



महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ५, अंक ५७]

मंगळवार, फेब्रुवारी १८, २०१४/माघ २९, शके १९३५ [पृष्ठे २१, किंमत : रुपये २७.००

असाधारण क्रमांक ९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra National Law University Ordinance, 2014 (Mah. Ord. V of 2014), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,
Principal Secretary to Government,
Law and Judiciary Department.

(Translation in English of the Maharashtra National Law University Ordinance, 2014 (Mah. Ord. V of 2014), published under the authority of the Governor).

HIGHER AND TECHNICAL EDUCATION DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk, Mantralaya,
Mumbai 400 032, dated the 18th February 2014.

MAHARASHTRA ORDINANCE No. V OF 2014.

AN ORDINANCE

to establish and incorporate National Law Universities in the State for the development and advancement of legal education and for the purposes of imparting specialized and systematic instruction, training and research in systems of law and for the matters connected therewith or incidental thereto.

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action to establish and incorporate National Law Universities in the State for the development and advancement of legal education and for the purpose of imparting specialized and systematic instruction, training and research in systems of law and for the matters connected therewith or incidental thereto, for the purposes hereinafter appearing ;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

1. (1) This Ordinance may be called the Maharashtra National Law University Ordinance, 2014.

Short title and commencement,

(2) It shall come into force at once.

Definitions.

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

(a) "Academic Council" means the Academic Council of the university referred to in section 21;

(b) "Bar Council of India" means the Bar Council of India, constituted under the Advocates Act, 1961; 25 of 1961.

(c) "Chancellor" means the Chancellor of the university;

(d) "Executive Council" means the Executive Council of the university referred to in section 15;

(e) "Finance Committee" means the Finance Committee of the university referred to in section 25;

(f) "General Council" means the General Council of the university referred to in section 11;

(g) "Registrar" means the Registrar of the university referred to in section 29;

(h) "regulations" means the regulations of the university made under section 44;

(i) "Schedule" means the Schedule appended to this Ordinance;

(j) "State Government" means the Government of Maharashtra;

(k) "teacher" includes Professors, Associate Professors, Assistant Professors, Readers, Lecturers and any other person imparting instructions in the university;

(l) "university" means the Maharashtra National Law University, specified in the Schedule;

(m) "University Grants Commission" means the University Grant Commission established under the University Grants Commission Act, 1956; 3 of 1956.

(n) "Vice-Chancellor" means the Vice-Chancellor of the university.

Establishment
and
incorporation
of universities.

3. (1) With effect from such date, as the State Government may, by notification in the *Official Gazette*, appoint, there shall be established the universities having the name and headquarters as specified in the Schedule:

Provided that, different dates may be appointed for establishing different universities.

(2) The State Government may, from time to time, by notification in the *Official Gazette*, constitute any new university under this Ordinance by such name, at such place and with effect from such date as may be specified in such notification, and by the said notification also insert necessary entries in the Schedule by suitably amending the Schedule and thereupon the Schedule shall stand amended accordingly:

Provided that, no such notification shall be issued except on a resolution passed by both Houses of the State Legislature.

(3) Each university shall consist of the Chancellor, the Vice-Chancellor, the General Council, the Executive Council, the Academic Council and the Registrar.

(4) Each university specified in the Schedule, shall be a body corporate by the name, having perpetual succession and a common seal with power, subject to provisions of this Ordinance, to acquire and hold property both movable and immovable, and to contract and shall, by the said name, sue and be sued.

(5) In all suits and other legal proceedings by or against the university, the pleadings shall be signed and verified by the Vice-Chancellor and all processes in such suits and proceedings shall be issued to, and served on the Vice-Chancellor.

(6) The headquarters of the university referred to in sub-section (2) shall be at such place, as may be specified by the State Government by notification in the *Official Gazette*.

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

Objects of university.

5. No citizen of India shall be excluded from any office of the university or from any membership of any of its authorities, bodies or committees, or from appointment to any post, or from admission to any degree, diploma, certificate or other academic distinction or course of study on the ground only of sex, race, creed, class, caste, place of birth, religious belief or profession or political or other opinion. It shall not be lawful for the university to impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted thereto as a teacher or a student or to hold any office therein or to graduate thereat or to enjoy or to exercise any privilege thereof.

