate General of Meghalaya;
- (iv) Vice-Chancellor of the Law University;
- (v) an eminent educationist nominated by the Government of Meghalaya;
- (vi) A nominee of the Chairman of the Bar Council of India from amongst the members of the Bar Council of India;
- (vii) Chairman, Bar Council of Meghalaya;

- (viii) two eminent persons in the disciplines of Social Sciences and Humanities nominated by the Chancellor;
- (ix) two eminent persons in legal or educational field, nominated by the Chancellor;
- (x) four members from the Government of Meghalaya amongst whom, the Chief Secretary to the Government of Meghalaya, the Secretary to the Government of Meghalaya, Finance Department, the Secretary to the Government of Meghalaya, Education Department and the Legal Remembrancer and Secretary to the Government of Meghalaya, Law Department. Secretary here shall mean and include Additional Chief Secretary, Principal Secretary and Commissioner and Secretary to the Government of Meghalaya;
- (xi) the Registrar General, High Court of Meghalaya;
- (xii) the Registrar of the Law University will be the Member-Secretary of the General Council; and
- (xiii) all the Professors, who are the Heads of Department in the Law University.

(2) Where a person has become a member of the General Council by reason of the post or appointment he holds, his membership shall be co-terminus with the post held by him.

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

(4) A member of the General Council shall cease to be a member if he resigns or becomes a person of unsound mind, or insolvent or is convicted of criminal offence involving moral turpitude;

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

(6) Any such vacancy in the General 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.

Powers, function and meetings of the General Council.

10. (1) The General Council shall be the plenary authority of the Law University and shall formulate and review from time to time the broad policies and programmes of the Law University and devise measures for the improvement and development of the Law University and shall also have the following powers and functions, namely, -

- (i) to consider and pass the annual report, financial statement and the budget estimates prepared by the Executive Council and to adopt them with or without modification;
- (ii) to make statutes concerning the administration and the affairs of the Law University including prescribing the procedures to be followed by the authorities and the officers of the Law University in the discharge of their functions; and
- (iii) to recommend the person to be appointed as Vice-Chancellor of the Law University from out of the panel prepared by the Selection Committee appointed by the Executive Council and proposed by it.

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

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

(4) Meeting of the General Council shall be called by the Registrar of Law University either at the request of not less than five members of the General Council or on the direction of the Chancellor.

(5) A meeting of the General Council may be convened upon giving fifteen days' notice in writing.

(6) One-half of the members existing on the rolls of the General Council shall form the quorum.

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

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

Executive Council.

11. (1) The Executive Council shall consist of the following members, namely, -

- (i) the Vice-Chancellor of the Law University;
- (ii) a sitting Judge of the High Court of Meghalaya nominated by the Chief Justice of the High Court of

Meghalaya;

- (iii) Registrar General of the High Court of Meghalaya;
- (iv) Legal Remembrancer and Secretary to the Government of Meghalaya Law Department ;
- (v) Secretary to the Government of Meghalaya, Finance Department;
- (vi) Secretary to the Government of Meghalaya, Education Department;
- (vii) a nominee from the Bar Council of India;
- (viii) the Chairman Bar Council of the State of Meghalaya;
- (ix) The Registrar of the Law University will be the Member-Secretary of the Executive Council;
- (x) One Senior Grade-I, Judicial Officer, nominated by the Chancellor; and
- (xi) three Senior teachers to be nominated by the Vice-Chancellor of the Law University of whom, as far as possible, one shall be from amongst Heads of the Departments, one from Professors and one from Associate Professors.

(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 be co-terminus with the office held by him;

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

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

Powers, Functions and Meetings of the Executive Council.

(7) Any such 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.

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

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

(2) Without prejudice to the provisions of sub-section (1) above, the Executive Council shall have the following powers and functions, namely,-

- (i) to propose as and when required to the General Council for appointment as Vice-Chancellor of the Law University, a panel of three names after considering the recommendations of Selection Committee constituted under sub-section (1) of Section 22 of this Act;
- (ii) to recommend the names of three persons to the Chancellor for appointment as Registrar of the Law University on the recommendations of the Selection Committee constituted for that purpose by it;
- (iii) to prepare and present to the General Council at its annual meetings: -
 - (a) a report on the working of the Law University;
 - (b) a statement of accounts; and
 - (c) budget proposals for the ensuing academic year;
- (iv) to submit budget proposal, after its approval by the General Council, to the State Government for allotment of fund through grants to the University;
- (v) to manage and regulate the finances, accounts, investments, properties, business and all other administrative affairs of the Law University and for that purpose, constitute committee and delegate the powers to such committees or such officers of the Law University as it may deem fit;
- (vi) to invest any money belonging to the Law 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;

- (vii) to transfer or accept transfers of any movable or immovable property as per law on behalf of the Law University;
- (viii) to enter into, vary, carryout and cancel contracts on behalf of the Law University and for that purpose to appoint such officers as it may think fit;
- (ix) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the Law University;
- (x) to entertain, adjudicate upon, and if it thinks fit, to redress any grievances of the officers, the teachers, the students and the employees of the Law University;
- (xi) subject to approval of the Government, 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;
- (xii) 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;
- (xiii) to select a common seal for the Law University; and
- (xiv) 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.

