

No. 1406/VII-V-1-1(Ka) 29-2005

Dated Lucknow, December, 19, 2005

IN pursuance of the provisions of clause (3) of article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of the Doctor Ram Manohar Lohiya Rashtriya Vidhi Sansthan Uttar Pradesh Adhiniyam, 2005 (Uttar Pradesh Adhiniyam Sankhya 15 of 2005) as passed by the Uttar Pradesh Legislature and assented to by the Governor on December 16, 2005.

DOCTOR RAM MANOHAR LOHIYA RASHTRIYA VIDHI SANSTHAN

UTTAR PRADESH ADHINIAM, 2005

[U.P. ACT NO. 28 of 2005]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

to establish and incorporate a National Law Institute at Lucknow in Uttar Pradesh and to provide for matters connected therewith or incidental thereto.

IT IS HEREBY enacted in the Fifty-sixth Year of the Republic of India as follows :—

1. (1) This Act may be called Doctor Ram Manohar Lohiya Rastriya Vidhi Sansthan Uttar Pradesh Adhiniyam, 2005.

Short title and commencement

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions

(i) "Academic Council" means the Academic Council of the Sansthan constituted under section 21;

(ii) "Director" means the Director of the Sansthan appointed under section 27;

(iii) "Executive Council" means the Executive Council of the Sansthan constituted under section 14;

(iv) "General Council" means the General Council of the Sansthan constituted under section 9;

(v) "Prescribed" means prescribed by regulations;

(vi) "Registrar" means the Registrar of the Sansthan appointed under section 29;

(vii) "Regulations" means the regulations of the Sansthan made under section 32;

(viii) "Sansthan" means Doctor Ram Manohar Lohiya Rashtriya Vidhi Sansthan Uttar Pradesh established under section 3;

(ix) "Secretary-in-Charge" means the Principal Secretary or the Secretary, as the case may be, of the concerned department of Government of Uttar Pradesh;

(x) "Senior Administrative officers of the State" means officers of the Indian Administrative Service and Provincial Civil Service of Uttar Pradesh posted in the Sansthan by the State Government;

(xi) "Teacher" means a teacher employed by the Sansthan for imparting education and guiding and conducting research in the Sansthan;

(xii) "Visitor" means the Visitor of the Sansthan referred to in section 7.

Establishment and
Incorporation of
the Sansthan

3. (1) With effect from such date as the State Government may by notification appoint, there shall be established in the State of Uttar Pradesh an Institute by the name of Doctor Ram Manohar Lohiya Rashtriya Vidhi Sansthan Uttar Pradesh.

(2) The Sansthan shall be a body corporate.

(3) The headquarters of the Sansthan shall be at Lucknow.

(4) In relation to the Sansthan to be established under this section,—

(a) the State Government shall appoint interim officers of the Sansthan and constitute interim authorities of the Sansthan in such manner, as it thinks fit;

(b) the officers appointed and members of the authorities constituted under clause (a) shall hold office until the appointment of officers or the constitution of the authorities in accordance with clause (c) or such other earlier date as may be specified by the State Government in this behalf:

Provided that the State Government may, by notification, extend the term of members of such authorities for a period not exceeding two years.

(c) the State Government shall take steps for the appointment of officers and constitution of authorities of the Sansthan in accordance with the provisions of this Act, so that the same may be completed before the expiry of the respective terms of the interim officers and members under clause (b).

Objectives of the
Sansthan

4. The objectives of the Sansthan shall be, —

(i) to advance and disseminate learning and knowledge of law and legal processes 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 by developing skills in regard to advocacy, Judicial and other legal services, legislation, law reforms in the existing laws and the like;

(iii) to organise lectures, seminars, symposia and conferences, to promote legal knowledge and to make law and legal processes efficient instrument 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 Sansthan.