University open to all.

6. (1) The university shall adopt the policy of the State Government and orders issued, from time to time, in regard to the reservation for Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes and Other Backward Classes for appointment to different posts of teachers and non-teaching officers and employees and for the purpose of admission of students and fees structure.

University to follow Government policy in regard to reservation, etc.

(2) The university shall adopt the general policy of the State Government in regard to the welfare of various categories of weaker sections of the society and minorities as directed by the State Government from time to time.

7. The powers and functions of the university shall be,—

Powers and functions of university.

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

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

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

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

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

(vi) to fix, demand and receive fees and other charges as may be laid down in the regulations;

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

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

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

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

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

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

(xiii) to institute Professorships, Associate Professorships, Assistant Professorships, Readerships, Lectureships and any other teaching, academic or research posts, required by the university;

(xiv) to appoint persons as Professors, Associate Professors, Assistant Professors, Readers, Lecturers, or otherwise as teachers and researchers of the university;

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

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

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

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

(xxi) to establish and maintain within the premises of the university or elsewhere such classrooms and study halls, as the university 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 university;

(xxii) to receive grants, subventions, subscriptions, donations and gifts for the purpose of the university and consistent with the objects for which the university 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 university, on such terms and conditions, as it may think fit and proper, and to construct, 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 university, movable or immovable, on such terms as it may think fit and proper without prejudice to the interest and activities of the university :

Provided that, the university shall not sell, exchange, lease or otherwise dispose of movable or immovable property granted by the State Government without prior approval of the State Government or without compliance of the terms and conditions on which the State Government has given approval ;

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

(xxvi) to execute conveyances, transfers, re-conveyances, mortgages, leases, licenses and agreements in respect of property, movable or immovable, including the Government securities belonging to the university or to be acquired for the purposes of the university;

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

(xxviii) to give up and cease from carrying on any classes or departments of the university;

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

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

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

(xxxii) to invest the funds of the university or money entrusted to the university in or upon such securities and in such manner, as it may deem fit and from time to time, transpose any investments ;

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

(xxxiv) to constitute fund 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 university and to aid in the establishment and support of the associations, institutions, funds, trusts and conveyances calculated to benefit the staff and the students of the university ;

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

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

Teaching in
university.

8. (1) All recognized teaching in connection with the degrees, diplomas and certificates of the university, shall be conducted under the control of the General Council, by the teachers of the university, in accordance with the syllabus prescribed by the regulations.

(2) The courses and curricula and the authorities responsible for organizing such teaching shall be as prescribed by the regulations.

Chancellor of
university.

9. (1) The Chief Justice of India or his nominee, who shall be a Senior judge of the Supreme Court, shall be the Chancellor of the university.

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

(3) The Chancellor shall, in every case give notice, to the university of his intention to cause an inspection or inquiry to be made, and the university 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 Chancellor may address the Vice-Chancellor with reference to the result of such inspection or inquiry, and the Vice-Chancellor shall communicate to the General Council, the views of the Chancellor along with such advice as the Chancellor may have tendered on the action to be taken thereon.

(5) The General Council shall communicate through the Vice-Chancellor to the Chancellor such action, if any, as it proposes to take or has been taken on the result of such inspection or inquiry.

Authorities of
university.

10. The following shall be the Authorities of the university : —

- (i) the General Council ;
- (ii) the Executive Council ;
- (iii) the Academic Council ;
- (iv) the Finance Committee ; and
- (v) such other Authorities as may be declared as such by the regulations.

General
Council.