(3) Meetings of the Executive Council shall be conducted as follows,-

- (i) the Executive Council shall meet at least once in four months upon giving fifteen days' notice in writing;
- (ii) the meeting of the Executive Council shall be called by the Vice-Chancellor of Law University or by the Registrar either on their own or at the request of not less than five members of the Executive Council;
- (iii) six members of the Executive Council shall form the quorum at any meeting;
- (iv) in case of differences of opinion among the members, the opinion of the majority shall prevail;

- (v) 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 President of the Executive Council or as the case may be, the Member presiding over that meeting shall, in addition, have a casting vote;
- (vi) every meeting of the Executive Council shall be presided over by the Vice-Chancellor of the Law University and in his absence by a member chosen by the members present; and
- (vii) if urgent action by the Executive Council becomes necessary, the Vice-Chancellor of the Law University may permit the business to be transacted by circulation of papers to the members of the Executive Council. The action so proposed to be taken shall not be taken unless agreed to by a majority of members of the Executive Council. The action so taken shall be forthwith intimated to all the members of the Executive Council. The papers shall be placed before the next meeting of the Executive Council for confirmation.

Academic Council.

13. (1) The Academic Council shall consist of the following members, namely, -

- (i) the Vice-Chancellor of the Law University shall be the Chairman;
- (ii) one sitting Judge of the High Court of Meghalaya, nominated by the Chancellor;
- (iii) Registrar General of the High Court of Meghalaya;
- (iv) the Registrar of the Law University shall be the Member Secretary;
- (v) two persons from amongst retired Judges of the High Court or educationists of repute or men of letters or members of the legal professions or eminent public men, who are not in the service of the Law University, nominated by the Chancellor;
- (vi) all the Heads of the Departments of the Law University;
- (vii) all Professors other than the Heads of the Department;
- (viii) two members of the teaching staff, one each respectively representing the associate and assistant professors of the Law University nominated by the

Vice-Chancellor of Law University for the term specified;

- (ix) a nominee of the Bar Council of India; and
- (x) a nominee of the Bar Council of Meghalaya.

(2) The term of the members other than ex-officio members and those whose term is not specified by any of the clauses of sub-section (1) shall be three years:

Provided that the term of the members of the first Academic Council shall be five years.

Powers, functions and meetings of the Academic Council.

14. (1) Subject to the provisions of the Act, Statutes and Regulations and the overall supervision of the Executive Council, the Academic Council shall manage the academic affairs and matters of the Law University and in particular shall have the following powers and functions, namely, -

- (i) to report on any matter referred or delegated to it by the General Council or the Executive Council;
- (ii) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the Law University and the emoluments payable and the duties attached thereto;
- (iii) to obtain approval of the Bar Council of India and UGC for all the certificates, diplomas and degrees to be offered by the Law University;
- (iv) 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 the combination of one faculty with another;
- (v) to recommend arrangements for the training, instruction and examination of persons other than those enrolled in the Law University;
- (vi) to promote research within the Law University and to require from time to time, reports on such research;
- (vii) to consider proposals submitted by the faculties;
- (viii) to suggest and adopt policies for admissions to the Law University;
- (ix) to recommend, recognize diplomas and degrees of other Law Universities and institutions and to determine their equivalence in relation to the

certificates, diplomas and degrees of the Law University;

- (x) to fix, subject to any conditions accepted by the General Council, the time, mode and conditions of competition for fellowships, scholarships and other prizes and to recommend for award the same;
- (xi) to make recommendations to the Executive Council in regard to the appointment of examiners and if necessary, their removal and fixation of their fees, emoluments, travelling and other expenses;
- (xii) to recommend arrangements for the conduct of examinations and the dates for holding them;
- (xiii) 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, titles and marks of honours;
- (xiv) 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;
- (xv) to approve or revise lists of prescribed or recommended text books and to publish the same and syllabus of the prescribed courses of study;
- (xvi) to approve such forms and registers as are, from time to time, required by the Regulations; and
- (xvii) 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 meeting of the Academic Council shall be as follows,-

- (i) the Academic Council shall meet as often as may be necessary, but not less than two times during an academic year;
- (ii) one half of the existing members of the Academic Council shall form the quorum for a meeting of the Academic Council;
- (iii) in case of difference of opinion among the members, the opinion of the majority shall prevail;

- (iv) each member of the Academic Council, including the Chairman of the Academic Council, have one vote and if there be any 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, have a casting vote;
- (v) every meeting of the Academic Council shall be presided over by the Vice-Chancellor of Law University and in his absence by a member chosen in the meeting to preside on the occasion; and
- (vi) 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 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. The papers shall be placed before the next meeting of the Academic Council for confirmation.

