

Under Rule 130 of the Tamil Nadu Legislative Assembly Rules, the following Bill which was introduced in the Legislative Assembly of the State of Tamil Nadu on 3rd February, 2012 is published together with Statement of Objects and Reasons for general information:—

L.A. BILL No. 5 OF 2012

A Bill to provide for the establishment and incorporation of a National Law School in the State of Tamil Nadu to provide quality legal education.

WHEREAS legal education is an instrument of social, political and economic change;

AND THEREFORE to meet the challenges brought about by globalization, the State Government have decided to establish a national level institution in this State to disseminate learning and knowledge of law, legal processes, advocacy and skill in judicial administration, keeping pace with the changing global scenario;

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-third Year of the Republic of India as follows :-

CHAPTER I.

PRELIMINARY.

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| <p>1. (1) This Act may be called the Tamil Nadu National Law School Act, 2012.</p> <p>(2) It extends to the whole of the State of Tamil Nadu.</p> <p>(3) It shall come into force on such date as the Government may, by notification, appoint.</p> | <p>Short title, extent and commencement.</p> |
| <p>2. In this Act, unless the context otherwise requires,-</p> <p>(a) "Academic Council" means the Academic Council of the School;</p> <p>(b) "Appointed date " means such date as the Government may, by notification, appoint under sub-section (3) of section 1;</p> <p>(c) "Chairman" means the Chairman of the General Council;</p> <p>(d) "Chancellor" means the Chancellor of the School;</p> <p>(e) "Executive Council" means the Executive Council of the School;</p> <p>(f) "Faculty" means a Faculty of the School;</p> <p>(g) "General Council" means the General Council of the School;</p> <p>(h) "Government" means the State Government;</p> <p>(i) "Hostel" means a unit of residence for the students of the School, maintained or recognized by the School in accordance with the provisions of this Act and includes a hostel deemed to be recognized by the School under this Act;</p> <p>(j) "prescribed" means prescribed in the regulations;</p> <p>(k) "Registrar" means the Registrar of the School;</p> <p>(l) "regulations" mean the regulations of the School made under this Act;</p> <p>(m) "School" means the Tamil Nadu National Law School;</p> <p>(n) "State" means the State of Tamil Nadu;</p> <p>(o) "Teachers" mean such Assistant Professors, Associate Professors, Professors, Directors and other persons giving instruction in the Department of the School or laboratories or in hostels and Librarians and other like persons as may be declared by the regulations to be teachers;</p> <p>(p) "Vice-Chancellor" means the Vice-Chancellor of the School.</p> | <p>Definitions.</p> |

CHAPTER—II.

THE SCHOOL.

Establishment
of School.

3. (1) There shall be established in the State, a University by the name “The Tamil Nadu National Law School”.

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

(3) The headquarters of the School shall be at Srirangam Taluk, Tiruchirappalli District.

Objects of
School.

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

Powers and
functions of
School.

5. The powers and functions of the School shall be,-

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

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

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

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

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

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

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

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

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

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

(xi) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;

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

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

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

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

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

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

(xviii) 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 School may, from time to time, determine;

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

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

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

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

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

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

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

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

(xxvii) to give up and cease from carrying on any class or department of the School;

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

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

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

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

(xxxii) to make such regulations as may, from time to time, be considered necessary for regulating the affairs and the management of the School and to alter, modify or to rescind them;

(xxxiii) to constitute for the benefit of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed by the regulations, such as pension, insurance, provident fund and gratuity as it may deem fit and to make such grants as it may think fit for the benefit of any employee of the School;

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

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

Admission to
School.

6. (1) The School shall, subject to the provisions of this Act and the regulations, be open to all persons.

(2) Nothing contained in sub-section (1) shall require the School,-

(a) to admit to any course of study any person who does not possess the prescribed academic qualification or standard;

(b) to retain on the rolls of the School any student whose academic record is below the minimum standard required for the award of a degree or other academic distinction; or

(c) to admit any person or retain any student whose conduct is prejudicial to the interest of the School or the rights and privileges of other students and teachers.

(3) Subject to the provisions of sub-sections (1) and (2), the Government may, by order, direct that the School shall reserve such percentage of seats therein,-

(i) for Resident students of Tamil Nadu, as may be specified in that order;

(ii) for the students belonging to the Scheduled Castes including Arunthathiyars, Scheduled Tribes, Most Backward Classes including Denotified Communities, Backward Classes and Backward Class Muslims and for such other special categories, as may be specified in that order and where such direction has been given, the School shall make the reservation accordingly.

Explanation.—For the purpose of this section “Resident student of Tamil Nadu” means,-

(i) a student who or either of whose parents has resided in the State for a period of not less than four years preceding the qualifying examination; or

(ii) a student who has studied in any one of the educational institutions in the State for a period of not less than four years leading to the qualifying examination.

Visitation.

7. (1) The Chancellor shall have the right to cause an inspection or inquiry, to be made, by such person or persons, as he may direct, of the School, its buildings, museums, workshops and equipments and of any institution maintained, recognized or approved by the School and also of the examination, teaching and other works conducted or done by the School and to cause an inquiry to be made in respect of any matter connected with the School. The Chancellor shall in every case give notice to the School of his intention to cause such inspection or inquiry to be made and the School shall be entitled to be represented thereat.

(2) The Chancellor shall communicate to the Executive Council his views with reference to the results of such inspection or inquiry and may, after ascertaining the opinion of the Executive Council thereon, advise the School upon the action to be taken and fix a time limit for taking such action.

(3) The Executive Council shall report to the Chancellor through the Vice-Chancellor, the action, if any, which is proposed to be taken or has been taken upon the result of such inspection or inquiry. Such report shall be submitted within such time as the Chancellor may direct.

(4) Where the Executive Council does not take action to the satisfaction of the Chancellor within a reasonable time, the Chancellor may, after considering any explanation furnished or representation made by the Executive Council, issue such directions as he may think fit and the Executive Council shall comply with such directions. In the event of the Executive Council not complying with such directions within such time as may be fixed in that behalf by the Chancellor, the Chancellor shall have power to appoint any person or body to comply with such directions and make such orders as may be necessary for the expenses thereof.

CHAPTER—III.

OFFICERS OF THE SCHOOL.

8. The School shall consist of the following officers, namely:-

Officers of
School.

- (1) The Chancellor;
- (2) The Pro-Chancellor;
- (3) The Vice-Chancellor;
- (4) The Registrar;
- (5) The Finance Officer;
- (6) The Controller of Examinations; and
- (7) Such other persons as may be declared by the regulations to be officers of the School.

9. (1) The Chief Justice of the High Court of Madras shall be the Chancellor of the School:

Chancellor.

Provided that the Chief Justice may nominate a Judge of the High Court of Madras as the Chancellor of the School.

(2) The Chancellor shall, by virtue of his office, be the head of the School and shall, when present, preside at the meetings of the General Council and at any convocation of the School and confer degrees or other academic distinctions upon persons entitled to receive them.