11. (1) The General Council shall be the chief advisory body of the university and it shall consist of the following Members, namely:—

- (i) the Chancellor ;
- (ii) the Vice-Chancellor ;
- (iii) the Attorney General of India ;
- (iv) one Judge of the Supreme Court nominated by the Chancellor ;
- (v) the Minister for Higher Education, State of Maharashtra ;
- (vi) the Minister for Law, State of Maharashtra ;
- (vii) the Chief Justice of the High Court at Mumbai or his nominee ;
- (viii) one Judge of the High Court at Mumbai to be nominated by the Chancellor ;
- (ix) the Advocate General of Maharashtra ;
- (x) the Chairperson of the University Grants Commission or his nominee from among the Members of the University Grants Commission ;

(xi) the Chairman, Bar Council of India or his nominee from amongst the members of the Bar Council of India ;

(xii) the Chairman, Bar Council of Maharashtra ;

(xiii) the Secretary or Principal Secretary or, as the case may be, Additional Chief Secretary, Government of Maharashtra, Higher and Technical Education Department ;

(xiv) two eminent persons in the disciplines of Social Sciences and Humanities, to be nominated by the Chancellor ;

(xv) one eminent person in the legal field, to be nominated by the Chancellor ;

(xvi) one eminent person in the educational field, to be nominated by the Chancellor ; and

(xvii) two Members of the Executive Council who are not otherwise Members of the General Council.

Explanation.—For the purposes of clauses (v) and (vi), if the Minister-in-charge of Department is the Chief Minister, any Minister nominated by him shall be the Member.

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

(3) The Vice-Chancellor shall be the Secretary of the General Council.

12. (1) The term of Office of the Members of the General Council, other than *ex officio* members shall, subject to the provisions of sub-sections (2), (3) and (4), be three years.

Term of Office of Members of General Council.

(2) Where a Member of the General Council becomes such member by reason of the office or appointment he holds or is a nominated member, his membership shall terminate when he ceases to hold such office or appointment or, as the case may be, his nomination is withdrawn or cancelled.

(3) A Member of the General Council shall cease to be a member, if he resigns or becomes of unsound mind or becomes insolvent or is convicted of an offence involving moral turpitude or if such member, other than the Vice-Chancellor, accepts a full time appointment in the university or if he fails to attend three consecutive meetings of the General Council without obtaining the leave of the Chancellor.

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

(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 have held office if the vacancy had not occurred.

13. The General Council shall have the following powers and functions, namely:—

Powers and functions of General Council.

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

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

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

14. (1) The General Council shall meet at least once in a year. An Annual Meeting of the General Council shall be held on a date to be fixed by the Executive Council, unless some other date has been fixed by the General Council in respect of any year.

Meetings of General Council.

(2) The Chancellor, when present, shall preside over the meetings. In the absence of the Chancellor, any Member of the General Council nominated by him shall preside.

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

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

(5) For every Meeting of the General Council, fifteen days' notice shall be given.

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

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

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

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

Executive
Council.

15. (1) The Executive Council shall be the chief executive body of the university.

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

(3) The Executive Council shall consist of the following persons, namely :—

(i) the Vice-Chancellor ;

(ii) a member of the General Council, who is a judge to be nominated by the Chancellor ;

(iii) the Secretary or Principal Secretary or, as the case may be, Additional Chief Secretary to Government of Maharashtra, Higher and Technical Education Department ;

(iv) the Secretary or Principal Secretary or, as the case may be, Additional Chief Secretary, Government of Maharashtra, Finance Department;

(v) the Secretary or Principal Secretary, Government of Maharashtra, Law and Judiciary Department ;

(vi) a Member of the General Council, who is a eminent person in the legal field ;

(vii) a Member of the General Council, who is a eminent person in the educational field ;

(viii) five Professors or Associate Professors of the university to be nominated by the Vice-Chancellor.

(4) The Vice-Chancellor shall be the Chairman of the Executive Council.

16. (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. Term of office of Executive Council.

(2) A member of the Executive Council shall cease to be a member, if he resigns or becomes of unsound mind or becomes insolvent or is convicted for an offence involving moral turpitude or if a member other than the Vice-Chancellor or a member of a faculty, accepts a full time appointment in the university or if he fails to attend three consecutive meetings of the Executive Council without the leave of the Chairman of the Executive Council.

(3) Unless the membership of the Executive Council is terminated under sub-section (1) or ceased under sub-section (2), the members of the Executive Council shall cease to be members on the expiry of three years from the date on which they become members of the Executive Council but, shall be eligible for re-nomination or re-appointment, as the case may be :

Provided that, the term of the first Executive Council shall be five years.

