

The Rashtriya Vidhi Sansthan Vishwavidyalya Adhiniyam, 1997

MADHYA PRADESH

India

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Act 41 of 1997

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The Rashtriya Vidhi Sansthan Vishwavidyalya Adhiniyam, 1997 M.P. Act No. 41 of 1997 Statement of Objects and Reasons of Act No. 41 of 1997. - The State Government has taken a decision to establish an autonomous teaching-cum-residential National Law Institute at Bhopal, as a Centre of Excellence in legal studies. 2. The proposed legislation is intended to incorporate complete administrative and academic autonomy to the Institute. The Hon'ble Chief Justice of India is the Visitor of the Institute. The Chief Justice of the Madhya Pradesh High Court, Advocate General of Madhya Pradesh, Chairman, State Bar Council, a representative of the Bar Council of India and legal luminaries of India will be the members of the General Council amongst others. 3. The main objectives of the proposed institute are as follows :- (i) To advance and disseminate learning and knowledge of law and legal process and their role in national development; (ii) To develop in the student and research scholar a sense of responsibility to serve society in the field of law; (iii) To hold examinations and confer degrees and other academic distinctions. 4. Hence this Bill. Statement of Objects and Reasons of M.P. Act No. 18 of 1998. - It is felt necessary to amend the Rashtriya Vidhi Sansthan Adhiniyam, 1997 to remove some lacunae found. The salient features of the Bill are as under :- (1) It is proposed to give the Rashtriya Vidhi Sansthan the status of a University. (2) The number of members of the General Council has been curtailed and the Attorney General of India, the Chief Secretary and the Chairman of the Bar Council of India have been included and the Chief Justice of Madhya Pradesh has been made the Chairman of the General Council in place of the Chief Minister. (3) The Chief Secretary and the Advocate General have been included in the Executive Council and the number of members to be nominated by the General Council in the Executive Council has been curtailed from three to one. (4) In the Finance Committee, the number of members to be nominated by the Executive Council has been reduced to one in place of the existing three and a nominee of the General Council has been added. (5) A nominee of the Bar Council of India has been included in the Academic Council. (6) Other amendments are of consequential in nature. 2. It is, therefore, proposed to amend the Act suitably. 3. Hence this Bill. [Dated 25th October, 1997] Received the assent of the Governor on the 25th October, 1997, assent first published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 29th October, 1997. An Act to establish and incorporate a

teaching and residential [Law Institute University] [Substituted by M.P. Act No. 18 of 1998.] in the State of Madhya Pradesh and to provide for matters connected therewith or incidental thereto. Be it enacted by the Madhya Pradesh Legislature in the Forty-eighth year of the Republic of India as follows :-

1. Short title and commencement.

(1) This Act may be called [The Kashtriya Vidhi Sansthan Vishwavidyalaya Adhiniyam, 1997] [Substituted by M.P. Act No. 18 of 1998.]. (2) It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires :-(i) "Academic Council" means the Academic Council of the Institute; (ii) "Director" means the Director of the Institute; (iii) "Executive Council" means the Executive Council of the Institute; (iv) "General Council" means the General Council of the Institute; (v) "Registrar" means the Registrar of the Institute; (vi) "Regulations" means the Regulations of the Institute made under Section 31; (vii) "Institute" means [the National Law Institute University] [Substituted by M.P. Act No. 18 of 1998.] established under Section 3; and (viii) "Visitor" means the Visitor of the Institute.

3. Establishment and Incorporation of the National Law Institute.

(1) With effect from such date as the State Government may by notification appoint, there shall be established in the State of Madhya Pradesh an Institute by the name of [the National Law Institute University] [Substituted by M.P. Act No. 18 of 1998.]. (2) The Institute shall be a body corporate by the name aforesaid, 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 sue and be sued by the said name. (3) In all suits and other legal proceedings by or against the institute, the pleadings shall be signed and verified by the Registrar or a representative appointed by him or by any person nominated by him for this purpose and all processes in such suits and proceedings shall be issued to and served on the Registrar. (4) The headquarters of the Institute shall be at Bhopal.

4. Objectives of the Institute.

- The objectives of the Institute shall be :-(i) to advance and disseminate learning and knowledge of law and legal processes and their role in National Developments; (ii) 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 and reforms in the existing laws; (iii) to organise lectures, seminars, symposia and conferences to promote legal knowledge and to make law and legal processes efficient instruments of social development; (iv) to hold examinations and confer degrees and other academic distinctions; and (v) to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objectives of the Institute.