(3) Where power is conferred upon the Chancellor to nominate persons to the authorities, the Chancellor shall, in consultation with the Vice-Chancellor, and to the extent necessary, nominate persons to represent the interests not otherwise adequately represented.

(4) The Chancellor may, of his own motion or on application, call for and examine the record of any officer or authority of the School in respect of any proceeding to satisfy himself as to the legality of such proceeding or the correctness, legality or propriety of any decision taken or order passed therein, and if, in any case, it appears to the Chancellor that any such proceeding, decision or order should be modified, annulled, reversed or remitted for reconsideration, he may pass orders accordingly:

Provided that every application to the Chancellor for the exercise of the powers under this sub-section shall be preferred within three months from the date on which the proceeding, decision or order to which the application relates was communicated to the applicant:

Provided further that no order prejudicial to any person shall be passed unless such person has been given an opportunity of making his representation.

(5) The Chancellor shall exercise such other powers and perform such other duties as may be conferred on him by or under the provisions of this Act.

10. (1) The Minister in-charge of the portfolio of law in the State shall be the Pro-Chancellor of the School.

Pro-
Chancellor.

(2) In the absence of the Chancellor or during the Chancellor's inability to act, the Pro-Chancellor shall exercise all the powers and perform all the functions of the Chancellor.

(3) The Pro-Chancellor shall exercise such other powers and perform such other functions as may be conferred on him by or under this Act.

11. (1) Every appointment of Vice-Chancellor shall be made by the Chancellor from out of a panel of three names recommended by the Committee referred to in sub-section (2) and such panel shall not contain the name of any member of the said Committee:

Vice-
Chancellor.

Provided that if the Chancellor does not approve any of the persons in the panel so recommended by the Committee, he may take steps to constitute another Committee, in accordance with sub-section (2) to give a fresh panel of three different names and shall appoint one of the persons named in the fresh panel as Vice-Chancellor.

(2) For the purpose of sub-section (1), the Committee shall consist of three persons of whom one shall be nominated by the Chancellor, one shall be nominated by the Government and one shall be nominated by the General Council:

Provided that the person so nominated shall not be a member of any of the authorities of the School.

(3) The Vice-Chancellor shall hold office for a period of three years and shall be eligible for re-appointment for a further period of three years:

Provided that no person shall hold the office of the Vice-Chancellor for more than six years in the aggregate:

Provided further that the Vice-Chancellor may, by writing under his hand addressed to the Chancellor and after giving two months notice, resign his office:

Provided also that a person appointed as Vice-Chancellor shall retire from office if, during the term of his office he completes the age of sixty-five years.

(4) When any temporary vacancy occurs in the office of the Vice-Chancellor or when the Vice-Chancellor is, by reason of illness, absence or for any other reason, unable to exercise the powers and perform the duties of his office, the senior most Professor of the School shall exercise the powers and perform the duties of the Vice-Chancellor till the Executive Council makes the requisite arrangement for exercising the powers and performing the duties of the Vice-Chancellor.

(5) The Vice-Chancellor shall be a whole-time officer of the School and his emoluments and other terms and conditions of service shall be as follows:-

(a) There shall be paid to the Vice-Chancellor a fixed salary of rupees seventy five thousand along with a special allowance of rupees five thousand per month or such higher salary as may be fixed by the Government from time to time and he shall be entitled without payment of rent to the use of a furnished residence and no charge shall fall on the Vice-Chancellor personally in respect of the maintenance of such residence. He may be entitled to such other perquisites as may be provided by the regulations;

(b) The Vice-Chancellor shall be entitled to such terminal benefits and allowances as may be fixed by the Executive Council with the approval of the Chancellor from time to time:

Provided that, where an employee of the School is appointed as Vice-Chancellor, he shall be allowed to continue to contribute to the provident fund to which he is a subscriber, and the contribution of the School shall be limited to what he had been contributing immediately before his appointment as Vice-Chancellor;

(c) The Vice-Chancellor shall be entitled to travelling allowance at such rate as may be fixed by the Executive Council;

(d) The Vice-Chancellor shall be entitled to earned leave on full pay at one-eleventh of the periods spent by him on active service:

Provided that on the date of expiry of the term of his office, if he had not availed of the earned leave before the date of expiry of the term of his office, he shall be entitled to draw cash equivalent to leave salary after relinquishment of his office in respect of earned leave at his credit subject to a maximum of two hundred and forty days;

(e) The Vice-Chancellor shall be entitled on medical grounds or otherwise, to leave without pay for a period not exceeding three months during the term of his office:

Provided that such leave may be converted into leave on full pay to the extent to which he is entitled to earned leave under clause (d).

Removal of
Vice-
Chancellor.

12. (1) If, in the opinion of the Chancellor, the Vice-Chancellor wilfully omits or refuses to carry out the provisions of this Act or abuses the powers vested in him or misbehaves or mismanages or his conduct involves moral turpitude or if it otherwise appears to the Chancellor that the continuance of the Vice-Chancellor in office is detrimental to the interest of the School, the Chancellor may, direct the Pro-Chancellor to constitute a Committee consisting of not less than three members to enquire into the matter and place the report of the Committee before the Chancellor.

(2) The Chancellor shall, after considering the report of the Committee, if satisfied that the continuance of the Vice-Chancellor in office will be detrimental to the interest of the School or if he is found guilty of all or any of the charges, by order remove the Vice-Chancellor:

Provided that no order shall be passed, under this section unless a reasonable opportunity of being heard is given to the Vice-Chancellor.

13. (1) The Vice-Chancellor shall be the academic head and principal executive officer of the School.

Powers and
duties of
Vice-
Chancellor.

(2) The Vice-Chancellor shall, in the absence of the Chancellor and Pro-Chancellor, preside at the meetings of the General Council and at any convocation of the School and confer degrees or other academic distinctions upon persons entitled to receive them.

(3) The Vice-Chancellor shall exercise control over the affairs of the School and shall be responsible for the due maintenance of discipline in the School.

(4) The Vice-Chancellor shall ensure that faithful observance of the provisions of this Act and the regulations made thereunder and he may exercise all powers as may be necessary for the purpose.

(5) The Vice-Chancellor shall give effect to the orders of the Executive Council regarding the appointment, suspension and dismissal of the teachers and other employees of the School and any other decision of the Executive Council.

(6) In any emergency which in the opinion of the Vice-Chancellor requires immediate action to be taken, he shall, by order, take such action as he deems necessary and shall, at the earliest opportunity report the action taken to such officer or authority or body as would have, in the ordinary course, dealt with the matter:

Provided that no such order shall be passed unless the person likely to be affected has been given a reasonable opportunity of being heard.

(7) Any person aggrieved by any order of the Vice-Chancellor under sub-section (6), may prefer an appeal to the General Council within thirty days from the date on which such order is communicated to him and the Vice-Chancellor shall give effect to the order passed by the General Council on such appeal.

(8) The Vice-Chancellor shall be the *ex-officio* Chairman of the Executive Council and the Finance Committee. The Vice-Chancellor shall be entitled to be present at, and to address, any meeting of any authority or other body of the School, but shall not be entitled to vote thereat unless he is a member of such authority or body.