(4) A member of the Executive Council other than an *ex officio* member may resign his office by a letter addressed to the Chairman of the Executive Council and such resignation shall take effect as soon as it 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 the person so appointed or nominated shall hold office so long only as the member in whose place he is appointed or nominated would have held office if, the vacancy had not occurred.

17. (1) Without prejudice to section 15, the Executive Council shall have the following powers and functions, namely :— Powers and functions of Executive Council.

(i) to appoint, from time to time, the Vice-Chancellor, Registrar, Librarian, Professors, Associate Professors, Assistant Professors and other members of the teaching staff, as may be necessary, on the recommendations of the Selection Committee constituted by the regulations for the purpose :

Provided that, no action shall be taken by the Executive Council, except in cases covered by the second proviso, in regard to the number, qualifications and emoluments of teachers, otherwise than after consideration of the recommendations of the Academic Council :

Provided further that, it shall not be necessary to constitute any Selection Committee for making appointments,—

(a) to any supernumerary post ; or

(b) to the post of the Professor of a person of high academic distinction, eminence and professional attainment invited by the Executive Council to accept the post ;

(ii) to create administrative, ministerial and other necessary posts, to determine the number and emoluments of such posts, to specify minimum qualification for appointment to such posts and to appoint persons to such posts on such terms and conditions of service as may be prescribed by the regulations made in this behalf, or to delegate the powers of appointments to such authority or authorities or officer or officers as the Executive Council may, from time to time, by resolution, either generally or specifically, direct ;

(iii) to grant, in accordance with the regulations, leave of absence other than casual leave to any officer of the university and to make necessary arrangements for the discharge of the functions of such officer during his absence ;

(iv) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the university and for that purpose, to appoint such agents, as it may think fit ;

(v) to invest any money belonging to the university, 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 university ;

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

(ix) to entertain, adjudicate upon, and if it thinks fit, to redress any grievances of the officers of the university, the teachers, the students and the employees of the university, who may, for any reason, feel aggrieved, otherwise than by an order of a court ;

(x) to appoint examiners and moderators, and if necessary to remove them and to fix their fees, emoluments and travelling and other allowances, in consultation with the Academic Council ;

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

(xii) to exercise such other powers and to perform such other functions, as may be conferred or imposed on it by or under this Ordinance.

Meetings of
Executive
Council.

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

(2) Six members of the Executive Council shall constitute a quorum at any meeting thereof.

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

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

(5) Every meeting of the Executive Council shall be presided over by the Vice-Chancellor being the Chairman of the Executive Council and in his absence, by a member chosen by the members present to preside on the occasion.

(6) If any urgent action by the Executive Council becomes necessary, the Vice-Chancellor may, permit the business to be transacted by circulation of papers to the members of the Executive Council. The action proposed 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.

19. (1) Subject to the provisions of this Ordinance and regulations made in this behalf, the Executive Council may, by resolution, constitute such standing committees or appoint ad-hoc committees for such purposes and with such powers as the Executive Council may think fit for exercising any power or discharging any function of the university or for enquiring into, reporting or advising upon any matter relating to the university.

Constitution of Standing Committee and appointment of ad-hoc committees by Executive Council.

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

20. The Executive Council may, by resolution, delegate to the Vice-Chancellor or to a committee, such of its powers as it may deem fit, subject to the condition that the action taken by the Vice-Chancellor or such committee in the exercise of the powers so delegated shall be reported at the next meeting of the Executive Council.

Delegation of powers by Executive Council.

21. The Academic Council shall be the academic body of the university and shall, subject to the provisions of this Ordinance and the regulations, have power of control and general regulation of, and be responsible for, the maintenance of standards of instruction, education and examination of the university, and shall exercise such other powers and perform such other functions as may be conferred or imposed upon it by this Ordinance or the regulations. It shall have the right to advise the Executive Council on all academic matters.

Academic Council.

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

Constitution of Academic Council.