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

Powers and
functions of the
Sansthan

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

(ii) to provide for instructions in such branches of knowledge of learning pertaining to law, as the Sansthan 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 Sansthan 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 Sansthan may determine and to withdraw any such diplomas, certificates, degree or other academic distinctions for good and sufficient cause;

(vii) to confer honorary degree or other distinctions in such manner as may be prescribed;

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

(ix) to Institute and maintain halls and hostels and to recognize places of residence for the students of the Sansthan and to withdraw such recognition accorded to any such place of residence;

(x) to supervise and control the residence, and to regulate the discipline, of the students of the Sansthan and to make arrangements for promoting their health;

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

(xii) to create academic, technical, administrative, ministerial and other posts with the prior approval of the State Government;

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

(xiv) to institute professorships, readerships, lecturerships, and any other teaching, academic or research posts required by the Sansthan with the prior approval of the State Government;

(xv) to appoint persons as professors, readers, lecturers or otherwise as teachers and research scholars of the Sansthan;

(xvi) to institute and award fellowships, scholarship, prizes and medals;

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

(xviii) to co-operate with any other organization in the matter of education, training and research in law, justice, social development and allied subjects for such purposes as may be agreed upon on such terms and conditions as the Sansthan may from time to time determine;

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

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

(xxi) to establish and maintain, within the premises of the Sansthan or elsewhere, such class rooms and study halls as the Sansthan 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 Sansthan;

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

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

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

Provided that where the properties have been created with the financial assistance of the State or the Central Government prior approval of the State Government shall be necessary;

(xxv) 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;

(xxvi) to execute conveyances transfer, reconveyances, mortgages, leases, licences and agreements in respect of property, movable or immovable including Government securities belonging to the Sansthan or to be acquired for the purpose of the Sansthan with prior approval of the State Government;

(xxvii) to appoint in order to execute an instrument or transact any business of the Sansthan, any person as it may deem fit;

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

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

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

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

(xxxii) to do all such other acts and things as the Sansthan may consider necessary, conducive or incidental to the attainments or enlargements of all or any of its objectives.

6. (1) All recognised teaching in connection with the degrees, diplomas and certificates of the Sansthan shall be conducted under the control of the General Council by the teachers of the Sansthan in accordance with such syllabus as may be prescribed.

Teaching in the
sansthan

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

7. (1) The Chief Justice of India shall be the Visitor of the Sansthan:

Visitor of the
Sansthan

Provided that if the Chief Justice of India does not give his consent to hold the office of the Visitor of the Sansthan, the State Government may nominate a former Chief Justice of India to hold the office of Visitor of the Sansthan, in such manner and on such terms and conditions as may be prescribed.

(2) The Visitor shall have the right to cause inspection to be made, by such person or persons as he may direct, of the Sansthan, its buildings libraries and equipments and of any Institution maintained by the Sansthan, and also of the examinations, teaching and other work conducted or done by the Sansthan and to cause an inquiry to be made in like manner in respect of any matter connected with the administration and finances of the Sansthan.

(3) The Visitor shall give notice to the Sansthan of his intention to cause an inspection or inquiry to be made and the Sansthan 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 the Visitor such action, if any, as it proposes to take or has been taken on the result of such inspection or inquiry.

Authorities of the Sansthan

8. The following shall be the authorities of the Sansthan:—

- (i) the General Council;
- (ii) the Executive Council;
- (iii) the Academic Council;
- (iv) the Finance Committee; and
- (v) such other authorities as may be prescribed.

General Council

9. (1) There shall be a General Council of the Sansthan which shall consist of the following members, namely:—

I. Ex-officio Members

- (i) The Chief Minister of Uttar Pradesh
- (ii) The Chief Justice of High Court of Judicature, at Allahabad
- (iii) The Minister of Law Government of Uttar Pradesh
- (iv) The Minister of Higher Education Government of Uttar Pradesh
- (v) The Advocate General, Uttar Pradesh
- (vi) The Chairman, State Bar Council, Uttar Pradesh
- (vii) The Secretary-in-charge of Judicial Department, Government of Uttar Pradesh.
- (viii) The Secretary-in-charge of Finance Department Government of Uttar Pradesh.
- (ix) The Secretary-in-charge of Higher Education Department, Government of Uttar Pradesh.
- (x) The Director of the Sansthan.