5. Powers and functions of the Institute.

- The powers and functions of the Institute shall be :- (i) to administer and manage the Institute and such centres for research, education and instruction as are necessary for the furtherance of the objectives of the Institute; (ii) to provide for instruction in such branches of knowledge or learning pertaining to law, as the Institute may deem fit and to make provision for research and for the advancement and dissemination of knowledge of law; (iii) to sponsor and undertake research in all aspects of law, justice and social development; (iv) to prescribe qualifications and to regulate the admission of students to the Institute for a course of study for a degree or a diploma; (v) to organise and undertake extra-mural teaching and extension services; (vi) to hold examinations and to grant diplomas or certificates, and to confer degrees and other academic distinctions on persons subject to such conditions as the Institute may determine and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause; (vii) to confer honorary degrees or other distinctions in the manner laid down in the regulations; (viii) to fix, demand and receive fees and other charges; (ix) to institute and maintain halls and hostels and to recognise places of residence for the students of the Institute and to withdraw such recognition accorded to any such place of residence; (x) to institute Professorships, Associate Professorships, Assistant Professorships, Readerships and Lecturerships and any other teaching, academic or research posts required by the Institute and to make appointments thereto; (xi) to create technical, administrative, ministerial and other posts and to make appointments thereto; (xii) to regulate and enforce discipline among the students and employees of the Institute and to take such disciplinary measures as may be deemed necessary; (xiii) to institute and award fellowships, scholarships, prizes and medals; (xiv) to give up and cease from carrying on any classes or departments of the Institute; (xv) 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 Institute may from time to time determine; (xvi) to regulate the expenditure and to manage the accounts of the Institute; (xvii) to receive grants, subventions, subscriptions, donations and gifts for the purpose of the Institute and consistent with the objects for which the Institute is established; (xviii) 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 Institute and on such terms and conditions as it may deem fit and proper and to construct or alter and maintain any such buildings or works; (xix) to sell, exchange lease or otherwise dispose of all or any portion of the properties of the Institute, movable or immovable, on such terms as it may deem fit and proper without prejudice to the interest and activities of the Institute; (xx) to draw and accept, to make and endorse, to discount and negotiate, promissory notes, bills of exchange, cheques or other negotiable instruments; (xxi) to execute conveyances transfers, reconveyances, mortgages, leases, licences and agreements in respect of property, movable or immovable including Government securities belonging to the Institute or to be required for the purpose of the Institute; (xxii) to appoint any such person as it may deem fit, to execute an instrument or transact any business or discharge the functions of the institute under sub-clauses (xxiii), (xix), (xx) and (xxi) of Section 5; (xxiii) to enter into any agreement with Central Government, State Government, the University Grants Commission or other authorities for receiving grants; (xxiv) 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 Institute or without any securities and upon such terms and

conditions as it may deem fit and to pay out of the funds of the Institute all expenses incidental to the raising of money, and to repay and redeem any money borrowed;(xxv)to invest the funds of the Institute or fund entrusted to the Institute in or upon such securities and in such manner as it may deem fit and from time to time transpose any investment;(xxvi)to make such regulations as may, from time to time, be considered necessary for regulating the affairs and the management of the Institute and to alter, modify and to rescind them;(xxvii)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 pension, insurance, provident fund and gratuity as it may deem fit and to make such grants as it may think fit for the benefit of any employees of the institute and to aid in establishment and support of the associations, institutions, funds, trusts and conveyance calculated to benefit the staff and the students of the Institute;(xxviii)to do all such other acts and things as the Institute may consider necessary, conducive or incidental to the attainment or enlargement of all or any of its objectives.

6. Teaching in the Institute.

(1)All recognised teaching in connection with the degrees, diplomas and certificates of the Institute shall be conducted, under the control of the General Council by the teachers of the Institute in accordance with the syllabus prescribed by the Regulations.(2)The courses and curricula and the authorities responsible for organizing such teaching shall be as prescribed by the Regulations.(3)In sub-section (1) of Section 6, 'Teacher' means Professors, Associate Professors, Assistant Professors, Readers and such other persons appointed, with the approval of the Academic Council, for imparting education and conducting research in the college or institution run by the [Institute] [Substituted by M.P. Act No. 18 of 1998].