(9) The Vice-Chancellor shall have power to convene meeting of the General Council, the Executive Council, the Academic Council and the Finance Committee.

(10) The Vice-Chancellor shall be responsible for the co-ordination and integration of teaching and research, extension education and curriculum development.

(11) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the regulations.

14. (1) The Registrar shall be a whole-time salaried officer of the School appointed by the Executive Council.

Registrar.

(2) The terms and conditions of service of the Registrar shall be as follows:-

(a) The holder of the post of Registrar shall be an academician in the field of law not lower in rank than that of the Principal of Government Law College or the Professor of a University who has put in a service in such capacity for a period of not less than three years or an officer of the Government not lower in rank than that of the Deputy Secretary to Government, Law Department.

(b) The Registrar shall hold office for a period of three years and shall be eligible for re-appointment:

Provided that he shall retire on attaining the age of fifty-eight years in the case of a Government servant and sixty years in the case of Professor of a University.

(c) The emoluments and other terms and conditions of service of the Registrar shall be such as may be prescribed.

(d) When the office of the Registrar is vacant or when the Registrar is, by reason of illness, absence or for any other cause, unable to perform the duties of his office, the duties of the office of the Registrar shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(3) (a) The Registrar shall have power to take disciplinary action against such of the employees, excluding teachers of the School and academic staff, as may be specified in the orders of the Executive Council and to suspend them pending inquiry, to administer warnings to them or to impose on them the penalty of censure or withholding of increments:

Provided that no such penalty shall be imposed unless the person concerned has been given a reasonable opportunity of showing cause against the action proposed to be taken against him.

(b) An appeal shall lie to the Vice-Chancellor against an order of the Registrar imposing any of the penalties specified in clause (a).

(c) In any case where the inquiry discloses that penalty beyond the powers of the Registrar is called for, the Registrar shall, upon conclusion of the inquiry, make a report to the Vice-Chancellor alongwith his recommendations and the Vice-Chancellor shall pass such order as he deems fit:

Provided that an appeal shall lie to the Executive Council against an order of the Vice-Chancellor imposing any penalty.

(d) No appeal under clause (b) or clause (c) shall be preferred after the expiry of sixty days from the date on which the order appealed against was received by the appellant.

(4) Save as otherwise provided in this Act, the Registrar shall be the *ex-officio* Secretary to the General Council, the Executive Council, the Academic Council, the Faculties and the Boards of Studies, but shall not be deemed to be a member of any of these authorities.

(5) It shall be the duty of the Registrar,-

(a) to be the custodian of the records, the common seal and such other property of the School as the Executive Council shall commit to his charge;

(b) to issue all notices convening meetings of the General Council, the Executive Council, the Academic Council, the Faculties, the Boards of Studies, the Boards of Examiners and of any Committee appointed by the authorities of the School;

(c) to keep the minutes of all the proceedings of the meeting of the General Council, the Executive Council, the Academic Council, the Faculties, the Boards of Studies, the Boards of Examiners and of any Committee appointed by the authorities of the School;

(d) to conduct the official correspondence of the General Council;

(e) to supply to the Chancellor, copies of the agenda of the meetings of the authorities of the School as soon as they are issued and the minutes of the proceedings of such meetings; and

(f) to exercise such other powers and perform such other duties as may be specified in the regulations or as may be required, from time to time, by the General Council, the Executive Council or the Vice-Chancellor.

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

Finance
Officer.

15. (1) The Finance Officer shall be a whole time salaried officer of the School appointed by the Executive Council for such period as may be specified by the Executive Council in this behalf.

(2) Appointment of the Finance Officer shall be made by the Executive Council from out of a panel of three names recommended by the Government.

(3) The emoluments and other terms and conditions of service for the Finance Officer shall be such as may be prescribed by regulations.

(4) The Finance Officer shall retire on attaining the age of fifty eight years or on the expiry of the period specified by the Executive Council under sub-section (1), whichever is earlier:

Provided that the Finance Officer shall, notwithstanding his attaining the age of fifty-eight years, continue in office until his successor is appointed and enters upon his office or until the expiry of a period of one year, whichever is earlier.

(5) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness, absence or for any other cause, unable to perform the duties of his office, the duties of the Finance Officer shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(6) The Finance Officer shall be the *ex-officio* Secretary to the Finance Committee, but shall not be deemed to be a member of such Committee.

(7) The Finance Officer shall,-

(a) exercise general supervision over the funds of the School and shall advise the School as regards its financial policy; and

(b) exercise such other powers and perform such other financial functions as may be assigned to him by the Executive Council or the Finance Committee or as may be prescribed by the regulations:

Provided that the Finance Officer shall not incur any expenditure or make any investment exceeding such amount as may be prescribed without the previous approval of the Executive Council.

(8) Subject to the control of the Executive Council, the Finance Officer shall,-

(a) hold and manage the property and investments of the School including trust and endowment property;

(b) ensure that the limit fixed by the Executive Committee for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purposes for which they are granted or allotted;

(c) be responsible for the preparation of annual accounts, financial estimate, and the budget of the School and for their presentation to the General Council;

(d) keep a constant watch on the cash and bank balance and of investments;

(e) watch the progress of the collection of revenue and advise on the methods of collection employed;

(f) ensure that the registers of buildings, lands, furniture and equipments are maintained upto date and that stock checking is conducted of equipments and other consumable materials in all offices and special centres maintained by the School;

(g) bring to the notice of the Vice-Chancellor any unauthorized expenditure or other financial irregularity and suggest appropriate action to be taken against persons at fault; and

(h) call from any office or centre maintained by the School, any information or returns that he may consider necessary for the performance of his duties.

(9) The receipt of the Finance Officer or the person or persons duly authorized in this behalf by the Executive Council for any money payable to the School shall be a sufficient discharge for payment of such money.

16. (1) The holder of the post of Controller of Examinations shall be an academician in the field of law not lower in rank than that of a Professor.

Controller of
Examinations.

(2) The Controller of Examinations shall be a whole-time officer of the School appointed by the Executive Council for such period and on such terms and conditions as may be prescribed.

(3) The Controller of Examinations shall exercise such powers and perform such duties as may be prescribed.

CHAPTER IV.

AUTHORITIES OF THE SCHOOL.

Authorities of School.

17. The authorities of the School shall be the General Council, the Executive Council, the Academic Council, the Finance Committee, the Boards of Studies, the Faculties and such other authorities as may be declared by the regulations to be the authorities of the School.

Disqualification for membership.

18. (1) No person shall be qualified for nomination or election as a member of any of the authorities of the School, if on the date of such nomination or election he is—

- (a) of unsound mind; or
- (b) adjudicated as an insolvent or an undischarged insolvent; or
- (c) convicted by a court of law for an offence involving moral turpitude.

(2) In case of dispute or doubt as to whether a person is disqualified under sub-section (1), the Executive Council shall determine and its decision shall be final.

