



Act. NO 25/2009
30.10.2009

পঞ্জীকৃত নম্বৰ - ৭৬৮/৯৭

Registered No. 768/97

অসম  ৰাজপত্ৰ

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

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No. 305 Dispur, Saturday, 19th September, 2009, 28th Bhadra, 1931 (S.E.)

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**

- (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.

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;

- (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;

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;

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.

(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) 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:-

(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.

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.

The Registrar
of Law School

18. (1) The Registrar of the Law School shall be appointed by the President on the recommendations of the Selection Committee

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.

- (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;

(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.

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,
Secretary to the Government of Assam,
Legislative Department, Dispur.