7. Visitor of the Institute.

(1)The Chief Justice of India shall be the Visitor of the Institute.(2)The Visitor shall have the right to cause inspection to be made, by such person or persons as he may direct, of the Institute, its buildings, libraries and equipments and of any Institution maintained by the Institute, and also of the examinations, teaching and other work conducted or done by the Institute and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the Institute.(3)The Visitor shall in every case give notice to the Institute or his intention to cause an inspection or inquiry to be made and the Institute shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or inquiry.(4)The Visitor may address the Director with reference to the result of such inspection or inquiry and the Director shall communicate to the General Council the views of the Visitor along with such advice as the Visitor may have offered on the action to be taken thereon.(5)The General Council shall communicate through the Director to the Visitor such action, if any, as it proposes to take or has been taken on the result of such inspection or inquiry.

8. Authorities of the Institute.

-The following shall be the authorities of the Institute :-(1)the General Council;(2)the Executive Council;(3)the Academic Council;(4)the Finance Committee; and(5)such other authorities as may be prescribed by the Regulations.

9. [General Council. [Substituted by M.P. Act No. 18 of 1998.]

- There shall be a General Council of the Institute which shall consist of the following members, namely :-(i)The Chief Justice of the High Court of Madhya Pradesh;(ii)The Minister-in-charge of Law, Government of Madhya Pradesh;(iii)The Minister-in-charge of Higher Education, Government of Madhya Pradesh;(iv)The Attorney General of India;(v)Chief Secretary to the Government of Madhya Pradesh;(vi)The Advocate General, Madhya Pradesh;(vii)The Secretary-in-charge of Law and Legislative Affairs Department, Government of Madhya Pradesh;(viii)The Secretary-in-charge of Finance Department, Government of Madhya Pradesh;(ix)The Secretary-in-charge of Higher Education Department, Government of Madhya Pradesh;(x)The Chairman, State Bar Council, Madhya Pradesh;(xi)The Chairman, Bar Council of India;(xii)The Director, National Judicial Academy, Bhopal;(xiii)The Director, National Law School of India University, Bangalore;(xiv)The Chairperson of the University Grants Commission;(xv)Three eminent Lawyers nominated by the Visitor;(xvi)One Dean of the Faculty of Law from amongst the Deans of the . Faculties of Law in Central Universities, nominated by the Visitor;(xvii)The Director.]

10. Chairman and Secretary.

(1)[The Chief Justice of the High Court of Madhya Pradesh] [Substituted by M.P. Act No. 18 of 1998.] shall be the Chairman of the General Council.(2)The Director of the Institute shall be the Secretary of the General Council.

11. Term of office of members of the General Council.

(1)The term of office of the nominated members of the General Council shall, subject to sub-clauses (2) and (3) be [five years.] [Substituted by M.P. Act No. 18 of 1998.](2)Where a member of the General Council becomes such member by reason of the office or appointment he holds or is a nominated member, his membership shall terminate when he ceases to hold such office or appointment or as the case may be, his nomination is withdrawn or cancelled.(3)A member of the General 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 or if a member other than the Director, accept a full time appointment in the Institute or if he fails to attend three consecutive meetings of the General Council without the leave the Chairman or acts against the interests of the Institute.(4)A member of the General Council may resign his office by a letter addressed to the Chairman and such resignation shall take effect as soon as such resignation has been accepted by him.(5)Any vacancy in the General Council shall be filled either by appointment or nomination, as the case may be, of a person by the respective authority entitled to make the same and the person so

appointed or nominated shall hold office so long only as the member in whose place he is appointed or nominated could hold office if the vacancy had not occurred.

12. Powers of the General Council.

- The General Council shall have the following powers, namely :-(i)to exercise the powers and functions of the Institute laid down in Section 5 except where such powers are given to some other authority or officer of the Institute;(ii)to review from time to time the broad policies and, programmes of the Institute and to take measures for the improvement and development of the Institute;(iii)to consider and pass resolutions as deemed fit on the annual report, financial estimates, annual accounts and the audit reports on such accounts;(iv)to delegate all or any of its power to the Director or any committee or any sub-committee or to any one or more of its members or any employee of the Institute; and(v)to perform such other functions as it may deem necessary for the efficient functioning and administration of the Institute.