Disqualification for election or nomination to General Council, Executive Council and Academic Council in certain cases.

19. (1) Notwithstanding anything contained in sections 21, 24 and 28, no person who had held office as a member for a total period of six years in any one or more of the following authorities of the School, namely:—

- (i) the General Council;
- (ii) the Executive Council; and
- (iii) the Academic Council;

shall be eligible for election or nomination to the any of the said three authorities.

(2) Nothing in sub-section (1) shall apply to the *ex-officio* members referred to in sections 21, 24 and 28.

Vice-Chancellor and other Officers etc., to be public servants.

20. The Vice-Chancellor, the Registrar, the Finance Officer, the Controller of Examinations and other employees of the School shall be deemed when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code.

Central Act
XLV of 1860.

THE GENERAL COUNCIL.

General Council.

21. (1) The General Council is the Chief advisory body of the School.

(2) The Chancellor shall, as soon as may be, after the first Vice-Chancellor is appointed under section 51, constitute the General Council.

(3) The General Council shall, in addition to the Chancellor, Pro-Chancellor and Vice-Chancellor consist of the following members, namely:—

Class I – Ex-officio Members.

- (a) The Advocate General, Tamil Nadu;
- (b) The Chairman, Bar Council of Tamil Nadu;
- (c) The Vice-Chancellor, the Tamil Nadu Dr. Ambedkar Law University;
- (d) The Secretary to Government, in charge of Law;
- (e) The Secretary to Government, in charge of Higher Education;
- (f) The Secretary to Government, in charge of Finance.

Class II – Other Members.

(a) A serving Judge and a retired Judge of the Madras High Court nominated by the Chancellor;

(b) Two Professors of the School nominated by the Vice-Chancellor;

(c) Two Professors, with not less than twenty years of teaching experience in the field of Law, other than from the School, nominated by the Vice-Chancellor;

(d) A member of the Bar Council of India nominated by the Chancellor;

(e) A Senior Advocate nominated by the Chancellor.

(4) The Chancellor shall be the Chairman of the General Council.

(5) (a) Save as otherwise provided, the members of the General Council, other than the *ex-officio* members, shall hold office for a period of three years and such members shall be eligible for nomination for not more than another period of three years.

(b) Where a member is nominated to the General Council in a casual vacancy, the period of office held for not less than one year by any such member shall be construed as a full period of three years:

Provided that a member of the General Council who is nominated in his capacity as a member of a particular electorate or body, or the holder of a particular appointment shall cease to be a member of the General Council from the date on which he ceases to be a member of that electorate or body, or the holder of that appointment, as the case may be:

Provided further that where a nominated member of the General Council is appointed temporarily to any of the office by virtue of which he is entitled to be a member of the General Council, *ex-officio*, he shall by notice in writing signed by him and communicated to the Vice-Chancellor within seven days from the date of his taking charge of his appointment, choose whether he will continue to be a member of the General Council by virtue of his election or nomination or whether he will vacate office as such member and become a member *ex-officio* by virtue of his appointment and the choice shall be conclusive. On failure to make such a choice, he shall be deemed to have vacated his office as an elected or a nominated member.

(6) When a person ceases to be a member of the General Council, he shall cease to be a member of any of the authorities of the School of which he may happen to be a member by virtue of his membership of the General Council.

(7) A member of the General Council other than an *ex-officio* member may tender resignation of his membership at any time before the expiry of the term of his office. Such resignation shall be conveyed to the Chancellor by a letter in writing, by the member and the resignation shall take effect from the date of its acceptance by the Chancellor.

22. The General Council shall have the following powers, namely:—

Powers of
General
Council.

(a) to review from time to time the broad policies and programme of the School and suggest measures for the improvement and development of the School;

(b) to consider and pass the resolution on the annual report, financial estimates and the audit reports on such accounts; and

(c) to perform such other functions as it may deem necessary for the efficient functioning and administration of the School.

23. (1) 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.

Meetings of
General
Council.

(2) A report of the working of the School during the previous year, together with a statement of receipts and expenditure, the balance sheet as audited, and the financial estimate shall be presented by the Vice-Chancellor to the General Council at its annual meeting.

(3) Meetings of the General Council shall be called by the Chairman, or in his absence by the Vice-Chancellor either on his own or at the request of not less than ten members of the General Council.

(4) For every meeting of the General Council fifteen days notice shall be given.

(5) One-third of the members of the General Council shall form the quorum.

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

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

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

THE EXECUTIVE COUNCIL.

Executive
Council.

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

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

(3) The Executive Council shall consist of the following *ex-officio* and other members, namely:-

Class I—Ex-officio Members.

- (a) The Vice-Chancellor;
- (b) The Advocate General, Tamil Nadu;
- (c) The Heads of Departments of the School;
- (d) The Secretary to Government, in-charge of Law.

Class II – Other Members.

- (a) A serving or a retired Judge of the High Court of Madras, nominated by the Chancellor;
- (b) Two members of the Bar Council of Tamil Nadu nominated by the Chancellor;
- (c) Two members nominated by the Chancellor from among eminent Senior Advocates;
- (d) One member nominated by the Government from among the members of the Tamil Nadu Legislative Assembly;
- (e) Three Professors elected from and by the teaching staff of the School.

(4) (a) Save as otherwise provided, elected and nominated members of the Executive Council shall hold office for a period of three years and such members shall be eligible for election or nomination for not more than another period of three years.

(b) Where a member is elected or nominated to the Executive Council to a casual vacancy, the period of office held for not less than one year by any such member shall be construed as a full period of three years:

Provided that a member of the Executive Council who is elected or nominated in his capacity as a member of a particular electorate or body, or the holder of a particular appointment, shall cease to be member of the Executive Council from the date on which he ceases to be a member of that electorate or body, or the holder of that appointment, as the case may be:

Provided further that where an elected or a nominated member of the Executive Council is appointed temporarily to any of the offices by virtue of which he is entitled to be a member of the Executive Council *ex-officio*, he shall, by notice in writing signed by him and communicated to the Vice-Chancellor within seven days from the date of his taking charge of his appointment choose, whether he will continue to be a member of the Executive Council by virtue of his election or nomination or whether he will vacate office as such member and become a member *ex-officio* by virtue of his appointment and the choice shall be conclusive. On failure to make such a choice, he shall be deemed to have vacated his office as an elected or a nominated member.

(5) When a person ceases to be a member of the Executive Council, he shall cease to be a member of any of the authorities of the School of which he may happen to be a member by virtue of his membership of the Executive Council.

(6) The members of the Executive Council shall not be entitled to receive any remuneration from the School except such daily and travelling allowances as may be prescribed:

Provided that nothing contained in this sub-section shall preclude any member from drawing his normal emoluments to which he is entitled by virtue of the office he holds.

(7) A member of the Executive Council, other than an *ex-officio* member, may tender resignation of his membership at any time before the term of his office expires. Such resignation shall be conveyed to the Chancellor by a letter in writing by the member, and the resignation shall take effect from the date of its acceptance by the Chancellor.

