

পঞ্জীভুক্ত নম্বৰ - ৭৬৮/৯৭

Registered No. 768/97

অসম ৰাজপত্ৰ



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT :: LEGISLATIVE BRANCH

## NOTIFICATION

The 19th September, 2009

**No.LGL.150/2008/31** :-- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. XXV OF 2009

(Received the assent of Governor on 15th September, 2009)

**THE NATIONAL LAW SCHOOL AND JUDICIAL ACADEMY,**

**ASSAM ACT, 2009**

AN

ACT

to provide for the establishment of a Law University and a Judicial Academy by the name of the National Law School and Judicial Academy, Assam at Guwahati for imparting legal education for development of teaching and higher learning in law with powers to award degrees, diplomas, and other academic distinctions and also to impart legal training and education for Judicial Officers.

Preamble

Whereas it is expedient to provide for the establishment of a Law University and a Judicial Academy by the name of the National Law School and Judicial Academy, Assam at Guwahati for imparting legal education for development of teaching and higher learning in law with powers to award degrees, diplomas, and other academic distinctions ;

And whereas introduction of compulsory induction training for one year to all newly recruited Judicial Officers made it obligatory to have a well equipped training academy to offer comprehensive legal training and research facilities for the Judicial Officers for the purpose of enhancing capacity and professional competence ;

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

It is hereby enacted in the Sixtieth Year of the Republic of India, as follows :-

Short title,  
extent and  
commencement

1. (1) This Act may be called the National Law School and Judicial Academy, Assam Act, 2009.

(2) It extends to the whole of Assam.

(3) It shall come into force at once.

Definitions

2. In this Act, unless the context other wise requires, -  
(a) "Academy" means the Judicial Academy, Assam mentioned under section 3;

- (b) "Authorities of the Law School" means the authorities mentioned in section 8 ;
- (c) "Board" means the Board of Management of the Academy as mentioned under section 32 ;
- (d) "Chairperson" means the Chairperson of the Board ;
- (e) "Court personnel" means an employee of the establishment of the Gauhati High Court, a court and a tribunal under the administrative control of the Gauhati High Court ;
- (f) "Director General" means the Director General of the Law School appointed under section 17 ;
- (g) "Director" means the Director of the Academy appointed under section 35 ;
- (h) "Fund" means the Judicial Training Fund mentioned in section 37 ;
- (i) "General Council" means the General Council mentioned in section 9 ;
- (j) "Government" means the Government of Assam;
- (k) "High Court" means the High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh ;
- (l) "Judicial Officer" means a District Judge, a Sessions Judge, an Additional District Judge, an Additional Sessions Judge, a Senior Civil Judge, a Civil Judge, a Judicial Magistrate, a Special Judicial Magistrate or a presiding officer of a court or a tribunal under the administrative control of the Gauhati High Court;
- (m) "Law School" means the National Law School and Judicial Academy, Assam, established under section 3 of this Act;
- (n) "Member" means a member of the Board ;
- (o) "prescribed" means prescribed by the Rules, Statutes and Regulations made under this Act ;
- (p) "President" means President of the Law School mentioned in section 7 ;
- (q) "Registrar of Law School" means the Registrar of the Law School appointed under section 18.

## CHAPTER II THE LAW SCHOOL

Establishment of the Law School 3. (1) There shall be established in the State of Assam a Law School by the name of "the National Law School and Judicial Academy, Assam".

(2) The Law School shall be a body corporate having perpetual succession and a common seal and shall be capable of entering into contract and sue and be sued by its name represented by the Registrar of the Law School.

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

(4) The main seat of the Law School shall be at Guwahati and it may establish campuses at such other places as it may deem fit.