II. Nominated Members

- (i) one Judge of the High Court of Judicature at Allahabad nominated by the chief Justice of the said High Court;
- (ii) two Members of the Lok Sabha from Uttar Pradesh, one of whom shall be from the ruling party and another from the opposition party, to be nominated by the Speaker of the Lok Sabha;
- (iii) two members of Uttar Pradesh Legislative Assembly one of whom shall be from the ruling party and another from the opposition party, to be nominated by the Speaker of the Legislative Assembly;
- (iv) a Vice-Chancellor of a University of Uttar Pradesh to be nominated by the State Government;
- (v) one nominee of the Bar Council of India from amongst its members;
- (vi) five eminent persons in the field of law to be nominated by the State Government.

(2) The Chief Minister of Uttar Pradesh shall be the Chairman of the General Council and the Director of the Sansthan shall be the Secretary of the General Council.

Term of Office of members of the General Council

10. (1) The term of the office of the nominated members of the General Council shall subject to sub-section (2) and (3) be three years.

(2) When a person is nominated as a member of the General Council, he shall cease to be such member if his nomination as such is withdrawn by the nominating body or person as the case may be.

(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 accepts a full time appointment in the Sansthan or if he fails to attend three consecutive meetings of the General Council without the leave granted by the Chairman or acts against the interests of the Sansthan.

(4) A member of General Council may resign his office by a letter addressed to the Chairman and such resignation shall take effect as soon as it has been accepted by the Chairman.

(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.

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

Powers of the
General Council

(i) to appoint the Director of the Sansthan under the provisions of this Act;

(ii) to exercise the powers and functions of the Sansthan referred to in section 5 except where such powers are given to some other authority or officer of the Sansthan under the provisions of this Act;

(iii) to review from time to time the broad policies and programmes of the Sansthan and to take measures for the improvement and development of the Sansthan;

(iv) to consider and pass resolutions as deemed fit on the annual report, financial estimates, annual accounts and the audit reports on such accounts;

(v) to delegate all or any of its powers to the Director or any committee or any sub-committee or to any one or more of its members, and

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

12. (1) The General Council shall meet atleast once in a year and atleast fifteen days notice shall be given for its meetings.

Meetings of the
General Council

(2) The Chairman shall preside over the meeting of the General Council and in his absence, any member duly authorized by the Chairman shall preside over the meeting.

(3) One third of the total number of members of the General Council shall form a quorum for a meeting.

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

(5) If urgent action by the General Council becomes necessary, the Chairman may permit the business to be transacted by circulation of papers to the members of the General Council. The action proposed to be taken shall not be taken unless agreed to by one-third of the total 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 Sansthan 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.

13. (1) The Executive Council shall be the chief executive body of the Sansthan.

The executive
Council.

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

Constitution of the
Executive Council

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

- (i) the Director;
- (ii) Three members of the General Council to be nominated by the Chairman of the General Council;
- (iii) The Chairman of the State Bar Council, Uttar Pradesh;
- (iv) The Secretary-in-charge of Judicial Department, Government of Uttar Pradesh;
- (v) The Secretary-in-charge of Finance Department Government of Uttar Pradesh;
- (vi) The Secretary-in-charge of Higher Education Department, Government of Uttar Pradesh;
- (vii) Two eminent educationists nominated by the State Government;
- (viii) Two persons of social eminence nominated by the State Government;
- (ix) Two whole time Senior Professors of the Sansthan, by rotation according to seniority.

(2) The Director shall be the Chairman of Executive Council and the Registrar shall be the Secretary of the Executive Council.

Term of office of
Executive Council

15. (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 thereof if he resigns or becomes of unsound mind or becomes insolvent or is convicted of a criminal offence involving moral turpitude or if member other than the Director or a member of a faculty accepts a full time appointment in the Sansthan or if he fails to attend three consecutive meetings of the Executive Council without the leave granted by the Chairman of the Executive Council or acts against the interests of the Sansthan.