25. The Executive Council shall have the power,—

Powers of
Executive
Council.

(a) to make regulations and amend or repeal the same;

(b) to hold, control and administer the properties and funds of the School;

(c) to provide for instruction and training in such branches of learning in various fields of law as it may deem fit;

(d) to establish departments of study in the School in such disciplines of learning in various fields of law as it may deem fit;

(e) to provide for research and advancement and dissemination of knowledge in various fields of law;

(f) to institute professorships and any other teaching posts required by the School;

(g) to institute degrees or other academic distinctions;

(h) to confer degrees or other academic distinctions on persons who—

(i) shall have pursued an approved course of study or training in a college or in an approved institution, unless exempted therefrom in the manner prescribed by the regulations and shall have passed the examinations prescribed by the School; or

(ii) shall have carried on research under conditions prescribed by the regulations;

(i) to confer honorary degrees or other honorary distinctions on the recommendation of not less than two-thirds of the members of the General Council;

(j) to consider and take such action as it may deem fit on the annual report, the annual accounts and the financial estimates;

(k) to prescribe the qualifications of teachers in the Departments of the School;

(l) to appoint on the recommendation of the selection committee of experts appointed for the purpose, teachers of the School, fix their emoluments, define their duties and the conditions of their service and provide for filling up of temporary vacancies;

(m) to make regulations specifying the mode of appointment of persons to administrative and other posts, provide for filling up of temporary vacancies and define their duties and their terms and conditions of service;

(n) to take disciplinary proceedings against the teachers and other employees of the School in the manner prescribed by the regulations and to impose such penalties as may be specified in the regulations and to place them under suspension pending enquiry;

(o) to cause an inspection of all Departments of the School, and to take such action as may be deemed necessary;

(p) to raise on behalf of the School, loans from the Central or any State Government or any Corporation owned or controlled by the Central or any State Government or from the public;

(q) to borrow money for the purposes of the School with the approval of the Government on the security of the property of the School;

(r) to appoint examiners on the recommendation of the Boards of Studies and to fix their remuneration;

(s) to charge and collect such fees as may be prescribed by the regulations;

(t) to conduct the School examination and approve and publish the results thereon;

(u) to appoint members to the Boards of Studies;

(v) to make regulations, regarding the admission of students to the School for prescribing examinations to be recognized as equivalent to School examinations;

(w) to establish and maintain hostels;

(x) to supervise the residence of the students of the School and to make arrangements for securing their health and well-being;

(y) to award fellowships, travelling fellowships, studentships, medals and prizes in accordance with the regulations;

(z) to manage any publication bureau, employment bureau and School sports or athletic clubs instituted by the School;

(aa) to review the instruction and teaching of the School;

(bb) to promote research within the School and to require reports, from time to time, of such research;

(cc) to administer all properties and funds placed at the disposal of the School for specific purposes;

(dd) to accept, on behalf of the School, endowments, bequests, donations, grants and transfer of any movable or immovable property of the School made to it; and

(ee) to delegate any of its powers to the Vice-Chancellor or to a Committee from among its own members or to a Committee appointed in accordance with the regulations.

Meetings of
Executive
Council.

26. (1) The Executive Council shall meet at least once in every two months at such times and places and shall, subject to the provisions of sub-sections (2) and (3), observe such rules of procedure in regard to transaction of business at its meetings including the quorum at meetings as may be prescribed by the regulations.

(2) The Vice-Chancellor or, in his absence, any member chosen by the members present, shall preside at a meeting of the Executive Council.

(3) All questions at any meeting of the Executive Council shall be decided by a majority of the votes of the members present and voting and, in the case of equality of votes, the Vice-Chancellor or the member presiding as the case may be, shall have and exercise a second or casting vote.

(4) In case, the Secretary to Government in-charge of law, who is an *ex-officio* member, is unable to attend the meeting of the Executive Council for any reason, he may depute an officer of his department not lower in rank than that of a Deputy Secretary to Government to attend the meeting and the officer so deputed shall have the right to take part in the proceedings of such meetings and shall have the right to vote.

(5) The Executive Council may, for the purpose of consultation, invite any person having special knowledge or practical experience in any subject under consideration to attend any meeting. Such person may speak in and otherwise take part in the proceedings of such meeting but shall not be entitled to vote. The person so invited shall be entitled to such daily and travelling allowances as are admissible to a member of the Executive Council.

Members not
entitled to
remuneration.

27. The members of the Executive Council shall not be entitled to receive any remuneration from the School except such travelling and daily allowances as may be prescribed by the regulations:

Provided that nothing contained in this section shall preclude any member from drawing his emolument to which he is entitled by virtue of the office he holds.

THE ACADEMIC COUNCIL.

28. The Academic Council shall consist of the following *ex-officio* and other members, namely:—

Academic Council.

Class I-Ex-officio Members.

- (a) The Vice-Chancellor;
- (b) The Deans of Faculties;
- (c) All the Heads of Departments of the School;
- (d) All Professors of the School;
- (e) The Librarian of the School Library.

Class II – Other Members.

- (a) A member of the Bar Council of India nominated by the Chancellor;
- (b) A member of the Bar Council of Tamil Nadu nominated by the Chancellor;
- (c) Two members representing the Associate Professor and Assistant Professor of the School nominated by the Vice-Chancellor;
- (d) A Professor of the Tamil Nadu Dr. Ambedkar Law University nominated by the Vice-Chancellor;
- (e) A Senior Professor in Law from any one of the National Law Universities in India nominated by the Vice-Chancellor;
- (f) One teacher of every subject of study other than Law offered under the Scheme and Syllabus prescribed by the School nominated by the Vice-Chancellor;
- (g) An eminent person in the field of judiciary nominated by the Chancellor;
- (h) A member of the Southern Chamber of Commerce and Industry nominated by the Vice-Chancellor; and
- (i) An eminent person in the field of Social Service nominated by the Vice-Chancellor.

29. Subject to the provisions of this Act and the regulations, the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely:—

Powers and functions of Academic Council.

- (a) to report on any matter referred or delegated to it by the General 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 School and the emoluments and the duties attached thereto;
- (c) to formulate and modify or revise schemes for the organisation 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;
- (d) to make arrangements through regulations for the instruction and examination of persons other than those enrolled in the School;
- (e) to promote research within the School and to require, from time to time, reports on such research;
- (f) to consider proposals submitted by the faculties;
- (g) to appoint committees for admission to the School;
- (h) to recognise diplomas and degrees of other universities and institutions and to determine their equivalence in relation to the degrees of the School;
- (i) to fix, subject to any condition accepted by the General 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 if necessary their removal and the 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 them;

(l) to declare the results 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, licences, titles and marks of honours;

(m) to award stipends, scholarships, medals and prizes and to make other awards in accordance with the regulations and such other conditions as may be attached to the awards;

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

(o) to prepare such forms and registers as are, from time to time, prescribed by regulations; and

(p) 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.

Meetings of
Academic
Council.