Objects of  
the Law School

4. The objects of the Law School shall be , -

- (i) to evolve and impart comprehensive legal education and training at all levels to achieve excellence in the working of the Judicial Institutions;
- (ii) to organise advanced studies and promote research in all branches of law;
- (iii) to disseminate legal knowledge by organizing lectures, seminars, symposia, workshops and conferences;
- (iv) to promote cultural, legal and ethical values with a view to promote and foster the rule of law and the objectives enshrined in the Constitution of India;
- (v) to improve the ability to analyse and present for the benefit of the public contemporary issues of public concern and their legal implications;
- (vi) to liaise with institutions of higher learning and research in India and abroad;
- (vii) to publish periodicals, treaties, study books, reports, journals and other literature on all subjects relating to law;
- (viii) to hold examinations and grant degree and confer honorary awards and other academic distinctions;
- (ix) to promote legal awareness in the community for achieving social and economic justice;
- (x) to undertake study and training projects relating to law, legislation to the members of the judicial institutions;
- (xi) to do all such things as are incidental, necessary or conducive to the attainment of all or any of the objectives of the Law School; and
- (xii) to nurture and to promote quality and excellence in legal studies and research.

Powers and  
functions of  
the Law School

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

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

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

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

(xv) to accept grants of money, securities or property of any kind or description on such terms and conditions as may be deemed expedient;

(xvi) 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 Law School or without any securities and upon such terms and conditions as, it may think fit, and to pay out of the funds of the Law School, all expenses incidental to the raising of money, and to repay and redeem any money borrowed or debt made;

(xvii) to invest the funds of the Law School or moneys entrusted to the Law School in or upon such securities or deposits and in such manner as it may deem fit and from time to time transpose any investments;

(xviii) to make such Statutes, Regulations and other instruments as may, from time to time, be considered necessary for reservation of seats in terms of reservation policy of the Government, for regulating the affairs and the management of the Law School and its properties and to alter, modify and to rescind them;

(xix) to constitute for the benefit of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed pension, insurance, provident fund and gratuity and other schemes as it may deem fit and to make such grants as it may think fit for the benefit of the staff of the Law School and to aid in the establishment and support of associations, institutions, funds and trusts for the benefit of the staff and the students of Law School; and

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

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

(xxii) to institute professorships, associate professorships, assistant professorships, readerships, lecturer ships and any other teaching, academic or research posts required by the Law School;

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

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

(xxv) to establish and maintain within the premises of the Law School or elsewhere such Schools, Colleges and Study halls as the Law 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 Law School;

(xxvi) 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 Law 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;

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

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

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

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

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

(xxxii) to accept grants of money, securities or property of any kind or description on such terms and conditions as may be deemed expedient ;

(xxxiii) 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 Law School or without any securities and upon such terms and conditions as, it may think fit, and to pay out of the funds of the Law School, all expenses incidental to the raising of money, and to repay and redeem any money borrowed or debt made;

(xxxiv) to invest the funds of the Law School or moneys entrusted to the Law School in or upon such securities or deposits and in such manner as it may deem fit and from time to time transpose any investments ;

(xxxv) to make such Statutes, Regulations and other instruments as may, from time to time, be considered necessary for regulating the affairs and the management of the Law School and its properties and to alter, modify and to rescind them;

(xxxvi) to constitute for the benefit of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed pension, insurance, provident fund and gratuity and other schemes as it may deem fit and to make such grants as it may think fit for the benefit of the staff of the Law School and to aid in the establishment and support of associations, institutions, funds and trusts for the benefit of the staff and the students of Law School; and

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

Teaching in  
the Law School

6. (1) All recognized teaching of the Law School in connection

with the degrees, diplomas, certificates including training of the Officers shall be conducted under the Control of the General Council by the teachers and trainers, in accordance with the syllabus prescribed by the Regulations.

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

President of  
the Law School

7. (1) The Chief Justice of the Gauhati High Court (High Court of Assam, Nagaland, Meghalaya, Manipur, Tripura, Mizoram and Arunachal Pradesh) shall be the President of the Law School and in his absence, the acting Chief justice of Gauhati High Court shall discharge the functions of the President.

(2) The President, when present, shall preside over the functions of the Law School and the meetings of the General Council.