Finance Committee.

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

- (i) the Vice-Chancellor of Law University;
- (ii) the Registrar of Law University;
- (iii) the Finance and Accounts Officer of Law University; and
- (iv) two members one of whom to be nominated by the General Council and the other by the Government of Meghalaya.

(2) The members of the Finance Committee other than the Vice-Chancellor of Law University, Registrar of Law University and Finance and Accounts Officer of the Law University shall hold office so long as they continue as members of the Finance Committee.

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

- (i) to examine and scrutinize the annual budget of the Law University and to make recommendations on financial matters to the Executive Council;

- (ii) to consider all proposals for new expenditure and to make recommendations to the Executive Council;
- (iii) to consider the periodical statement of accounts and to review the finances of the Law University from time to time and to consider re-appropriation statements and audit reports and to make recommendations to the Executive Council; and
- (iv) to give its views and to make recommendations to the Executive Council on any financial question affecting the Law University either on its own initiative or on reference from the Executive Council or the Vice-Chancellor of Law University.

(4) The Finance Committee shall meet at least thrice in every year. Three members of the Finance Committee shall form the quorum.

(5) The Vice-Chancellor of Law University shall preside over the meetings of the Finance Committee, and in his absence, the Registrar of Law University shall preside. In case of difference of opinion among the members, the opinion of the majority of the members present shall prevail.

CHAPTER IV OFFICERS OF THE LAW UNIVERSITY

Officers of the Law University.

16. The following shall be the officers of the Law University:-

- (a) the Vice-Chancellor of the Law University;
- (b) the Registrar of the Law University;
- (c) the Finance and Accounts Officer of the Law University;
- (d) Heads of the Departments; and
- (e) Such other officers as may be prescribed by the Statutes or Regulations.

The Vice-Chancellor of Law University.

17. (1) The Vice-Chancellor of the Law University shall be an academic person and an outstanding scholar in law with published works of high quality to his credit or a person who has been a judge of the High Court. He should in the estimation of the General Council, be capable of providing effective leadership to the Law University community. He shall be appointed by the Chancellor on the basis of the recommendations of the General Council from out of the panel prepared by the Selection Committee and as specified under Section 22(1) of the Act proposed by the Executive Council. The term of the office of the Vice-Chancellor of the Law University is initially for a period of not more than three years and he is eligible for re-appointment. On the expiry of his term, he shall continue

in office until his successor is appointed or an alternative arrangement is made by the Chancellor, whichever is earlier.

(2) The Vice-Chancellor of Law University shall, -

- (i) 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;
- (ii) convene the meetings of the General 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;
- (iii) preside over the meetings of the General Council in the absence of the Chancellor;
- (iv) be the competent authority to appoint the teachers, librarians, Finance and Accounts 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;
- (v) be the competent authority to take disciplinary action against the above officers in accordance with the procedure prescribed;
- (vi) have all powers relating to the maintenance of proper discipline in the Law University; and
- (vii) if, in the opinion of the Vice-Chancellor of Law University, any emergency has arisen which requires 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 of Law University.

18. (1) The Registrar of the Law University shall be appointed by the Chancellor on the recommendations of the Selection Committee constituted by the Executive Council and headed by the Vice-Chancellor on such terms and conditions of service shall be as it may specify, subject to the provisions of Statutes and Regulations.

(2) Except those authorities, committees and other bodies where Vice-Chancellor is the Members-Secretary, the Registrar of the Law University shall be *Ex-Officio* Member-Secretary of all the authorities, Committees and other bodies of the Law University and shall also be the Convener of all the meetings. He shall note and maintain the minutes of meetings.

(3) The Registrar of the Law University shall be the principal

administrative officer of the Law University in all matters pertaining to the administration of the Law University. The Executive Council may entrust to him special responsibilities and powers.

(4) The Registrar of the Law University shall have the power to appoint in consultation with the Vice-Chancellor of the Law University, 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 by the Regulations.

(5) The Registrar of the Law University shall comply with all directions and orders of the Executive Council and Vice-Chancellor of the Law University.

(6) The Registrar of the Law University shall be the custodian of records, common seal and such other property of the Law University as the Executive Council shall commit to his charge.