13. Meetings of the General Council.

- The General Council shall meet atleast once in a year and atleast fifteen days notice shall be given for its meetings.(2)The Chairman shall preside over the meeting and in his absence, the members present shall elect a person from amongst themselves to preside over meeting.(3)One third of the total number of members of the General Council shall form the quorum for a meeting.(4)Each member shall have one vote 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.(5)If urgent action by the General Council become 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.(6)A report of the working of the Institute 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 Director to the General Council at its annual meeting.

14. The Executive Council.

(1)The Executive Council shall be the Chief Executive body of the Institute.(2)The administration, management and control of the Institute and the income thereof shall be tested with the Executive Council which shall control and administer the property and funds of the Institute.

15. Membership of the Executive Council.

- The Executive Council shall consist of the following members, namely :-(i)the Director;(ii)[One member] [Substituted by M.P. Act No. 18 of 1998.] of the General Council to be nominated by the General Council;[(ii-a) the Chief Secretary to the Government of Madhya Pradesh; [Inserted by M.P.

Act No. 18 of 1998.](ii-b) the Advocate General Madhya Pradesh];(iii)the Secretary-in-charge of Law and Legislative Affairs Department, Government of Madhya Pradesh;(iv)Secretary-in-charge of Finance Department, Government of Madhya Pradesh;(v)Secretary-in-charge of Higher Education, Government of Madhya Pradesh;(vi)The Chairman of the State Bar Council, Madhya Pradesh;(vii)Two whole time teachers of the Institute, by rotation according to seniority.(2)The Director shall be the Chairman of the Executive Council.

16. Term of office of Executive Council.

(1)Where a person has become a member of the Executive Council by reason of the office or appointment he holds, his membership shall terminate when he ceases to hold that office or appointment.(2)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 or if a member other than the Director or a member of a faculty accepts a full time appointment in the Institute or if he fails to attend three consecutive meetings of the Executive Council without the leave of the Chairman of the Executive Council or acts against the interests of the Institute.(3)Unless their membership of the Executive Council or is previously terminated as provided in sub-section (1) or (2) members of the Executive Council shall relinquish their membership on the expiry of three years from the date on which they become members of the Executive Council but shall be eligible for re-nomination or re-appointment, as the case may be.(4)A member of the Executive Council other than an ex-officio member may resign his office by a letter addressed to the Chairman of the Executive Council and such resignation shall take effect as soon as it is accepted by the Chairman of the Executive Council.(5)Any vacancy in the Executive Council shall be filled either by appointment or nomination, as the case may be, by the respective authority entitled to make the same and on the expiry of the period of the vacancy such appointment or nomination shall cease to be effective.

17. Powers and functions of the Executive Council.

- Without prejudice to the provisions of Section 12, the Executive Council shall have the following powers and functions,-(i)to create, abolish or classify teaching posts in the Institute and to determinate the qualifications, emoluments and duties attached thereto after considering the recommendations of the Academic Council;(ii)to appoint from time to time, the Registrar, the Librarian, Professors, Associate Professors, Assistant Professors and other members of the teaching staff as may be necessary on the recommendations of the selection committee constituted by Regulations for the purpose :Provided that it shall not be necessary to constitute any selection committee for making appointment,-(a)to any supernumerary post; or(b)a person of high academic distinction, eminence and professional attainment to the post of Professor.(iii)to create administrative, ministerial and other necessary posts, to determine the minimum qualifications and emoluments of such posts;(iv)to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the Institute and for that purpose to appoint such agents, as it may deem fit;(v)to invest any money belonging to the Institute, including any unapplied income, in such stock, funds, shares or securities, as it may, from time to time, deem fit or in the purchase of immovable property in India, with the like power of varying such investments from time

to time;(vi)to transfer or accept transfers of any movable or immovable property on behalf of the Institute;(vii)to enter into, vary, carry out and cancel contracts on behalf of the Institute and for that purpose to appoint such officers as it may deem fit;(viii)to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the Institute;(ix)to entertain, adjudicate and to redress any grievances of the Officers of the Institute, the teachers, the students and employees who may, for any reason, feel aggrieved.(x)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;(xi)to select a common seal for the Institute and to provide for the custody of the seal;(xii)to delegate any of its powers except the powers to make regulations to any Officer or Authority either temporarily or permanently; and(xiii)to exercise such other powers and to perform such other duties as may be conferred or imposed on it by or under this Act.