(3) The President may himself inspect at any time or may also direct inspection to be made by such person or persons as he may direct, of the Law School, its buildings, libraries and equipment and of any institution maintained by the Law School, and also of the schedule



training, examinations, teaching and other work conducted or done by the Law School and cause an inquiry to be made in the like manner in respect of any matter connected with the administration and finances of the Law School.

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

(5) The Law School shall communicate to the President the action taken or proposed to be taken on such advice.

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

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

### CHAPTER III

#### AUTHORITIES OF THE LAW SCHOOL

Authorities of  
the Law School

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

- (a) the General Council;
- (b) the Executive Council;
- (c) the Academic Council;
- (d) the Finance Committee, and

such other authorities as may from time to time be declared as such by the General Council.

General Council  
and its terms  
of Office

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

- (i) Chief Justice of the Gauhati High Court as President;
- (ii) Any Former President on invitation of the President;
- (iii) two sitting or retired judges of Gauhati High Court, nominated by the President;
- (iv) Advocate General of Assam;
- (v) Director General of the Law School will be the Member-Secretary of the General Council;

(vi) an eminent educationist nominated by the Government of Assam;

(vii) a nominee of the Chairman of the Bar Council of India from amongst the members of the Bar Council of India;

viii) Chairman, Bar Council of Assam ;

(ix) two eminent persons in the disciplines of Social Sciences and Humanities nominated by the President;

(x) Director of the Judicial Academy established under this Act;

(xi) two eminent persons in legal or educational field, nominated by the President;

(xii) four members from the Government of Assam among whom, one shall be the Chief Secretary to the Government of Assam, one shall be the Principal Secretary to the Government of Assam, Finance Department and one shall be the Legal Remembrancer and Secretary to the Government of Assam, Judicial Department, and one shall be the Secretary to the Government of Assam, Higher Education Department ;

(xiii) the Registrar of the Law School; and

(xiv) all the Professors, who are the Heads of Departments in the Law School.

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

(ii) the term of office of the nominated members of the General Council other than the ex-officio members shall be three years;

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

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

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

Powers, functions  
and meetings of  
the General Council

10. (1) The General Council shall be the plenary authority of the Law School and shall formulate and review from time to time

the broad policies and programmes of the Law School and devise measures for the improvement and development of the Law School and shall also have the following powers and functions, namely:-

(i) to consider and pass the annual report, financial statement and the budget estimates prepared by the Executive Council and to adopt them with or without modification;

(ii) to make statutes concerning the administration of the affairs of the Law School including prescribing the procedures to be followed by the authorities and the officers of the Law School in the discharge of their functions; and

(iii) to recommend the person to be appointed as Director General of the Law School from out of the panel prepared by the Selection Committee appointed by the Executive Council, and proposed by it.

(2) (i) 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;

(ii) a report of the working of the Law School during the previous year, together with a statement of receipts and expenditure, duly audited balance sheet, and the financial estimates shall be presented by the Director General of Law School to the General Council at its annual meetings;

(iii) meeting of the General Council shall be called by the Director General of Law School either at the request of not less than five members of the General Council or on the direction of the President;

(iv) for every meeting of the General Council, fifteen days notice shall be given;

(v) one-third of the members existing on the rolls of the General Council shall form the quorum;

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

(vii) in case of difference of opinion among the members, the opinion of the majority shall prevail.

Executive  
Council

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

- (i) the Director General of the Law School;
- (ii) a nominee of the Chairman of the Bar Council of India, from amongst its members;
- (iii) the Chairman, Bar Council of the State of Assam;
- (iv) one Judge of the High Court, either sitting or retired nominated by the President;
- (v) Principal Secretary to the Government of Assam, Finance Department,
- (vi) Legal Remembrancer and Secretary to the Government of Assam, Judicial Department,
- (vii) Registrar General of the Gauhati High Court;
- (viii) Secretary to the Government of Assam, Higher Education Department;
- (ix) Secretary to the Government of Assam, Personnel Department ;
- (x) the Registrar of the Law School;
- (xi) one Senior Grade-I, Judicial Officer, nominated by the President ;
- (xii) three Senior teachers to be nominated by the Director General of the Law School of whom, as far as possible, one shall be amongst Heads of the Departments, one from Professors and one from Associate Professors.