(a) the Vice-Chancellor—Chairman ;

(b) three persons from amongst the educationists of repute or men of letters or members of the learned professions or eminent public men, who are not in the service of the university, nominated by the Chancellor ;

(c) a person nominated by the State Government ;

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

(e) all the Head of the Departments ;

(f) all Professors other than the Head of the Departments ;

(g) two members of the teaching staff, representing Associate and Assistant Professors of the university.

(2) The term of the members other than *ex officio* members and those whose term is specified in clause (c) of sub-section (1), shall be three years :

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

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

Powers and functions of Academic Council.

(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 university and the emoluments and the duties attached thereto ;

(iii) to formulate, modify or revise schemes for the organization 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 make arrangements through regulations for the instruction and examination of persons, other than those enrolled in the university ;

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

(vi) to consider proposals submitted by the faculties ;

(vii) to appoint committees for admissions to the university ;

(viii) to recognize diplomas and degrees of other universities and institutions and to determine their equivalence in relation to the diplomas and degrees of the university ;

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

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

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

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

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

(xvi) to perform, in relation to academic matters, all such functions and to do all such acts as may be necessary for the proper carrying out of the provisions of this Ordinance and the regulations.

24. (1) The Academic Council shall meet as often as may be necessary, but not less than two times during an academic year.

(2) One-half of the total number of members of the Academic Council shall form the quorum for a meeting of the Academic Council.

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

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

(5) Every meeting of the Academic Council shall be presided over by the Chairman of the Academic Council and in his absence, by a member chosen by the meeting to preside on the occasion.

(6) If any 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 shall not be taken, unless agreed to by a majority of members of the Academic Council. The action so taken shall be forthwith intimated to all the members of the Academic Council. The papers shall be placed before the next meeting of the Academic Council for confirmation.

25. (1) There shall be a Finance Committee constituted by the Executive Council consisting of the following, namely:—

Finance
Committee.

(i) the Vice-Chancellor;

(ii) three members nominated by the Executive Council from amongst its members out of whom at least one shall be a representative of the Government of Maharashtra ;

(iii) the Finance and Accounts Officer of the university.

(2) The members of the Finance Committee, other than the Vice-Chancellor, shall hold office for a term of three years.

(3) The powers and functions of the Finance Committee shall be as follows, namely:—

(i) to examine and scrutinize the annual budget of the university and to make recommendations on financial matters of 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 university, 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 university either on its own initiative or on reference from the Executive Council or the Vice-Chancellor.

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

(5) The Vice-Chancellor shall preside over the meetings of the Finance Committee, and in his absence, a member, elected at the meeting shall preside. In case of difference of opinion among the members, the opinion of the majority of the members present shall prevail.

26. (1) The Executive Council shall constitute Selection Committees for making recommendations to the Executive Council for appointment to posts of Professors, Associate Professors, Assistant Professors and other teachers in the university.

Selection
Committees.

(2) The Selection Committee shall consist of the following members:-

(i) the Vice-Chancellor, who shall be the Chairman of the Committee;

(ii) the Head of the Department concerned, if any, provided he holds a post not lower than the level of the post for which the selection is to be made;

(iii) three experts for selecting Professors, Associate Professors and Assistant Professors nominated by the Vice-Chancellor from amongst a panel of names recommended by the Academic Council and approved by the Executive Council;

(3) The meeting of the Selection Committee shall be convened by the Vice-Chancellor whenever necessary. The Vice-Chancellor shall preside over the meetings of the Selection Committee. Three members of whom one shall be the expert of the Selection Committee shall form the quorum.

Officers of
university.

27. The following shall be the officers of the university, namely ; —

- (i) the Vice-Chancellor;
- (ii) the Registrar;
- (iii) the Head of the Departments;
- (iv) the Finance and Accounts Officer; and
- (v) such other officers as may be prescribed by the regulations.

Vice-
Chancellor.

28. (1) The Vice-Chancellor shall be appointed by the Executive Council in accordance with the regulations made in that behalf and in consultation with the Chancellor :

Provided that, the first Vice-Chancellor shall be appointed by the Government of Maharashtra with the approval of the Chancellor.