30. (1) The Academic Council shall meet at least twice in every year on dates to be fixed by the *Vice-Chancellor*. One of such meetings shall be called the annual meeting. The Academic Council may also meet at such other times as it may, from time to time, determine.

(2) One third of the total strength of the members of the Academic Council shall be the quorum required for a meeting of the Academic Council:

Provided that such quorum shall not be required at a convocation of the School or a meeting of the Academic Council held for the purpose of conferring degrees, titles or other academic distinctions.

(3) *The Vice-Chancellor* may, whenever he thinks fit or and shall upon a requisition in writing signed by not less than fifty per cent of the total members of the Academic Council, convene a special meeting of the Academic Council.

Finance
Committee.

31. (1) The Finance Committee shall consist of the following members, namely:—

(a) The *Vice-Chancellor*;

(b) The Secretary to Government in-charge of Finance ;

(c) The Secretary to Government in-charge of Law; and

(d) A member of the Southern India Regional Council of the Institute of Chartered Accountants of India, nominated by the Executive Council.

(2) If for any reason, any officer referred to in clause (b) or clause (c) of sub-section (1) is unable to attend any meeting of the Finance Committee, he may depute an officer of his department not lower in rank than that of a Deputy Secretary to Government to attend such meeting. The officer so deputed shall have the right to take part in the discussion of the Finance Committee and shall have the right to vote.

(3) The *Vice-Chancellor* shall be the *ex-officio* Chairman and the Finance Officer shall be the *ex-officio* Secretary to the Finance Committee.

(4) The member nominated to the Finance Committee by the Executive Council under clause (d) of sub-section (1) shall hold office for a period of three years.

(5) The annual accounts of the School prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval.

(6) The financial estimates of the School prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments. The said estimates as modified by Finance Committee shall then be laid before the Executive Council for consideration. The Executive Council may approve finance estimates with such modifications, as it deems fit.

(7) The Finance Committee shall recommend limits for the recurring expenditure and the total non-recurring expenditure for the year based on the income and resources of the School which in the case of productive works may include the proceeds of loans.

(8) The Finance Committee shall—

(a) meet atleast once in three months to examine the accounts and to scrutinise proposals for expenditure;

(b) review the financial position of the School from time to time;

(c) make recommendation to the Executive Council on every proposal involving investment or expenditure for which no provision has been made in the annual financial estimates or which involves expenditure in excess of the amount provided for in the annual financial estimates;

(d) prescribe the methods and procedure and forms for maintaining the accounts of the School;

(e) make recommendation to the Executive Council on all matters relating to the finances of the School; and

(f) perform such other functions as may be prescribed by the regulations.

32. (1) There shall be a Board of Studies attached to each department of teaching and research.

Board of Studies.

(2) The constitution and powers of the Board of Studies shall be such as may be prescribed.

33. The Executive Council may constitute such other authorities of the School as may be necessary in the manner prescribed in the regulations.

Constitution of other authorities.

34. All the authorities of the School shall have power to constitute or reconstitute committees and to delegate to them such of their powers as they deem fit. Such committees shall, save as otherwise provided, consist of members of the authority concerned and of such other persons if any, as the authority in each case may deem fit.

Constitution of Committees and delegation of powers.

35. (1) The School having regard to the objectives and its functions, may constitute such Faculties as may be prescribed.

Constitution and functions of Faculties.

(2) The constitution and functions of the Faculties shall, in all other respects, be such as may be prescribed.

(3) Each Faculty shall comprise such departments of teaching as may be prescribed.

CHAPTER V.

REGULATIONS.

36. Subject to the provisions of this Act, the regulations may provide for all or any of the following matters, namely:—

Regulations.

(a) the holding of convocation to confer degrees or other academic distinctions;

(b) the conferment of honorary degrees or other distinctions;

(c) the constitution, powers and functions of the authorities of the School;

(d) the manner of filling vacancies among members of the authorities of the School;

(e) the allowances to be paid to the members of the authorities of the School and committees thereto;

(f) the procedures at the meetings of the authorities of the School including the quorum for the transaction of business at such meetings;

(g) the authentication of the orders of decisions of the authorities of the School;

(h) the formation of departments of research at the School;

(i) the term of office and methods of appointment and conditions of service of the officers of the School other than the Chancellor and the Pro-Chancellor;

(j) the qualifications of the teachers and other persons employed by the School;

(k) the classification, the method of appointment and determination of the terms and conditions of service of the teachers and other persons employed by the School;

(l) the institution of pension, gratuity, insurance or provident fund for the benefit of the officers, teachers and other persons employed by the School;

(m) the institution of fellowships, travelling fellowships, scholarships, studentships, bursaries, exhibitions, medals and prizes and the conditions of award thereof;

(n) the establishment and maintenance of halls and hostels;

(o) the conditions for regulation of hostels other than those maintained by the School;

(p) the conditions for residence of students of the School in the halls and the hostels and the levy of fees and other charges for such residence;

(q) the conditions of registration of graduates and the maintenance of register thereof;

(r) the delegation of powers vested in the authorities of officers of the School; and

(s) any other matter which is required to be or may be prescribed by the regulations.

Regulations
how made.

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

Provided that the Executive Council shall not make any regulation affecting the status, powers or constitution of any authority of the School until such authority has been given an opportunity of expressing an opinion in writing on the proposed change, and any opinion so expressed shall be considered by the Executive Council:

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

(a) the constitution, powers and duties of the Academic Council;

(b) the authorities responsible for organizing teaching in connection with the School courses and related academic programmes;

(c) the withdrawal of degrees, certificates or other academic distinctions;

(d) the establishment and abolition of faculties, departments, halls and institutions;

(e) the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes;

(f) conditions and modes of appointment of examiners or conduct or standard of examinations or any other course of study;

(g) mode of enrolment or admission of students;

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

(2) The Academic Council shall have the power to propose regulations on all the matters specified in clauses (a) to (h) of sub-section (1) and matters incidental and related thereto.

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

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

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

CHAPTER VI.

ADMISSION AND RESIDENCE OF STUDENTS.

38. No person shall be admitted to a course of study in the School for admission to the examination for degrees or other academic distinctions of the School unless he,-

Admission to
School
Courses.

(a) has passed the examination prescribed therefor; and

(b) fulfills such other conditions as may be prescribed.

39. Notwithstanding anything contained in section 38 or in any other provisions of this Act, the Government may specify, by general or special order, the policy, guidelines, method and procedure for selection of candidates for admission to a course of study.

Selection and
Admission of
Candidates
to School.

40. Every student of the School shall reside in a hostel maintained or recognised by the School or under such conditions as may be prescribed.

Residence of
Students.

CHAPTER VII.

SCHOOL FUNDS, ANNUAL REPORT AND ACCOUNTS.

41. The School shall have a General Fund to which shall be credited,-

General Fund.

(a) its income from fees, grants, donations and gifts, if any;

(b) any contribution or grant made by the Central Government or any State Government or the Bar Council of India or the Bar Council of Tamil Nadu or any local authority or the University Grants Commission or any other similar body or any corporation owned or controlled by the Central or any State Government;

(c) the endowments and other receipts; and

(d) the money borrowed by it.