(2) The director shall be the Chairman of the Executive Council.

(3) (i) Where a person has become a member of the Executive Council by reason of the office or appointment he holds, his membership shall be co-terminus with the office held by him;

(ii) the term of office of the nominated members of the Executive Council other than ex-officio members shall be three years;

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

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

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

Powers, Functions  
and Meetings of  
the Executive Council

12. (1) Subject to the provision of section 10, the Executive Council

shall be the Chief Executive Authority of the Law School and as such shall have all powers necessary to administer the Law School subject to the provisions of this Act and the Statutes made there under and may make Regulations for that purpose and also with respect to matters provided hereunder

(2) the Executive Council shall have the following powers and functions:-

(i) to propose as and when required to the General Council for appointment as Director General of the Law School, a panel of three names after considering the recommendations of Selection Committee constituted for that purpose by it;

(ii) to recommend the names of three persons to the President for appointment as Registrar of the Law School on the recommendations of the Selection Committee constituted for that purpose by it;

(iii) to prepare and present to the General Council at its annual meetings:-

(a) a report on the working of the Law School;

(b) a statement of accounts; and

(c) budget proposals for the ensuing academic year ;

(iv) to manage and regulate the finances, accounts, investments, properties, business and all other administrative affairs of the Law School and for that purpose, constitute committees and delegate the powers to such committees or such officers of the Law School as it may deem fit;

(v) to invest any money belonging to the Law School, including any unapplied income, in such stock, funds, shares or securities, as it may, from time to time, think fit, or in the purchase of immovable property in India, with the like power of varying such investments from time to time;

(vi) to transfer or accept transfers of any movable or immovable property on behalf of the Law School;

(vii) to enter into, vary, carryout and cancel contracts on behalf of the Law School and for that purpose to appoint such officers as it may think fit;

(viii) to provide the buildings, premises, furniture and apparatus and other means needed for carrying on the work of the Law School;

(ix) to entertain, adjudicate upon, and if it thinks fit, to redress any grievances of the officers, the teachers, the students and the employees of the Law School;

(x) to create teaching, administrative, ministerial and other necessary posts, to determine the number and emoluments of such posts, to specify the minimum qualifications for appointment to such posts on such terms and conditions of service as may be prescribed by the Regulations made in this behalf;

(xi) 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;

(xii) to select a common seal for the Law School; and

(xiii) to exercise such other powers and to perform such other duties as may be considered necessary; or imposed on it by or under this Act.

(3) (i) the Executive Council shall meet at least once in four months and not less than fifteen days notice shall be given of such meeting;

(ii) the meeting of the Executive Council shall be called by the Director General of Law School or by the Registrar either on their own or at the request of not less than five members of the Executive Council;

(iii) six members of the Executive Council shall form the quorum at any meeting;

(iv) in case of differences of opinion among the members, the opinion of the majority shall prevail;

(v) each member of the Executive Council shall have one vote and if there be equality of votes on any question to be determined by the Executive Council, the President of the Executive Council or as the case may be, the Member presiding over that meeting shall, in addition, have a casting vote;

(vi) every meeting of the Executive Council shall be presided over by the Director General of the Law School and in his absence by a member chosen by the members present;

(vii) If urgent action by the Executive Council becomes necessary, the Director General of the Law School may permit the business to be transacted by circulation of papers to the members of the Executive Council. The action so proposed to be taken shall not be taken unless agreed to by a majority of members of the Executive Council. The action so taken shall be forthwith intimated to all the members of the Executive Council.

The papers shall be placed before the next meeting of the Executive Council for confirmation.