(2) Subject to the specific and general directions of the Executive Council, the Vice-Chancellor shall exercise all powers of the Executive Council in the management and administration of the university.

(3) The Vice-Chancellor who shall be an academic person and a Professor of Law at the university, shall hold office for a term of five years, which shall be renewable by a resolution to that effect by the Executive Council or upto the age of retirement of the members of the teaching staff, whichever is earlier. Upon the expiry of his term, he shall continue in office until his successor is appointed and enters upon his office.

(4) The Vice-Chancellor shall,-

(i) ensure that, the provisions of this Ordinance 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 Ordinance;

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

(iv) have all powers relating to the proper maintenance of discipline in the university.

(5) If in the opinion of the Vice-Chancellor, any emergency has arisen, which requires that immediate action be taken, he shall take such action as he deems necessary and shall report the same for confirmation to the next meeting of the authority, which, in the ordinary course, would have dealt with the matter.

Registrar.

29. (1) The Registrar shall be appointed by the Executive Council and he shall be a whole time officer of the university. The terms and conditions of the service of the Registrar shall be as such as may be prescribed by the regulations.

(2) The Registrar shall be the *ex officio* Secretary of the Executive Council, the Academic Council, the Finance Committee and the faculties, but shall not be deemed to be a member of any of these authorities.

(3) The Registrar shall,—

(i) comply with all directions and orders of the Executive Council and the Vice-Chancellor ;

(ii) be the custodian of the records, common seal and such other property of the university 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, and of any committee, appointed by the authorities of the university ;

(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 university ;

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

(vi) supply the Chancellor, the copies of the agenda of the meetings of the authorities of the university, 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 Vice-Chancellor nor the officer duly authorized is able to act and to take its directions for carrying out the work of the university ;

(viii) be directly responsible to the Vice-Chancellor for the proper discharge of his duties and functions ; and

(ix) perform such other duties as may be assigned, from time to time, by the Executive Council or the Vice-Chancellor.

(4) In the event of the post of Registrar remaining vacant for any reason, it shall be open to the Vice-Chancellor to authorize any officer in the service of the university to exercise such powers, functions and duties of the Registrar as the Vice-Chancellor deems fit.

30. (1) There shall be a Head for each of the Departments in the university. Head of Departments.

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

31. The Finance and Accounts Officer shall be appointed in such manner and on such terms and conditions of service and emoluments and shall exercise such powers and perform such functions as may be laid down by the regulations. Finance and Accounts Officer.

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

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

33. All the permanent employees of the university shall be entitled to the benefit of the provident fund, gratuity and other benefits in accordance with such regulations as may be framed in that behalf by the Executive Council. Provident fund, gratuity, and other benefits.

University
fund.

34. (1) For each university under this Ordinance, there shall be a fund called a university fund which shall include,—

- (i) any contribution or grant made by the State Governments;
- (ii) any contribution or grant made by the University Grants Commission or the Central Government;
- (iii) any contribution made by the Bar Council of India;
- (iv) any contribution made by the State Bar Councils;
- (v) any bequests, donations, endowments or other grants made by private individuals or institutions;
- (vi) income received by the university from fees and charges ; and
- (vii) amounts received from any other source.

(2) The amount in the said fund shall be kept in a Scheduled Bank within the meaning of clause (e) of the Reserve Bank of India Act, 1934 or in a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Acts of 1970 or, as the case may be, under Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, or may be invested in such securities authorized by the Indian Trusts Act, 1882, as may be decided by the Executive Council.

2 of
1934.
5 of
1970.
40 of
1980.
2 of
1882.

(3) The said fund may be employed for such purpose of the university and in such manner as may be prescribed by the regulations.

Annual
accounts and
audit.

35. (1) The annual accounts of the university shall be prepared under the directions of the Executive Council.

(2) The accounts of the university shall, at least once in a year, be audited by the auditors appointed by the Executive Council :

Provided that, the State Government shall have the power to direct, whenever considered necessary, an audit of the accounts of the university, including the institutions managed by it, by such auditors, as it may specify.