(3) 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 Unless the membership of the Executive Council is previously terminated as provided in the above sub-sections but shall be eligible for renomination or re-appointment, as the case may be.

(4) A member of the Executive Council other than *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 has been 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.

Powers and
functions of the
Executive Council

16. Without prejudice to the provisions of section 11, the Executive Council shall have the following powers and functions:

- (i) to create teaching posts in the Sansthan and to determine the qualifications, emoluments and duties attached thereto with the prior approval of the State Government after considering the recommendations of the Academic Council;

(ii) to appoint from time to time, Professors, Readers, Lecturers, other members of the teaching staff, the Librarian and such other members of the teaching staff as may be necessary on the recommendations of the Selection Committee constituted by regulations for the purpose;

(iii) to create administrative, ministerial and other necessary posts to determine the minimum qualifications and emoluments of such posts with the prior approval of the State Government;

(iv) to manage and regulate the finances, accounts investments, property, business and all other administrative affairs of the Sansthan;

(v) to invest any money belonging to the Sansthan 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 Sansthan:

Provided that no immovable property shall be transferred to the third party without the prior approval of the State Government.

(vii) to enter into, vary, carryout and cancel contracts on behalf of the Sansthan 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 Sansthan;

(ix) to entertain, adjudicate and to redress any grievances of the Officer of the Sansthan, the teacher, 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 traveling and other allowances, after consulting the Academic Council;

(xi) to select a common seal for the Sansthan and to provide for the custody of the seal;

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

(xiii) to delegate any of its powers except the powers to make regulations to any Officer or Authority either temporarily or permanently; and

(xiv) to exercise such other powers and to perform such other duties as may be conferred or imposed on it by or under this Act.

17. (1) The Executive Council may, by regulations, provide for reservations of seats to the residents of the State of Uttar Pradesh and Members of Scheduled Castes, Scheduled Tribes and other backward classes as defined in the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other backward classes) Act, 1994 in admission to the various courses.

Reservation in admissions and appointments

(2) The provision of the Uttar Pradesh Public Services (Reservation for Scheduled Castes, Scheduled Tribes and other Backward Classes) Act, 1994 and the orders and instructions issued from time to time by the State Government with respect to reservation shall be applicable to the posts to be filled by direct recruitment or by promotion in every existing teaching or non-teaching staff of the Sansthan.

Meetings of the Executive Council

18. (1) The Executive Council shall meet atleast once in three months and not less than fifteen days notice shall be given for such meeting.

(2) The Chairman of the Executive Council shall preside over a meeting of the Executive Council, and in his absence the members presents shall elect a person from amongst themselves to preside over the meeting.

(3) One-third of the total 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.

Constitution of Standing Committee and appointment of adhoc committees by the Executive Council

19. (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 adhoc 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 Sansthan or for enquiring into, reporting or advising upon any matter relating to the Sansthan.

(2) The Executive Council may co-opt persons to a standing committee or an adhoc committee as it considers suitable and may permit them to attend the meetings of the Executive Council.

Academic Council

20. the Academic Council shall be the academic body of the Sansthan 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 Sansthan 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.

Constitution of the Academic Council

21. (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 any profession or eminent public men, who are not in service of the Sansthan nominated by the Chairman in consultation with the General Council;

(iii) the Secretary-in-charge of Judicial Department, Government of Uttar Pradesh or his nominee not below the rank of Special Secretary;

(iv) a nominee of the Bar Council of Uttar Pradesh;

(v) all the Heads of the Department of the Sansthan;

(vi) all Professors other than the Heads of the Department, if any;

(vii) two members of the teaching staff, one each representing the Readers and the Lecturers of the Sansthan.

(2) The term of the members other than *ex-officio* members shall be three years.

(3) Where a person has become a member of the Academic Council by reason of the office or appointment he holds, his membership shall terminate when he ceases to hold such office of appointment.

(4) A member of the Academic Council shall cease to be a member thereof 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 faculty accepts full time appointment in the Sansthan or if he fails to attend three consecutive meetings of the Academic council without the leave of the Chairman of the Academic Council.