Academic  
Council

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

(i) the Director General of the Law School who shall be the Chairman thereof;

(ii) one Judge of the Gauhati High Court, either sitting or retired, nominated by the President;

(iii) Registrar General of the Gauhati High court ;

(iv) the Registrar of the Law School;

(v) three persons from amongst retired Judges of the High Court or educationists of repute or men of letters or members of the legal professions or eminent public men, who are not in the service of the Law School, nominated by the President;

(vi) all the Heads of the Departments of the Law School;

(vii) all Professors other than the Heads of the Department; and

(viii) two members of the teaching staff, one each respectively representing the associate and assistant professors of the Law School nominated by the Director General of Law School for the term specified;

(ix) a nominee of the Bar Council of India;

(x) a nominee of the Bar Council of Assam ;

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

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

Powers, functions  
and meetings of  
the Academic  
Council

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

(i) to report on any matter referred or delegated to it by the General Council or the Executive Council;

(ii) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the Law School and the emoluments payable and the duties attached thereto;

(iii) 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;

(iv) to recommend arrangements for the training, instruction and examination of persons other than those enrolled in the Law School;

(v) to promote research within the Law School and to require from time to time, reports on such research;

(vi) to consider proposals submitted by the faculties;

(vii) to suggest policies for admissions to the Law School;

(viii) to recommend, recognize diplomas and degrees of other Law School and institutions and to determine their equivalence in relation to the certificates, diplomas and degrees of the Law School;

(ix) to fix, subject to any conditions accepted by the General Council, the time, mode and conditions of competition for Fellowships, Scholarships and other prizes and to recommend for award the same;

(x) to make recommendations to the Executive Council in regard to the appointment of examiners and if necessary their removal and fixation of their fees, emoluments and travelling and other expenses;

(xi) to recommend arrangements for the conduct of examinations and the dates for holding them;

(xii) to declare or review the result of the various examinations or to appoint committees or officers to do so, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, licenses, titles and marks of honour;

(xiii) to recommend stipends, scholarships, medals and prizes and to make other awards in accordance with the Regulations and such other conditions as may be attached to the awards;

(xiv) to approve or revise lists of prescribed or recommended text books and to publish the same and syllabus at the prescribed courses of study;

(xv) to approve such forms and registers as are, from time to time, required by the 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 made thereunder.

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

(ii) one half of the existing members of the Academic Council shall form the quorum for a meeting of the Academic Council;

(iii) in case of difference of opinion among the members, the opinion of the majority shall prevail;

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

(v) every meeting of the Academic Council shall be presided over by the Director General of Law School and in his absence by a member chosen in the meeting to preside on the occasion;

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

Finance  
Committee

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

(i) the Director General of Law School;

(ii) the Registrar of Law School; and

(iii) three members nominated by the Executive Council from amongst its members out of whom at least one shall be from those nominated by the President and one from among them nominated by the Government of Assam.

(2) The members of the Finance Committee other than the Director General of Law School and Registrar of Law School, shall hold office so long as they continue as members of the Executive Council.

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

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

(ii) to consider all proposals for new expenditure and to make recommendations to the Executive Council.

(iii) to consider the periodical statement of accounts and to review the finances of the Law School from time to time and to consider re-appropriation statements and audit reports and to make recommendations to the Executive Council;

(iv) to give its views and to make recommendations to the Executive Council on any financial question affecting the Law School either on its own initiative or on reference from the Executive Council or the Director General of Law School.

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

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

#### CHAPTER-IV

#### OFFICERS OF THE LAW SCHOOL

Officers of the  
Law School

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

(a) the Director General of the Law School;

(b) the Registrar of the Law School;

(c) Heads of the Departments;

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

The Director  
General of  
Law School

17. (1) The Director General of the Law School shall be an academic person and an outstanding scholar in law with published works of high quality to his credit or a person who has been a judge of the High Court. He should, in the estimation of the General Council, be capable of providing effective

leadership to the Law School community. He shall be appointed by the President on the basis of the recommendations of the General Council from out of the panel prepared by the Selection Committee appointed by the Executive Council and proposed by the Executive Council. The term of the office of the Director General of the Law School is initially for a period of not more than three years and he is eligible for re-appointment. On the expiry of his term, he shall continue in office until his successor is appointed or an alternative arrangement is made by the President, whichever is earlier.