18. Reservation of Seats.

- The Executive Council may, by Regulations, provide for reservations of seats to the residents of the State of Madhya Pradesh and Members of Scheduled Castes, Scheduled Tribes and Other Backward Classes.Explanation :- The words "Scheduled Castes, Scheduled Tribes" and "Other Backward Classes" shall have the same meaning assigned to them in the Madhya Pradesh Lok Seva (Anusuchit Jatiyon, Anusuchit Jan Jaliyon Aur Anya Pichhade Vargon Ke Liye Arakshan) Adhiniyam, 1994 (No. 21 of 1994).

19. Meetings of the Executive Council.

(1)The Executive Council shall meet atleast once in three months.(2)The Chairman of the Executive Council shall preside over a meeting of the Executive Council, and in his absence, the members present shall elect a person from amongst themselves to preside over the meeting.(3)Four members of the Executive Council, shall form the quorum at any meeting thereof.(4)Each member of the Executive Council shall have one vote and if there shall be equality of votes on any question to be determined by the Executive Council, the Chairman of the Executive Council, or as the case may be, the member presiding over that meeting shall, in addition, have a casting vote.(5)If urgent action by the Executive Council becomes necessary, the Director may permit the business to be transacted by circulation of papers to the members of the Executive Council. The action 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.

20. Constitution of Standing Committee and appointment of ad hoc Committees.

(1)Subject to the provisions of this Act or the Regulations made in this behalf the Executive Council may by resolution, constitute such standing committees or appoint ad hoc committees for such purposes and with such powers as the Executive Council may think fit for exercising any power or

discharging any function of the Institute or for enquiring into, reporting or advising upon any matter relating to the Institute.(2)The Executive Council may co-opt such persons to a standing committee or an ad hoc committee as it considers suitable and may permit them to attend the meetings of the Executive Council.

21. Academic Council.

- The Academic Council shall be the academic body of the Institute and shall, subject to the provision of this Act and the Regulations, have power of control and general regulation of, and be responsible for, the maintenance of standards of instructions, education and examination of the Institute and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Regulations. It shall have the right to advise the Executive Council on all academic matters.

22. Membership of the Academic Council.

(1)The Academic Council shall consist of the following members, namely :-(i)the Director, who shall be the Chairman thereof;(ii)three persons from amongst the educationists of repute or men of letters or members of the learned professions or eminent public men, who are not in the service of the Institute nominated by the Chairman in consultation with the General Council;(iii)the Secretary-in-charge of Law and Legislative Affairs Department, Government of Madhya Pradesh;(iv)a nominee of the State Bar Council;(v)all the Heads of the Department of the Institute;(vi)all Professors other than the Heads of the Department, if any;(vii)two members of the teaching staff, representing Associate and Assistant Professors of the Institute :Provided that an employee of the Institute shall not be eligible for nomination under category (ii);(viii)[A nominee of the Bar Council of India] [Inserted by M.P. Act No. 18 of 1998.](2)The term of the members other than ex-officio members shall be three years :Provided that the term of the first Academic Council shall be five years.

23. Powers and duties of the Academic Council.

- Subject to the provisions of this Act or the Regulations, the Academic Council shall be in addition to all other powers vested in it, have the following powers, 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 Institute and the qualifications, emoluments and duties attached thereto;(iii)to formulate and modify or revise schemes for organisation of the faculties and to assign to such faculties their respective subjects and also to report to the Executive Council as the expediency of the abolition or sub-division of any faculty or the combination of one faculty with another;(iv)to make arrangements through Regulations for the instruction and examination of persons other than those enrolled in the Institute;(v)to promote research within the Institute and to require, from time to time, report on such research;(vi)to consider proposals submitted by the faculties;(vii)to appoint committees for admission to the Institute;(viii)to recognise diplomas and degrees of other Universities and Institutions and to determine their equivalence in relation to the diplomas and

degrees of the Institute;(ix)to fix, subject to any conditions accepted by the General Council, the time, mode and conditions of competitions for fellowships, scholarships and other prizes and to award the same;(x)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;(xi)to make arrangements for the conduct of examinations and to fix dates for holding them;(xii)to declare the result of the various examinations or to appoint committees or officers to do so, and to make recommendations regarding the conferment of grant of degrees, honours, diplomas, licences, titles and marks of honour;(xiii)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;(xiv)to publish list of prescribed or recommended text books and to publish syllabus of the prescribed courses of study;(xv)to prepare such forms and registers as arc, from time to time, prescribed by Regulations; and(xvi)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.