(5) Unless the membership of the Academic Council thereof is previously terminated as provided in the foregoing sub-sections, members of the Academic Council shall relinquish their membership on the expiry of three years from the date on which they become members of the Academic Council but shall be eligible for re-nomination or re-appointment, as the case may be:

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

(7) Any vacancy in the Academic Council shall be filled either by appointment or nomination, as the case may be, by the respective authorities to make the same.

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

Powers and duties of the Academic Council

(i) to report on any matter referred to 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 Sansthan 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 the Executive Council as to the expediency of the abolition or subdivision of any faculty or the combination of one faculty with another;

(iv) to promote research within the Sansthan and to require, from time to time, report on such research;

(v) to consider proposals submitted by the faculties;

(vi) to lay norms and to appoint committees for admission to the Sans^than.

(vii) to recognise diplomas and degrees of other Universities and Institutions and to determine their equivalence in relation to the diplomas and degree of the Sansthan.

(viii) to fix, subject to any conditions accepted by the General Council, the time, mode and conditions of competitions for fellowship, scholarship and other prizes and to award the same;

(ix) 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;

(x) to make arrangements for the conduct of examinations and to fix dates for holding them;

(xi) to declare the results of the various examinations or to appoint committees or officers to do so, and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, licences, titles and marks of honour.

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

(xiii) to publish list of prescribed or recommended text books and to publish syllabus of the prescribed courses of study;

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

(xv) 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 the provisions of this Act and the regulations.

Meetings of the
Academic
Council

23. (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 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 meeting shall, in addition, have a casting vote.

The Finance
Committee

24. (1) There shall be a Finance Committee consisting of the following members namely:—

(i) the Director;

(ii) one member nominated by the General Council from amongst its members;

(iii) one member nominated by the Executive Council from amongst its members;

(iv) the Secretary in-charge, Department of Higher Education, Uttar Pradesh or his nominee not below the rank of Special Secretary;

(v) the Secretary in-charge of Judicial Department Government Uttar Pradesh or his nominee not below the rank of Special Secretary;

(vi) the Secretary in-charge, Finance Department, Uttar Pradesh or his nominee not below the rank of Special Secretary;

(vii) the Registrar;

(viii) The Finance Officer- Member Secretary

(2) The nominated 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 scrutinize the annual budget of the Sansthan 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 statements of accounts and to review the finances of the Sansthan from time to time and to consider re-appropriation 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 Sansthan either on its own initiative or on reference from the Executive Council or the Director;

(4) The Finance Committee shall meet at least 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.

25. (1) The Executive Council shall constitute a Selection Committee for making recommendations to the Executive Council for appointment to the posts of teachers and other employees in the Sansthan.

Selection
Committee

(2) The selection committee shall consist of the following members, namely:-

(i) the Director who shall be the Chairman of the Committee;

(ii) the Head of the Department concerned, if any who is not lower in rank than that of the post for which selection is to be made;

(iii) (a) Where an appointment is to be made for any teaching post, three experts nominated by the Director from amongst a panel of names recommended by the Academic Council and approved by the Executive Council.

(b) Where an appointment is to be made to any post other than concerned with teaching, three experts in the field of the Sansthan's administration to be nominated by the Director from amongst a panel of names recommended by the Executive Council.

(3) Where an endowment from a donor is accepted by the Sansthan for establishing a Chair, the donor may be co-opted as member of the Selection Committee for the purpose of filling in that post.

26. The following shall be the officers of the Sansthan, namely:-

Officer of the
Sansthan

(i) the Director;

(ii) the Head of the Department;

(iii) the Registrar;

(iv) the Finance Officer

(v) such other officer as may be prescribed.

The Director

27. (1) The Director shall be a whole time salaried officer of the Sansthan. The Director after the commencement of this Act shall be appointed by the General Council from amongst persons whose names are sent to the General Council by the Committee constituted in accordance with provisions of sub-section (2).

Provided that the first Director shall be appointed by the State Government.

(2) The Committee referred to in sub-section (1) shall consist of the following members, namely—

(i) One person to be nominated by the Visitor.