Finance and Accounts Officer.

19. (1) There shall be a Finance and Accounts Officer in the Law University.

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

Heads of the Departments.

20. (1) There shall be a Head for each Department in the Law University.

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

Other offices and employees.

21. (1) Subject to the Regulations made for the purpose, every officer or employee of the Law University shall be appointed in accordance with a written contract which shall be lodged with the Law University and a copy thereof shall be furnished to the officer or employee concerned.

(2) Any dispute arising out of a contract between the Law 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 Law University, be referred to a Tribunal for arbitration consisting of three members appointed by the Executive Council as prescribed by the Regulations.

Search and Selection Committees.

22. (1) The Executive Committee shall constitute a Selection Committee for the purpose of selecting the post of officers of the Law University and for preparing a panel of persons to be considered for appointment as such constitute a Search Committee consisting of two members from the High Court consisting of Chief Justice, Judges or such person nominated by the Chief Justice of the High Court and three prominent members of the State Government having special knowledge in law, management, parliamentary affairs, education and humanities.

(2) 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 Committees shall be as may be prescribed by the Statutes or the Regulations as the case may be.

Reservation.

23. The appointment to various posts which shall include the post of Registrar, Officers and teaching and non-teaching staffs shall be as per the norms being followed by all other National Law Universities in other States and also the reservation policy of the State Government.

Statutes and Regulations.

24. (1) The first Statutes of the Law University shall be made by the Vice-Chancellor of the Law University with the approval of the Chancellor. They shall be placed before the Executive Council at its first meeting and thereafter before the General Council, which may adopt them with or without modifications.

(2) The first Regulations of the Law University shall be made by the Vice-Chancellor of the Law University in consultation with the Chancellor. They shall be placed before the Executive Council at its first meeting and thereafter before the General Council, which may adopt them with or without modifications.

Appointment of first Vice-Chancellor, first Registrar and Finance and Accounts Officer of Law University.

25. Notwithstanding anything in this Act and the Statutes, the first Vice-Chancellor, the first Registrar and the first Finance and Accounts Officer of the Law University shall be appointed by the Chancellor on such salary as may be fixed by the Government and each of such officer shall hold office for a period to be fixed by the Chancellor but not exceeding three years:

Provided that the Chancellor may lay down the procedure for such appointment as deemed fit.

**CHAPTER – V
GENERAL**

Deemed validity of appointments.

26. 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 Law University in accordance with the Statutes and Regulations shall be deemed to be valid and in accordance with law.

Honorary Degrees.

27. If no less than two-third 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.

Withdrawal of Degree or Diploma.

28. (1) The Governing Council may, on the recommendation of the Academic 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-thirds 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.

Sponsored Schemes.

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

Vacancy, etc., not to invalidate any Act or proceeding.

30. No act or proceeding of the General Council, the Executive Council, Finance Committee or any other authority or Officer or Council of the Law University shall be invalidated or questioned on the ground merely of the existence of any vacancy or defect in the constitution thereof.

Indemnity against General Proceedings.

31. No suit, prosecution or other legal proceedings shall lie against the Law University or any authority or officer or employee of the Law 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 there under.

Overriding effect.

32. The provisions of this Act and the 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.

Power to remove difficulties.

33. If any difficulty arises as to the first constitution or reconstitution of any authority of the Law 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 expiry of two years from the date of commencement of this Act.

Power to make rules.

34. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) All the rules, statutes, regulations made under this Act shall as soon as after they are made be laid before the State Legislature of Meghalaya.

Repeal & Savings.

35. (1) The National Law University Ordinance, 2022 (Ordinance No. 6 of 2022) is hereby repealed.

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

STATEMENT OF OBJECT AND REASONS

It is proposed to establish a Law University by the name of the National Law University of Meghalaya at Shillong for imparting legal education for development of teaching and higher learning in law with powers to award degrees, diplomas, and other academic distinctions.

Therefore, the Government has decided that teaching and research facilities available in the Law University can also be utilized to offer comprehensive training for development of teaching and higher learning in law with powers to award degrees, diplomas and other academic distinctions and for matters connected therewith or incidental thereto.

Hence the Bill.

JAMES K. SANGMA,
Minister,
In-charge, Law.

A. SIMONS,
Commissioner & Secretary,
Meghalaya Legislative Assembly.

FINANCIAL MEMORANDUM

There will be certain expenditure involved from the Consolidated Fund of the State.

MEMORANDUM OF DELEGATED LEGISLATION

Clause 24 of the Bill empowers the Vice-Chancellor of the Law University with approval of Chancellor, to make Statutes and Regulations.

Clause 34 of the Bill provides power for the Government to make rules which are matters of detail.