24. Meetings of the Academic Council.

(1)The Academic Council shall meet as often as may be necessary, but not less than twice during an academic year.(2)The Chairman of the Academic Council shall preside over the meeting of the Academic Council and in his absence, the members present shall elect a person from amongst themselves to preside over the meeting.(3)One half of the total number of members of the Academic Council shall form the quorum for a meeting of the Academic Council.(4)Each member of the Academic Council shall have one vote and if there shall be an equality of votes on any question to be determined by the Academic Council, the Chairman of the Academic Council, or as the ease may be, the member presiding over the meeting shall, in addition, have a casting vole.(5)If urgent action by the Academic Council becomes necessary, the Director 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 members of the Academic Council. The action so taken shall be intimated forthwith to all the members of the Academic Council. The papers shall be placed before the next meeting of the Academic Council for confirmation.

25. Finance Committee.

(1)There shall be a Finance Committee consisting of the following, namely :-(i)the Director;(ii)[one member] [Substituted by M.P. Act No. 18 of 1998.] nominated by the Executive Council from amongst its members;(iii)an officer each of the Finance Department and the Higher Education Department (not below the rank of Deputy Secretary) Government of Madhya Pradesh, to be nominated by the State Government;[(iii-a) one member to be nominated by the General Council] [Inserted by M.P. Act No. 18 of 1998.].(2)The members of the Finance Committee shall hold office for a period of three years.(3)The Finance Committee shall have the following powers, duties and functions namely :-(i)to examine and scrutinise the annual budget of the Institute and to make recommendations on financial matters to the Executive Council;(ii)to consider all proposals for new expenditure and to make recommendations of the Executive Council;(iii)to consider the periodical statements of accounts and to review the finances of the Institute from time to time and to consider

reappropriation statements and audit reports to make recommendations to the Executive Council;(iv)to give its views and to make recommendations to the Executive Council on any financial matter affecting the Institute either on its own initiative or on reference from the Executive Council or the Director.(4)The Finance Committee shall meet atleast once in six months. Three members of the Finance Committee shall form the quorum.(5)The Director shall preside over the meetings of the Finance Committee, and in his absence, the members present shall elect a person from amongst themselves to preside over the meeting.

26. Officers of the Institute.

- The following shall be the officers of the Institute, namely :-(i)the Director;(ii)the Heads of the Department;(iii)the Registrar; and(iv)such officers as may be prescribed by the Regulations.

27. Director.

- The Director of the Institute shall be appointed by the General Council in accordance with the regulations made in that behalf :Provided that the first Director shall be appointed by the Chairman of the General Council.(2)The Director shall hold office for a term of five years, which shall be renewable by a resolution to that effect by the General Council. Upon the expiry of his term, he shall continue in office until his successor is appointed and enters upon this office.(3)The Director shall :-(i)ensure that the provisions of this Act and the Regulations are duly observed;(ii)have all powers relating to the proper maintenance of discipline in the Institute.(4)If, in the opinion of the Director, any emergency has arisen, which requires that immediate action be taken he shall take such action as he deems necessary 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.

28. Heads of the Departments.

(1)There shall be a Head of the Department for each of the departments in the Institute.(2)The powers, functions, appointments and the conditions of service of the Heads of the Departments shall be as prescribed by the Regulations.

29. Registrar.

(1)The Registrar shall be a whole time officer of the Institute. The terms and conditions of service of the Registrar shall be such as may be prescribed by the Regulations.(2)The Registrar shall be the ex officio Secretary of the Executive Council, Academic Council, the Finance Committee and the faculties, but shall not be deemed to be a member of any of these authorities.(3)The Registrar, shall, -(i)comply with all directions and orders of the Executive Council and the Director;(ii)be the custodian of the records, common seal and such other property of the Institute as the Executive Council shall commit to his charge;(iii)call a meeting of the Executive Council forthwith in an emergency, when neither the Director nor the officer duly authorised is able to act and to take its directions for carrying on the work of the Institute;(iv)be directly responsible to the Director for the

proper discharge of his duties and functions;(v)represent the Institute in suits or proceedings by or against the Institute, sign powers of attorney and verify the pleadings or depute representatives for the purpose; and(vi)perform such other duties as may be assigned from time to time, by the Executive Council or the Director.(4)In the event of the post of the Registrar remaining vacant for any reason, the Director may authorise any officer in the service of the Institute to exercise such powers, functions, and duties of the Registrar as the Director deems fit.