42. The School may have such other funds as may be prescribed.

Other Funds.

43. The funds and all moneys of the School shall be managed in such manner as may be prescribed.

Management
of Funds.

44. The Annual report of the School shall be prepared by the Executive Council and shall be submitted to the General Council on or before such date as may be prescribed and shall be considered by the General Council at its next annual meeting. The General Council may pass resolutions thereon and communicate the same to the Executive Council which shall take action in accordance therewith. The Executive Council shall inform the General Council of the action taken by it. A copy of the report with a copy of the resolution thereon, if any, of the General Council shall be submitted to the Government.

Annual report.

45. (1) The Annual accounts of the School, shall be submitted to such examination and audit as the Government may direct and a copy of the annual accounts and audit report shall be submitted to the Government.

Annual
accounts.

(2) The School shall settle objections raised in such audit and carry out such instructions as may be issued by the Government on the audit report.

(3) The accounts, when audited, shall be published by the Executive Council in such manner as may be prescribed and copies thereof shall be submitted to the General Council at its next meeting and to the Government within three months of such publication.

(4) The Government shall cause the annual audited accounts and annual report to be laid before the Legislative Assembly together with their comments.

CHAPTER VIII.

CONDITIONS OF SERVICE.

Pension,
gratuity, etc.

46. The School shall institute for the benefit of its officers, teachers, and other persons employed by the School, such pension, gratuity, insurance and provident fund as it may deem fit, in such manner and subject to such conditions as may be prescribed.

Conditions of
Service.

47. Subject to the provisions of this Act, the appointment, procedure for selection, pay and allowances and other conditions of service of officers, teachers and other persons employed in the School shall be such as may be prescribed:

Provided that in regard to the appointments in the School, the rule of reservation as applicable to the appointments in the services under the Government shall be followed.

Explanation.—For the purpose of this section, the word “officers” shall not include the Chancellor and the Pro-Chancellor.

Selection
Committee.

48. (1) There shall be a Selection Committee for making recommendations to the General Council for appointment to the posts of Professor, Associate Professor, Assistant Professor and Librarian of the School.

(2) The Selection Committee for appointment to the posts specified in sub-section (1) shall consist of the Vice-Chancellor, a nominee of the Chancellor, a nominee of the Government and such other persons as may be prescribed:

Provided that the selection for such appointment by the Selection Committee shall be made in accordance with the guidelines that may be issued by the University Grants Commission or other agencies concerned in relation to such appointment.

(3) The meetings of the Selection Committee shall be convened by the Vice-Chancellor.

(4) The procedure to be followed by the Selection Committee in making recommendations shall be laid down in the regulations.

(5) If the Executive Council is unable to accept the recommendations made by a Selection Committee, it shall record its reasons and submit the case to the Chancellor for final orders.

(6) Appointments to temporary posts or vacancies shall be made in the manner indicated below:-

(a) If the temporary vacancy is for a duration longer than one academic session, it shall be filled on the advice of the Selection Committee in accordance with the procedure indicated in the foregoing provisions:

Provided that if the *Vice-Chancellor* is satisfied that in the interest of work it is necessary to fill the vacancy, the appointment may be made on a temporary basis by a local Selection Committee referred to in clause (b) for a period not exceeding six months;

(b) If the temporary vacancy is for a period less than a year, appointment to such vacancy shall be made on the recommendation of a local Selection Committee consisting of the Dean of the Faculty concerned, the Head of the Department and a nominee of the *Vice-Chancellor*:

Provided that if the same person holds the offices of the Dean of the faculty and Head of the Department, the Selection Committee may consist of two nominees of the *Vice-Chancellor*:

Provided further that in case of sudden casual vacancies in teaching posts caused by death or any other reason, the Dean of the Faculty, in consultation with the Head of the Department concerned, may make a temporary appointment for a month and report to the Vice-Chancellor and the Registrar about such appointment;

(c) No teacher appointed temporarily shall, if he is not recommended by a regular Selection Committee for appointment under this Act, be continued in service on such temporary employment unless he is subsequently selected by a local Selection Committee or a regular Selection Committee, for a temporary or a permanent appointment, as the case may be.

49. (1) Each Department of the School shall have a Head who shall be a Professor and whose duties and functions and terms and conditions of appointment shall be such as may be prescribed:

Terms and conditions of appointment of Heads of Departments.

Provided that if there is more than one Professor in any Department, the Head of the Department shall be appointed in the manner prescribed:

Provided further that in a Department where there is no Professor, an Associate Professor or an Assistant Professor may be appointed as Head of the Department in the manner prescribed.

(2) It shall be open to a Professor or an Associate Professor or an Assistant Professor to decline the offer of appointment as Head of the Department.

(3) A person appointed as Head of the Department shall hold office as such for a period of three years and shall be eligible for re-appointment.

(4) A Head of the Department may resign his office at any time during his tenure of office.

(5) A Head of the Department shall perform such functions as may be prescribed.

50. (1) Every Dean of Faculty shall be appointed by the Vice-Chancellor from among the Professors in the Faculty for a period of three years and he shall be eligible for re-appointment:

Deans of Faculties.

Provided that a Dean on attaining the age of sixty years shall cease to hold office as such:

Provided further that if at any time there is no Professor in a Faculty, the Vice-Chancellor shall exercise the powers of the Dean of the Faculty.

(2) When the office of the Dean is vacant or when the Dean is by reason of his illness, absence or any other cause unable to perform the duties of his office, the duties of his office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(3) The Dean shall be the Head of the Faculty and shall be responsible for the conduct and maintenance of the standards of teaching and research in the Faculty. The Dean shall perform such other functions as may be prescribed.

(4) The Dean shall have the right to be present and to speak at any meeting of the Boards of Studies or Committees of the Faculty, as the case may be, but shall not have the right to vote there at unless he is a member thereof.

CHAPTER IX.

TRANSITORY PROVISIONS.

Appointment of first Vice-Chancellor.

51. Notwithstanding anything contained in sub-section (1) of section 11, within three months from the appointed date, the first *Vice-Chancellor* shall be appointed by the Government for a period not exceeding three years and on such other conditions as they think fit:

Provided that a person appointed as first Vice-Chancellor shall retire from office, if during the term of his office, he completes the age of sixty-five years.

Appointment of first Registrar.

52. Notwithstanding anything contained in sub-section (1) of section 14, within three months from the appointed date, the first Registrar shall be appointed by the Government on a salary to be fixed by them for a period not exceeding three years and on such other conditions as they think fit.

Transitory Powers of first Vice-Chancellor.

53. (1) It shall be the duty of the first *Vice-Chancellor* to make arrangements for constituting the General Council, the Executive Council, the Academic Council, the Finance Committee and such other authorities of the School within six months from the date of his appointment or such longer period not exceeding one year as the Government may, by notification specify.

(2) The first Vice-Chancellor shall, in consultation with the Government, make such rules as may be necessary for the functioning of the School.