(ii) One person to be nominated by the General Council.

(iii) One person to be nominated by the State Government.

(3) The Committee shall, as far as may be, at least six months before the date on which a vacancy in the office of the Director is due to occur by reason of expiry of term or resignation under sub-section (4), and also whenever so required and before such date as may be specified by the General Council; submit to the General Council the names of not less than three persons suitable to hold the office of the Director. The Committee shall, while submitting the names, also forward to the General Council a concise statement showing the academic qualifications and other distinctions of each of the persons so recommended, but shall not indicate any order of preference.

(4) The Director shall hold office for a term of five years from the date on which he enters upon his office or till he/she completes the age of sixty five years, whichever is earlier:

Provided that the Director may by writing under his hand addressed to the Chairman of the General Council resign his office, and shall cease to hold his office on the acceptance by the General Council of such resignation.

(5) Subject to the provisions of this Act, the emoluments and other conditions of service of the Director shall be such as may be prescribed.

(6) The Director shall not be entitled to the benefit of any pension, insurance or provident fund.

(7) The Chairman of the General Council may appoint any suitable person to the office of Director for a term not exceeding six months if the vacancy in the office of Director occurs or is likely to occur by reason of leave or any other cause, not being resignation or expiry of term, of which a report shall forthwith be made by the registrar to the Chairman of the General Council.

(8) If in the opinion of the General Council, the Director wilfully omits or refuses to carry out the provisions of this Act or abuses the powers vested in him, or if it otherwise appears to the General Council that the continuance of the Director in office is detrimental to the interest of the Sansthan, the General Council may, after making proper inquiry which shall be completed preferably within six months, remove the Director by an order after giving him an opportunity of being heard.

(9) During the pendency or in contemplation, of any inquiry referred to in sub-section (8) the General Council may order that till further orders -

(a) such Director shall refrain from performing the functions of the office of Director, but shall continue to get the emoluments to which he was otherwise entitled under sub-section (5).

(b) the functions of the office of the Director shall be performed by the person specified in the order.

(10) The Director shall-

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

(b) subject to the specific and general directions of the Executive Council, the Director shall exercise all powers of the Executive Council in the management and administration of the Sansthan.

(c) 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;

(d) have all powers relating to the proper maintenance of discipline in the Sansthan .

(11) If, in the opinion of the Director, any emergency has arisen, which requires immediate action, he shall take such action as he deems necessary and shall report the same for confirmation, in the next meeting, of the authority concerned which in the ordinary course would have dealt with the matter.

28. (1) There shall be a Head of the Department for each of the departments in the Sansthan.

Heads of the Department

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

29. (1) The Registrar shall be a whole time officer of the Sansthan . He shall be appointed by the State Government from amongst the senior administrative officers of the State.

The Registrar

(2) The Registrar shall be the *ex-officio* Secretary of the Executive Council, Academic Council, 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 Sansthan as the Executive Council shall commit to his charge;

(iii) issue all notices convening meeting of the Executive Council, the Academic Council, the Finance Committee, the faculties, the Board of studies and of any committee, appointed by the authorities of the Sansthan ;

(iv) keep the minutes of all meetings of the Executive Council, the Academic Council, the Finance Committee, the faculties and any committee appointed by the authorities of the Sansthan ;

(v) conduct the official correspondence of the Executive Council and the Academic Council;

(vi) supply the visitor the copies of the agenda of the meetings of the authorities of the Sansthan as soon as they are issued and the minutes of the meetings of the authorities ordinarily within a month of the holding of the meeting;

(vii) 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 Sansthan ;

(viii) represent the Sansthan in suits or proceedings by or against the Sansthan , sign powers of attorney and verify the pleadings or depute representatives for the purpose;

(ix) be directly responsible to the Director for the proper discharge of his duties and functions;

(x) perform such other duties as may be assigned to him from time to time, by the Executive Council or the Director under the provisions of this Act or the regulations;

(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 Sansthan to exercise such powers, functions, and the duties of the Registrar as the Director deems fit.