30. Selection Committee.

(1)The Executive Council shall constitute selection committee for making recommendations to the Executive Council for appointment to posts of Professor, Associate Professors and other teachers in the Institute.(2)The selection committee shall consist of the following members :-(i)the Director, who shall be the Chairman of the Committee;(ii)the Head of the Department concerned, provided he holds a post not lower than the level of the post for which the selection is to be made;(iii)three experts for selecting Professors, Associate Professors and Assistant Professors, nominated by the Director from amongst a panel of names recommended by the Academic Council and approved by the Executive Council.(3)The meeting of the selection committee shall be convened by the Director as and when necessary. Three members shall constitute the quorum.

31. Regulations.

(1)Subject to the provisions of this Act, the Executive Council shall, in addition to all other powers vested in it, the power to frame Regulations to provide for the administration and management of the affairs of the Institute ;Provided that the Executive Council shall not make any Regulation affecting the status, powers or constitution of any authority of the Institute until such authority has been given an opportunity of expressing the opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council :Provided further that except with the prior concurrence of the Academic Council, the Executive Council shall not make, amend or repeal any regulation affecting any or all of the following matters, nami .(i)the constitution, powers and duties of the Academic Council;(ii)the authorities responsible for organising teaching in connection with the Institute courses and related academic programmes;(iii)the withdrawal of degrees, diplomas, certificates and other academic distinctions;(iv)the establishment and abolition of facilities, departments, halls and institutions;(v)the institution of fellowships, scholarships, studentships, exhibitions, medals and prizes;(vi)conditions and modes of appointment of examiners or conduct or standard of examinations or any other course of study;(vii)mode of enrolment or admission of students;(viii)examination to be recognised as equivalent to Examinations of the Institute.(2)The Academic Council shall have the power to propose Regulations on all the matters specified in clauses (i) to (viii) of sub-section (1) and matters connected therewith or incidental 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 Visitor and the Visitor may, by order, direct that the proposed Regulations 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 placed before the General Council at its next meeting, and the General Council shall have the power to amend or cancel any Regulation made by the Executive Council :Provided that the Regulations so far as they relate to the Provident Fund, Gratuity and Pension as enumerated in Section 33, shall come into force only after approval by the General Council.

32. Appointment of Review Commission.

(1)The Visitor atleast once in every five years constitute a commission to review the working of the Institute and to make recommendations.(2)The Commission shall consist of not less than three eminent educationists one of whom shall be the Chairman of such Commission appointed by the Visitor in consultation with the State Government.(3)The terms and conditions of appointment of the members shall be such as the Visitor may determine.(4)The Commission shall, after holding such enquiry as it deems fit, make its recommendation to the Visitor.(5)The Visitor may take such action on the recommendations as he deems fit.

33. Provident Fund, Gratuity and Pension.

- All the permanent employees of the Institute shall be entitled to the benefit of the Provident Fund, Pension and Gratuity in accordance with such Regulations as may be framed in that behalf.

34. Fund of Institute.

(1)There shall be for the Institute, a Institute Fund which shall include :-(i)any contribution or grant made by the State Government;(ii)any contribution or grant made by the University Grants Commission or the Central Government;(iii)any contribution made by the State Bar Council;(iv)any bequests, donations, endowments or other grants made by private individuals or institutions;(v)income received by the Institute from fees and charges; and(vi)amounts received from any other source.(2)The amount in the said Fund shall be kept in a Scheduled Bank as defined in-the Reserve Bank of India Act, 1934 or may be invested in such securities authorised by the Indian Trusts Act, 1882 as may be decided by the Executive Council.(3)The said Fund may be utilized for such purpose of the Institute and in such manner as may be prescribed by Regulations.