(2) The Director General of Law School shall, -

(i) ensure that the provisions of this Act, Statutes and Regulations are duly observed, and he shall have all powers as are necessary for that purpose;

(ii) convene the meetings of the General Council, the Executive Council, the Academic Council and shall perform all other acts, as may be necessary to give effect to the provisions of this Act;

(iii) preside over the meetings of the General Council in the absence of the President;

(iv) be the competent authority to appoint the teachers, librarians, Accounts Officer and other officers in consultation with the President on the recommendations of the Selection Committee appointed by the Executive Council thereof for that purpose in accordance with the guidelines prescribed;

(v) be the competent authority to take disciplinary action against the above officers in accordance with the procedure prescribed;

(vi) have all powers relating to the maintenance of proper discipline in the Law School;

(vii) if, in the opinion of the Director General of Law School, any emergency has arisen which requires immediate action be taken, he shall take such action as he may deem fit and shall report the same for confirmation in the next meeting of the authority which in the ordinary course would have dealt with the matter.

appointed by the Executive Council on such terms and conditions of service as it may specify, subject to the provisions of Statutes and Regulations.

(2) (i) Except those authorities, committees and other bodies where Director General is the Member-Secretary, the Registrar of the the Law School shall be Ex-Officio Member-Secretary of all the authorities, Committees and other bodies of the Law School and shall also be the Convener of all the meetings. He shall note and maintain the minutes of meetings;

(ii) the Registrar of the Law School shall be the principal administrative officer of the Director General of the Law School in all matters pertaining to the administration of the Law School. The Executive Council may entrust to him special responsibilities and powers;

(iii) the Registrar of the Law School shall have the power to appoint in consultation with the Director General of the Law School, the non-teaching staff including employees of last grade service and contingent staff in pursuance of the recommendations of the Selection Committee, appointed for that purpose, in the prescribed manner. He shall be the competent authority to take disciplinary action against such employees in accordance with such procedure as may be prescribed by the Regulations;

(iv) the Registrar of the Law School shall comply with all directions and orders of the Executive Council and Director General of the Law School;

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

Heads of the  
Departments

19. (1) There shall be a Head for each Department in the Law School.

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

Other officers  
and employees

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

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

Selection Committees

21. The Executive Council shall constitute various Selection Committees for appointment to the posts of officers and non-teaching staff including last grade service and contingent staff. The procedure for appointment of members of Selection Committees and the procedure to be adopted by the Committees shall be as may be prescribed by the Statutes or the Regulations as the case may be.

Statutes and Regulations

22. (1) The first Statutes of the Law School shall be made by the Director General with the approval of the President. They shall be placed before the General Council at its first meeting, which may adopt them with or without modifications

(2) The first Regulations of the Law School shall be made by the Director General of the Law School in consultation with the President. They shall be placed before the Executive Council at its first meeting which may adopt them with or without modifications.

Appointment of first Director General and first Registrar of Law School

23. Notwithstanding anything in this Act. and the Statutes, the first Director General and the first Registrar of the Law School shall be appointed by the President on a salary, to be fixed by him and each of the said officers shall hold office for a period to be fixed by him but not exceeding three years.

#### CHAPTER-V

##### GENERAL

Deemed validity of appointments

24. Notwithstanding anything contained in any other law, or instrument having the force of law, for the time being in force, the appointments made to any post in the Law School in accordance with the Statutes and Regulations shall be deemed to be valid and in accordance with law.

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

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

Indemnity against General Proceedings

26. No suit, prosecution or other legal proceedings shall lie against the Law School or any authority or officer or employee of the Law School for anything which is in good faith done or intended to be done in pursuance of the provisions of this Act, or the Statutes or Regulations or Rules made there under.

Overriding effect.

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

**Power to remove difficulties** 28. If any difficulty arises as to the first constitution or reconstitution of any authority of the Law School after the commencement of this Act or otherwise in giving effect to the provisions of this Act, the President may, by order, make such provisions, not inconsistent with the provisions of this Act, as may appear to him to be necessary or expedient for removing the difficulty. Provided that no such order shall be made after expiry of five years from the date of commencement of this Act.