(3) The accounts when audited shall be published by the Executive Council and a copy of the accounts together with the audit report shall be placed before the General Council and also shall 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 thinks 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.

Financial
estimates.

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.

(2) The Executive Council may, in case where the expenditure in excess of the amount provided in the budget is to be incurred or in cases of urgency, for reasons to be recorded in writing, incur expenditure subject to such restrictions and conditions specified in the regulations. Where no provision has been made in the budget in respect of such excess expenditure a report shall be made to the General Council at its next meeting.

37. (1) The Executive Council shall prepare the annual report containing such particulars as the General Council may specify, covering each financial year and submit it to the General Council on or before such date as may be prescribed by regulations. The General Council may pass resolutions thereon and the Executive Council shall take action in accordance therewith. The action taken shall be intimated to the General Council. Annual report.

(2) Copies of the annual report along with the resolution of the General Council thereon shall be submitted to the State Government. The State Government shall lay the same before both the houses of the State Legislature at their next earliest session.

38. All contracts relating to the management and administration of the university shall be expressed as made by the Executive Council, and shall be executed by the Vice-Chancellor 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. (1) No student shall be eligible for admission to a course of study for a degree or diploma, unless he possesses such qualifications as may be prescribed by the regulations. Eligibility for admission of students.

(2) The students not exceeding one hundred and twenty in number, shall be admitted on basis of merit through the Common Law School Admission Test (CLAT) conducted by the committee of National Law Universities or through such process as may be prescribed by the regulations from time to time.

40. Every student of the university shall reside in a hostel maintained or recognized by the university or under such conditions as may be prescribed by the regulations. Residence of students.

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

42. (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-thirds of the members of the General Council present and voting at the meeting, if such person has been convicted by a court of law for an offence, which in the opinion of the General Council, involves moral turpitude or if he has been guilty of gross misconduct. Withdrawal of degree or diploma.

(2) No action under sub-section (1), shall be taken against any person, unless he has been given an opportunity to show cause against the action proposed to be taken.

(3) A copy of the resolution passed by the General Council shall be immediately sent to the person concerned.

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

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

Discipline.

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

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

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

Regulations.

44. (1) Subject to the provisions of this Ordinance, the Executive Council shall have, in addition to all the other powers vested in it, the power to make regulations to provide for the administration and management of the affairs of the university :

Provided that, the Executive Council shall not make any regulation affecting the status, powers or constitution of any authority of the university 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 organising teaching in connection with the university 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) modes of enrolment or admission of students ;
- (viii) examinations to be recognized as equivalent to university examinations.

(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 incidental and related thereto in this regard.

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

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

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

45. (1) The Chancellor shall, at least once in every five years, constitute a commission to review the working of the university and to make recommendations.

Appointment of university review commission.

(2) The commission shall consist of not more than three eminent educationists, one of whom shall be the Chairman of such commission, appointed by the Chancellor in consultation with the State Government.

(3) The terms and conditions of appointment of the members shall be such as the Chancellor may determine.

(4) The commission shall, after holding such enquiry as it deems fit, make its recommendations to the Chancellor.

(5) The Chancellor may take such action on the recommendations as it deems fit.

46. (1) Notwithstanding that the General Council, the Executive Council, the Academic Council or any other authority or body of the university is not duly constituted or there is a defect in its constitution or reconstitution at any time and notwithstanding that there is a vacancy in the membership of any such authority or body, no act or rule or proceedings of such authority or body shall be invalidated on any such ground or grounds.

Action not invalidated merely on ground of defect in constitution, vacancy, etc.

(2) No resolution of any authority or body of the university shall be deemed to be invalid on account of any irregularity in the service of notice upon any member :

Provided that, the proceedings of such authority or body were not prejudicially affected by such irregularity.

47. (1) If any difficulty arises with respect to the establishment of the university or in connection with the first meeting of any authority of the university or otherwise in first giving effect to the provisions of this Ordinance and the regulations, the Chancellor may, at any time, before all authorities of the university have been constituted, by order, make any appointment or do anything consistent, so far as may be, with the provisions of this Ordinance and the regulations, which appear to him necessary or expedient for the purpose of removing the difficulty and every such order shall have effect as if such appointment or action had been made or taken in the manner provided in this Ordinance and the regulations:

Removal of difficulties at commencement.