(3) The authorities constituted under sub-section (1) shall commence to exercise their function on such date as the Government may, by notification, specify in this behalf.

(4) It shall be the duty of the first Vice-Chancellor to draft such regulations as may be necessary and submit them to the respective authorities for their disposal. Such regulations when framed shall be published in the *Tamil Nadu Government Gazette*.

(5) Notwithstanding anything contained in this Act and the regulations and until such time an authority is duly constituted, the first Vice-Chancellor may, appoint any officer or constitute any committee temporarily to exercise and perform any of the powers and duties of such authority under this Act and the regulations.

CHAPTER X.

MISCELLANEOUS.

Honorary
Degree.

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

Withdrawal of
Degree.

55. (1) The General Council, may, on the recommendation of the Executive Council, withdraw any distinction or degree conferred on or granted to any person by a resolution passed by the majority of the total membership of the General Council and by a majority of not less than two thirds of the members of the General 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 General Council involves moral turpitude or if he has been guilty of gross misconduct.

(2) No action under this section 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 General Council shall be immediately sent to the person concerned.

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

(5) The decision of the Chancellor on such appeal shall be final.

Discipline.

56. (1) The final authority responsible for maintenance of discipline among the students of the School shall be the Vice-Chancellor. His directions in that behalf shall be carried out by the Heads of Departments and hostels.

(2) Notwithstanding anything contained in sub-section (1), the punishment of debarring a student from the examination or rustication from the School or a hostel, 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 to the student concerned a reasonable opportunity to show cause against the action proposed to be taken against him.

Sponsored
Schemes.

57. Whenever the School receives funds from any Government, the University Grants Commission or other agencies sponsoring a scheme to be executed by the School, notwithstanding anything contained in this Act or the regulations,—

(a) the amount received shall be kept by the School separately from the General Fund and utilized only for the purpose of the scheme; and

(b) the staff required to execute the scheme shall be recruited in accordance with the terms and conditions stipulated by the sponsoring organisation.

Filling of
casual
vacancies.

58. All casual vacancies among the members (other than *ex-officio* members), of any authority of the School shall be filled as soon as may be, by the person or body who or which nominated or elected the member whose place has become vacant and the person nominated or elected to a casual vacancy shall be a member of such authority for the residue of the term for which the person whose place he fills would have been a member:

Provided that vacancies arising by efflux of time among elected members of any authority of the School may be filled at election which may be fixed by the Vice-Chancellor to take place on such date, not earlier than two months from the date on which the vacancies arise, as he thinks fit:

Provided further that no casual vacancy shall be filled if such vacancy occurs within six months before the date of the expiry of the term of the member of any authority of the School.

59. No act or proceeding of any authority of the School shall be invalidated merely by reason of the existence of any vacancy or of any defect or irregularity in the election or nomination of a member of such authority of the School or of any defect or irregularity in such act or proceeding not affecting the merits of the case or on the ground only that the authority of the School did not meet at such intervals as required under this Act.

Proceedings of School authorities not to be invalidated by vacancies.

60. (1) The Executive Council may,—

Removal from membership of School.

(a) on the recommendation of not less than two thirds of the members of the Executive Council, remove, by an order in writing, made in this behalf, the name of any person from the register of law graduates; or

(b) remove, by an order in writing, made in this behalf, any person from membership of any authority of the School by a resolution passed by a majority of the total membership of the Executive Council and by a majority of not less than two-thirds of the members of the Executive 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 Executive Council involves moral turpitude or if he has been guilty of gross misconduct and for the same reason, the Executive Council may withdraw any degree or other academic distinction conferred on, or granted to, that person by the School.

(2) The Executive Council may also by an order in writing made in this behalf, remove any person from the membership of any authority of the School if he becomes of unsound mind or has applied to be adjudicated, or has been adjudicated, as an insolvent.

(3) No action under this section shall be taken against any person unless he has been given a reasonable opportunity to show cause against the action proposed to be taken.

(4) A copy of every order passed under sub-section (1) or sub-section (2), as the case may be, shall as soon as may be, after it is so passed, be communicated, to the person concerned in the manner prescribed.

61. If any question arises, whether any person has been duly elected or nominated as, or is entitled to be, a member of any authority of the School or other body of the School, the question shall be referred to the Chancellor whose decision thereon shall be final.

Disputes as to election or nomination to School authorities and bodies.

62. Notwithstanding anything contained in this Act or in any other law for the time being in force, the Government may, by order in writing, call for any information from the School on any matter relating to the affairs of the School and the School shall, if such information is available with it, furnish to the Government such information within a reasonable period:

Power to obtain information.

Provided that in the case of information which the School considers confidential, the School may place the same before the Chancellor for his decision.

63. (1) The Librarian shall be a whole time officer of the School appointed by the Executive Council on the recommendation of the Selection Committee constituted for the purpose for such period and on such terms and conditions as may be prescribed.

Librarian.

(2) The Librarian shall exercise such powers and perform such duties as may be assigned to him by the Executive Council.

64. (1) The Executive Council may invite a person of high academic distinction and professional attainments to accept a post of Professor in the School on such terms and conditions as it deems fit, and on his acceptance, appoint him to the post.

Special mode of appointment.

(2) The Executive Council may appoint a teacher or any other member of the academic staff working in any other School or organization for undertaking a joint project in accordance with the manner prescribed.

Power to
remove
difficulties.

65. (1) If any difficulty arises as to the first constitution or reconstitution of any authority of the School after the date of publication of this Act or otherwise, in giving effect to the provisions of this Act, the Government may, by notification, make such provision, not inconsistent with the provisions of this Act, as may appear to them to be necessary or expedient for removing the difficulty:

Provided that no such notification shall be issued after the expiry of two years from the date of establishment of the School under section 3.

(2) Every notification issued under sub-section (1) or under any other provision of this Act shall, as soon as possible after it is issued, be placed on the table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such notification, shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification.

Power of
Government
to give
direction.

66. The Government may, from time to time, issue such directions to the School, as they may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the School, to comply with such directions.

STATEMENT OF OBJECTS AND REASONS

The State Government have taken a policy decision to establish a National Law School in the State on the pattern of the National Law School of India at Bengaluru by enacting a State Legislation.

2. The Bill seeks to give effect to the above decision.

C.VE. SHANMUGAM,
*Minister for Commercial Taxes and
Registration, Law, Courts and Prisons.*

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 2(b), 25, 39, 53, 65 and 66 of the Bill authorise the State Government to issue notifications or orders and the Executive Council to make regulations to carry out the purposes of the proposed legislation.

2. The powers delegated are normal and not of an exceptional nature.

FINANCIAL MEMORANDUM

The Bill provides for the establishment and incorporation of a National Law School in the State to provide quality legal education.

2. The Bill when enacted would involve expenditure from the Consolidated Fund of the State. It is, however, not possible at this stage to estimate with any degree of accuracy, the expenditure to be incurred as a result of the proposed legislation.

A.M.P. JAMALUDEEN,
Secretary.