## **CHAPTER - VI**

### **JUDICIAL ACADEMY**

**Academy to be the part & parcel of the Law School** 29. (1) The Academy shall be the part and parcel of the Law School and shall impart comprehensive legal training and research facilities to the Judicial Officers and court personnel.

(2) The Academy shall have the right to use all the infrastructural facilities of the Law School.

**Functions of the Academy**

**30. The Academy shall, -**

- (a) impart pre-service and in-service training to the judicial officers and court personnel;
- (b) develop the skills and techniques for court management, case management, delay reduction, alternate dispute resolution and judgment writing;
- (c) conduct examinations and award certificates and diplomas;
- (d) develop training courses relating to administration of justice including use of information technology;
- (e) hold conferences, seminars, lectures, workshops and symposia relating to court management, administration of justice, law and development and legislative drafting;
- (f) publish books, journals, research papers and reports on important topics relating to administration of justice;
- (g) promote research on case management, court management, trial skills and judicial reasoning;
- (h) encourage legal and constitutional research;
- (i) inculcate and promote ethical values and standards in judicial officers and court personnel;
- (j) coordinate with other educational and training institutions including the institutions of other State Governments and Central Governments;

- (k) conduct training and examinations of other officers and personnel on the direction of the Board; and
- (l) perform such other functions as may be assigned to it by the Board.

**Manner of training.**

31. (1) The Academy shall use all modern techniques for imparting judicial training, teaching methods and evaluation system shall be at par with international standards.
- (2) The Academy may enter into arrangements with other recognized public and private institutions for imparting training.
- (3) The Academy shall institute a quality examination and evaluation system with regard to the training imparted

**Board of Management.**

32. (1) The management and administration of the Academy shall vest in the Board.

(2) The Board shall consist of-

- |  |                   |
|--|-------------------|
| (a) President of the Law School  | Chairperson       |
| (b) Two Judges of the Gauhati High Court sitting or retired, nominated by the Chairperson; | Member            |
| (c) Director General of the Law School   | Member            |
| (d) Additional Chief Secretary to the Government of Assam,                                 | Member            |
| (e) Registrar General, Gauhati High Court  | Member            |
| (f) Secretary to the Government of Assam Finance Department                                | Member            |
| (g) Secretary to the Government of Assam Judicial Department;                              | Member            |
| (h) A District & Sessions Judge nominated by the Chairperson; and                          | Member            |
| (i) Director of the Academy  | Member- Secretary |

- (3) The existence of a vacancy in the Board shall not invalidate an act or proceedings of the Board.

**Meetings of the Board**

33. (1) The Board shall meet at least thrice in a calendar year.

(2) The Director shall convene a meeting of the Board on the direction of Chairperson or written request of three or more members.

(3) In the meeting of the Board,-

- (a) the Chairperson, or in his absence, a member nominated by the Chairperson shall preside;

- (b) five members shall constitute the quorum;
- (c) all decisions of the Board shall be taken by simple majority;
- (d) the Chairperson or a member presiding shall have a casting vote; and
- (e) the Director shall record the minutes of the meeting.

**Powers and functions of the Board**

**34. (1) The Board shall-**

- (a) exercise supervision and control over the affairs of the Academy;
- (b) lay down the policy and programme for training and approve courses of the Academy;
- (c) evaluate or cause to be evaluated the performance of the Academy;
- (d) approve the annual budget and revised budget estimates of the Academy;
- (e) cause proper books of accounts to be maintained for all sums of money received and expenditures incurred by the Academy and arrange for the audit of accounts;
- (f) determine the terms and conditions of service of the Director of the Academy and staff of the Academy;
- (g) create, abolish or upgrade a post;
- (h) appoint an officer up to clerical grade ; and
- (i) prescribe qualifications, conditions of service and other matters relating to faculty, officers and staff.