Provided that, before making any such order the Chancellor shall ascertain and consider the opinion of the Vice-Chancellor and of such appropriate authority of the university as may have been constituted.

48. Notwithstanding anything contained in this Ordinance, and the regulations made thereunder, the Vice-Chancellor may, with the previous approval of the Chancellor and subject to the availability of funds, discharge all or any of the functions of the university for the purpose of carrying out the provisions of this Ordinance and the regulations and for that purpose may exercise any powers or perform any duties, which by this Ordinance and the regulations are to be exercised or performed by any authority of the university until such authority comes into existence as provided by this Ordinance and the regulations.

Transitory provisions.

Indemnity.

49. No suit, prosecution or other legal proceedings shall lie against and no damages shall be claimed from the university, the Vice-Chancellor, the authorities or officers of the university or any other person in respect of anything which is in good faith done or purporting to have been done in pursuance of this Ordinance or any regulations made thereunder.

Ordinance to have over-riding effect.

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

Sponsored schemes.

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

(i) the amount received, shall be kept by the university separately from the university fund and utilized only for the purpose of the scheme; and

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

Power to remove difficulty.

52. (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the State Government may, by order published in the *Official Gazette*, not inconsistent with the provisions of this Ordinance, as may appear to it to be necessary or expedient for the purpose of removing the difficulty.

(2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

SCHEDULE

(See section 3(1))

Name of the University (1)	Headquarters of the University (2)
1. Maharashtra National Law University, Mumbai.	Mumbai.
2. Maharashtra National Law University, Aurangabad.	Aurangabad.
3. Maharashtra National Law University, Nagpur.	Nagpur.

STATEMENT

The main challenge facing India's legal and judicial system is ensuring that common people in India are able to enjoy their constitutional and legislative rights to the fullest extent. The legal system should also effectively facilitate eradication of poverty as well as equitable and environmentally sustainable economic growth.

2. With this view, Government of Maharashtra is desirous of establishing National Law Universities, that shall provide legal education to prepare legal professionals who will play a decisive leadership role in meeting these challenges, not only as advocates practicing in courts, but also as legislators, judges, policy makers, public officials and civil society activists as well as legal counsels in the private sector. Legal education shall also prepare lawyers to meet the new challenges of working in a globalized knowledge economy in which the nature and organization of law and legal practice are undergoing a paradigm shift. Original and path breaking legal research is needed to create new legal knowledge and legal ideas that will help us to meet these challenges in a manner responsive to the needs of the State.

3. The vision of National Law Universities shall be to ensure delivery of justice oriented legal education to contribute to the realization of values enshrined in the Constitution of India. Legal education shall also inculcate the need to observe the highest standards of professional ethics and a spirit of public service. In order to achieve these goals legal education shall be broad based, multi-disciplinary, multi-functional and contextual.

4. As the existing laws of the State relating to higher education and universities are found to be inadequate to satisfy the above objectives, it is considered expedient to bring a new legislation.

5. The Maharashtra National Law University Bill, 2013 (L. A. Bill No. XXXIV of 2013) in this behalf has been introduced in the Monsoon Session of the State Legislature. However, the same is pending in Legislative Assembly. In respect of Academic Year 2015-16, as informed by the convener of the Common Law Admission Test (CLAT), it is necessary that the Vice-Chancellor of the university shall complete the process for Common Law Admission Test before May, 2014. The Government, therefore, considers it expedient to immediately make a law, to establish and incorporate National Law Universities in the State for the development and advancement of legal education and for the purposes of imparting specialized and systematic instruction, training and research in systems of law and for the matters connected therewith or incidental thereto.

6. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that, circumstances exist which render it necessary for him to take immediate action to make a law for the aforesaid purposes, this Ordinance is promulgated.

Mumbai,
Dated the 17th February 2014.

K. SANKARANARAYANAN,
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

SANJAY KUMAR,
Principal Secretary to Government.