30. (1) The Finance Officer shall be appointed by the State Government.

(2) The Finance Officer shall,—

(a) present the budget (annual estimates) and the statement of account to the Executive Council and also draw and disburse funds on behalf of the Sansthan ;

(b) speak in and otherwise take part in the proceedings, pertaining to matters of finance, of the Executive Council except voting ;

(c) ensure that no expenditure, not authorized in the budget is incurred by the Sansthan (otherwise than by way of investment);

(d) disallow any proposed expenditure which may contravene the provision of this Act or regulations.

(e) ensure that no financial irregularity is committed and take steps to set right any irregularities pointed out during audit;

(f) ensure that the property and investments of the Sansthan are duly preserved and managed;

(g) to exercise general supervision over the funds of the Sansthan ;

(h) advise in financial matter either *SUO moto* or on his advice being sought;

(i) collect the incomes, disburse the payments and maintain the accounts of the Sansthan ;

(j) ensure that the registers of buildings, lands, items of furniture and equipments are maintained upto date and that stock checking of equipment and other consumable material is conducted regularly in the Sansthan ;

(k) probe into any unauthorized expenditure and other financial irregularities and suggest to the competent authority, disciplinary action against persons at fault.

(1) perform such other duties in respect of financial matters as may be assigned to him by the Executive Council or the Director .

(3) In the event of the post of the Finance Officer remaining vacant for any reason the Director may authorize any officer in the service of the Sansthan to exercise such powers, functions and the duties of the Finance Officer as the Director deems fit;

31. (1) Subject to the regulations made for the purpose every other officer or employee of the Sansthan shall be appointed under written contract setting out the conditions of service as prescribed by the regulations which shall be lodged with the Sansthan and a copy thereof furnished to the officer or employee concerned.

Other Officers and Employees

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

32. (1) The Executive Council may make regulations for carrying out the provisions of this Act:

How to make regulations

Provided that the Executive Council shall not make any regulations affecting the status, powers or constitution of any authority of the Sansthan until such authority has been given an opportunity of expressing an 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, namely -

- (i) the constitution, powers and duties of the Academic Council;
- (ii) the authorities responsible for organizing teaching in connection with the Sansthan courses and related academic programmes;
- (iii) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (iv) the establishment and abolition of faculties, 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) examinations to be recognized as equivalent to Examinations of the Sansthan;

(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 any 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 any 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:

Appointment of
Review
Commission

33. (1) The Visitor shall atleast once in every five years constitute a commission to review the working of the Sansthan and to make recommendations

(2) The Commission shall consist of not less than three eminent educationists in the field of law 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 the appointment of the members referred to in sub-section (2) 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 of the Commission as he deems fit.

Fund of the
Sansthan

34. (1) There shall be a Fund of the Sansthan 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 Sansthan from fees and charges; and

(vi) amounts received from any other source; but shall not include any funds received from any agency for sponsoring a scheme.

(2) The amount in the Fund of the Sansthan shall be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934 (Act no. 2 of 1934) or in a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (Act no. 5 of 1970) and the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (Act no. 40 of 1980) or may be invested in such securities authorized by the Indian Trusts Act, 1882 (Act no. 2 of 1882) as may be decided by the Executive Council.

(3) The Fund of the Sansthan may be utilized for such purpose of the Sansthan and in such manner as may be prescribed.

The Annual
Accounts and
Audit

35. (1) The Annual Accounts and the balance sheet of the Sansthan shall be prepared under the directions of the Executive Council.

(2) The accounts of the Sansthan shall, atleast once in a year, be audited by the Director, Local Funds Accounts, Uttar Pradesh or by such person or persons as the State Government may authorize in this behalf.

(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. (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.

Financial estimates

(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 as may be prescribed. 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. (1) An officer specified in section 26 shall be liable to surcharge for the loss, waste or misapplication of any money or property of the Sansthan, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct.

Surcharge

(2) The procedure of surcharge and the manner of recovery of the amount involved in such loss, waste or misapplication shall be such as may be prescribed.