**(2) The Board may, -**

- (a) purchase, acquire, hire, dispose of or construct any property for the Academy;
- (b) hold, control and administer the property of the Academy;
- (c) receive grants-in-aid and donations from the Central Government, the Government or any other organization, person or agency;
- (d) regulate, determine and administer all matters concerning the Academy;
- (e) appoint advisors, consultants and experts for assistance;
- (f) appoint or hire permanent or visiting faculty;
- (g) assign a specific power to a person or organization; and
- (h) exercise any other power ancillary to the aims and objects of the Academy.

**(3) The Board may delegate all or any of its powers or functions to the Chairperson, a member or a committee of members.**

**Director of the Academy**

- 35. (1) The Chairperson shall appoint the Director of the Academy for a term of four years on the recommendation of the Board.**



(2) The Director may resign by tendering his resignation to the Chairperson and shall cease to hold office upon acceptance of his resignation.

(3) The Chairperson on the recommendation of the Board may, after providing an opportunity of being heard, remove the Director of the Academy during the term of his office.

(4) The Director of the Academy shall be a person who has been a Judge of the Gauhati High Court or a District Judge.

(5) The Director of the Academy shall be the chief executive officer of the Academy and shall be responsible for the affairs of the Academy before the Board.

(6) The Director of the Academy shall be the principal accounting officer of the Academy.

(7) The Director of the Academy shall, within two months of conclusion of each financial year, submit annual report to the Board containing performance and proposals for the improvement in the performance of the Academy.

**Appointment of officers and staff**

36.(1) The Board or the Director may appoint officers and staff of the Academy in accordance with the provisions as may be provided by the Board for appointment on direct recruitment, deputation, promotion or on contract basis.

(2) The Board shall determine the manner and the terms and conditions of appointment of officers and staff of the Academy.

(3) The Board shall determine qualification and experience of the teaching staff of the Academy taking into account of the qualification and experience provide for such staff in the world renowned Judicial Academies.

**Fund**

37. (1) There shall be a separate fund in the Law School to be known as the Judicial Training Fund.

(2) The Director of the Academy shall ensure the deposit of the income of the Academy in the Fund and incurring of the expenditures of the Academy from the Fund.

(3) The sources of income of the Fund shall be, -

(a) grants made by the Government ;

(b) donations, endowments and grants from any individual, organization or agency, whether national or international;

(c) sale proceeds of the property and publications of the Academy; and

(d) any other sum received by the Academy from any lawful source.

(4) The Fund shall be kept in such custody, for being utilized and regulated in the manner prescribed by the Rules.

- Budget and accounts.** 38. (1) The Director of the Academy shall utilize the Budget and maintain the accounts of the Academy in the prescribed manner.
- (2) The Director of the Academy shall prepare the Budget of the Academy for each financial year.
- (3) The Director shall not incur any expenditure from the Fund without the approval of the Board.
- Audit** 39. (1) The Board shall appoint a chartered accountant or a firm of chartered accountants to audit the accounts of the Academy.
- (2) The Director of the Academy, with the approval of the Board, within six months of the close of the financial year, shall submit to the Government the annual statement of accounts of the Academy along with the report of the auditor.
- Submission of the report** 40. (1) The Director of the Academy shall, with the approval of the Board within the period of six months of the close of the financial Year shall submit performance reports in the meeting of the Board, which shall include the following :-
- (a) details of courses run and designed by the Academy ;
  - (b) details of examinations carried out by the Academy ;
  - (c) research work done by the Academy ;
  - (d) the quality of training imparted at the Academy ;
  - (e) the standard of the students trained at the Academy and any other subject matter as may be directed by the Chairman.
- (2) The Director shall, within a month of submission of the above reports in the meeting of the Board, shall place the same before the Finance Committee of the Law School.
- Power to make rules** 41. (1) The Government may, by notification in the official Gazettee, make rules for carrying out the purposes of this Act.
- (2) All the rules made under this Act shall be laid, as soon as may be after they are so made, before the House of the State Legislature, while it is in session, for a period of not less than fourteen days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which they are so laid or of the session immediately following, the House of the State Legislature makes any modification in any of such rules or resolves that any such rules should not be made, such

rules 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 thereunder.

**MOHD. A. HAQUE,**  
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Legislative Department, Dispur.