35. The Annual Accounts and Audit.

(1)The Annual Accounts of the Institute shall be prepared under the directions of the Executive Council.(2)The accounts of the Institute shall, atleast once in a year, be audited be the auditors appointed by the Executive Council :Provided that the State Government shall have the powers to direct, whenever considered necessary, an audit of the accounts of the Institute, including the institutions managed by it, such auditors as it may specify.(3)The accounts when audited shall be published by the Executive Council and a copy of the accounts together with the audit report shall be placed before the General Council and shall also be submitted to the State Government.(4)The Annual Accounts shall be considered by the General Council at its annual meeting. The General Council may pass resolutions with reference thereto and communicate the same to the Executive

Council. The Executive Council shall consider the suggestions made by the General Council and take such action thereon as it deems fit. The Executive Council shall inform the General Council at its next meeting all actions taken by it or the reasons for not taking action.

36. Financial Estimates.

(1)The Executive Council shall prepare before such date as may be prescribed by the Regulations, the financial estimates for the ensuing year and place the same before the General Council.(2)The Executive Council may, in case where the expenditure in excess of the amount provided in the budget is to be incurred or in cases of urgency for reasons to be recorded in writing, incur expenditure subject to such restrictions and conditions specified in the Regulations. Where no provision has been made in the budget in respect of such excess expenditure, a report shall be made to the General Council at its next meeting.

37. Annual Report.

(1)The Executive Council shall prepare an annual report, containing such particulars as are prescribed by Regulations or as may be specified by the General Council by passing resolutions and the Executive Council shall take action in accordance therewith. The action taken shall be intimated to the General Council.(2)Copies of the annual report alongwith the resolution of the General Council thereon shall be submitted to the State Government. The State Government shall as soon as may be, cause the same to be laid on the table of the State Legislative Assembly.

38. Execution of Contracts.

- All contracts relating to the management and administration shall be executed by the Director when the value of the contract is above ten lakhs of rupees and by the Registrar, when its value does not exceeds ten lakhs of rupees.

39. Grant of Law Degree, Diploma etc. by the Institute.

- Notwithstanding anything contained in any other law for the time being in force, the Institute shall have power to grant Law Degrees, Diplomas and other academic distinctions and titles under this Act.

40. Honorary Degrees.

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

41. Withdrawal of degree or diploma.

(1)The General Council may, on the recommendation of the Executive Council, withdraw any distinction, degree, diploma or privilege confirmed on or granted to any person by a resolution passed by the majority of the total membership of the General Council and by a 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 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 Visitor within thirty days from the date of the receipt of such resolution.(5)The decision of the Visitor in such appeal shall be final.

42. Transfer of Property.

- The State Government may transfer to the Institute buildings, lands and any other property whether movable or immovable for use and management by the Institute on such conditions and subject to such limitations as the State Government may deem fit for the purpose of this Act.

43. Proceeding of authorities or bodies not invalidate by vacancies.

(1)Notwithstanding that the General Council, the Executive Council, the Academic Council or any other authority or body of the Institute is not duly constituted or there is a defect in its constitution or re-constitution at any time and notwithstanding that there is no act or proceeding of any authority, committee or body of the Institute shall be invalid merely by reason if-(a)any vacancy in or defect in the constitution thereof; or(b)any defect in the election nomination or appointment of a person acting as a member thereto; or(c)any irregularity in its procedure not affecting the merits of the case.(2)No resolution of any authority or body of the Institute shall be deemed to be invalid on account of any irregularity in the service of notice upon any member provided that the proceedings of such authority or body were not prejudicially affected by such irregularity.

44. Removal of difficulties at the commencement.

- If any difficulty arises with respect to the establishment of the Institute or in connection with the first meeting of any authority of the Institute or otherwise in first giving effect to the provisions of this Act and the Regulations, the Visitor may, at any time, before all authorities of the Institute have been constituted, by order, make any appointment or do anything consistent, so far as may be, with the provisions of this Act and the Regulations, which appear to him necessary or expedient for the purpose of removing the difficulty and every- such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Act and the Regulations :Provided that be making any such order Visitor shall ascertain and consider the opinion of the Director and of such Appropriate Authority of the Institute as may have been constituted.

45. Transitory provisions.

- Notwithstanding anything contained in this Act and the Regulations, the Director may, with the previous approval of the Chairman of the General Council and subject to the availability of funds, discharge all or any of the functions of the Institute for the purpose of carrying out the provisions of this Act and the Regulations and for that purpose may exercise any powers or perform any duties, which by this Act and the Regulations are to be exercised or performed by any authority of the Institute until such authority comes into existence as provided by this Act and the Regulations.

46. Indemnity.

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

47. Act to have overriding effect.

- The provisions of this Act and any Regulation made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.