38. All contracts relating to the management and administration of the Sansthan shall be expressed as made by the Executive Council, and 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 exceed ten lakhs of rupees

Execution of Contracts

39. The Sansthan shall have power to grant Degrees, Diplomas and other academic distinctions and titles under this Act.

Grant of Law Degree, Diploma etc. by the Sansthan

40. If not less than two-third of the members of 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 distinction, the General Council may, by a resolution, decide that the same may be conferred on the person recommended.

Honorary Degree

41. (1) The General Council, may, on the recommendation of the Executive Council, withdraw any distinction, degree, diploma or privilege conferred on or granted to any person by a resolution passed by the majority of the total membership of the General Council and by a majority of not less than two-third of the members of the General Council present and voting at the meeting, if such person has been convicted by a Court of law for an offence, which in the opinion of the General Council involves moral turpitude or if he has been guilty of gross-misconduct.

Withdrawal of a degree or a diploma

(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.

Transfer of property

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

Discipline

43. (1) The final authority responsible for maintenance of discipline among the students of the Sansthan shall be the Director. His directions in that behalf shall be carried out by the Heads of the Department, hostels and institutions of the Sansthan.

(2) Notwithstanding anything contained in sub-section (1) the punishment of debarring a student from the examination or rustication from the Sansthan or a hostel or an institution, shall on the report of the Director be considered and imposed by the Executive Council :

Provided that no such punishment shall be imposed without giving to the student concerned a reasonable opportunity to show cause against the action proposed to be taken against him.

Sponsored schemes

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

(a) the amount so received shall be kept by the Sansthan separately from the Fund of the Sansthan and utilized only for the purposes of the scheme; and

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

Proceedings of authorities of bodies not invalidated by vacancies

45. (1) Notwithstanding that the General Council, the Executive Council, the Academic Council or any other authority or body of the Sansthan 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 Sansthan shall be invalid merely by reasons of —

(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 Sansthan 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 if not prejudicially affected by such irregularity.

46. If any difficulty arises with respect to the establishment of the Sansthan or in connection with the first meeting of any authority of the Sansthan or otherwise in giving effect to the provisions of this Act and the regulations, the State Government may, at any time, before all authorities of the Sansthan have been constituted, by order, make any appointment or do anything consistent, so far as may be, with the provisions of this Act, which appear to it 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:

Removal of difficulties

Provided that before making any such order the State Government shall ascertain and consider the report in this behalf, if any, of the Director and such appropriate authority of the Sansthan as may have been constituted :

Provided further that no such order shall be made after two years of the date of notification of this Act.

47. Notwithstanding anything contained in this Act and the regulations made thereunder 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 Sansthan 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 Sansthan until such authority comes into existence as provided by this Act and the regulations.

Transitory provisions

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

Indemnity

49. The provisions of this Act and any regulation 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.

Act to have overriding effect

STATEMENT OF OBJECTS AND REASONS

Although several colleges and universities in Uttar Pradesh are imparting education in the subject of law, yet due to the lack of excellent infrastructural facilities many meritorious students of the State are facing several problems in seeking admission in the National Law School and University/National Law Institutes established in other States such as Karnatak, Andhra Pradesh, Madhya Pradesh, Rajasthan and West Bengal. The jurists, the educationists, the guardians and the students are demanding persistently for the establishment of a National Law Institute in Uttar Pradesh for promoting education in law in the State. It has, therefore, been decided to make a law for the establishment of a Law Institute at Lucknow in Uttar Pradesh under the name of 'Doctor Ram Manohar Lohiya Rashtriya Vidhi Sansthan Uttar Pradesh' to advance and disseminate leaning and knowledge of law and legal process and to develop in the students and research scholars a sense of responsibility to serve society in the field of law by developing skills and in advocacy, judicial and other legal services and legislation and the like.

Doctor Ram Manohar Lohiya Rashtriya Vidhi Sansthan Uttar Pradesh Vidheyak, 2005 is introduced accordingly.

By Order,
RAM HARI VIJAI TRIPATHI,
Pramukh Sachiv.