

Draft Report
of the
Committee to Study the
Establishment of National Justice
School in Kerala

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DRAFT FOR DISCUSSION
CONCEPT PAPER AND DRAFT LEGISLATION
PROPOSED NATIONAL JUSTICE UNIVERSITY

(draft dated March 18, 2016)

This paper proposes the establishment of a specialized, autonomous public University devoted to (i) the study and advancement of the Constitutional vision of justice and democratization of the judicial and legal system; and (ii) delivery of world class legal education for students from marginalized sections to make them judges, law professors and public defenders.

The concept paper is divided into 7 sections.

Section 1: Context and rationale for the proposal.

Section 2: Proposed National Justice University: Vision and Mission

Section 3: Key Academic policies and programmes of the proposed University

Section 4: Organizational structure and governance of the proposed University.

Section 5: Finance

Section 6: Key Issues and Next Steps

Section 7: Draft Legislation establishing the University

SECTION 1: CONTEXT AND RATIONALE

(1) Primacy of the concept of Justice in the Constitution

The *first* objective of the Indian Republic is to “secure justice – social, economic and political.” (Preamble to the Constitution of India)

Directive Principles of State Policy (Part IV of the Constitution) are Constitutionally mandated principles which are “fundamental” “in the governance of the country”, which the State is duty-bound to “apply in making law” (Article 37).

The very *first* Directive Principle of State Policy is, “The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which ***justice, social, economic and political***, shall inform all the institutions of the national life.” (Article 38)

Reflecting the vision of India’s national struggle for freedom and bearing the imprint of its founding fathers including Dr. Bhimrao Ambedkar and Sri. Jawaharlal Nehru, the vision of justice embodied in the Constitution is unprecedented and unparalleled in the world in its detailed and wide ranging content and scope. In addition to the broad normative commitments referred to above, at least 45 elaborate and specific provisions of the Constitution are devoted to the advancement of justice -- 18

fundamental rights; 12 Directive Principles of State Policy; and 15 other Articles to protect weaker sections in Part XVI (Special Provisions Relating to Certain Classes) of the Constitution.

(2) The unique place of Social Justice in the Constitutional Vision of Justice:

Social justice has pride of place in the Constitutional vision of justice. The Preamble places social justice first in the triumvirate of the dimensions of justice when it declares, that the first goal of the Republic of India is to secure justice – *social* economic and political.

Likewise the *first* Directive Principle of State Policy (Article 37) is to secure and protect as effectively as it may **a social order** in which *justice*, social, economic and political, shall inform all the institutions of the national life.”

This primacy of social justice in the Constitution supports the view of the Supreme Court of India, and of Constitutional scholars such as Prof. Granville Austin, that the Constitution of India is in essence a charter for socio-economic revolution (S.P. Gupta vs. Union of India (1982)).

(3) The central role of the judiciary in securing and promoting the Constitutional Vision of Justice and social justice:

A Directive Principle sets out the Constitutional mandate of the Indian legal system: “The State shall secure that the operation of the legal system *promotes justice*, on a basis of equal opportunity and shall, in particular, provide free legal aid, by suitable legislation or schemes or in any other way, **to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.**” (Article 39A)

In its quest for justice, Article 142 of the Constitution vests in the Supreme Court of India the extraordinary and unparalleled power “to pass such decree or make such order as is necessary for *doing complete justice* in any cause or matter pending before it, and any decree so passed or order so made shall be enforceable throughout the territory of India”.

The Supreme Court of India has expounded on the central role of the judiciary in the Constitutional struggle for justice and social justice in several landmark judgments. In S.P. Gupta vs. Union of India (1982), the Supreme Court said that, “The judiciary has a socio-economic destination and a creative function. **It has ...to become an arm of the socio-economic revolution and perform an active role calculated to bring social justice within the reach of the common man. It cannot remain content to act merely as an umpire but it must be functionally involved in the goal of socio-economic justice.** The judiciary cannot remain a mere bystander or spectator but it must become an active participant in the judicial process **ready to use law in the service of social justice through a pro-active goal oriented approach. But this cannot be achieved unless we have judicial cadres who share the fighting faith of the Constitution and who are imbued with the constitutional values.**”

In Supreme Court of India Authorised Officer, Thanjavur and Anr. Vs. Respondent: S. Naganatha Ayyar and Ors (1979), the Supreme Court of India said, "It is true that judges are constitutional invigilators and statutory interpreters; **but they are also responsive and responsible to Part IV of the Constitution** being one of the trinity of the nation's appointed instrumentalities in the transformation of the socio-economic order. **The judiciary in its sphere, shares the revolutionary purpose of the Constitutional order**, and when called upon to decode social legislation must be animated by a goal-oriented approach. This is part of the dynamics of statutory interpretation in the developing countries so that *courts are not converted into rescue shelters for those, who seek to defeat agrarian justice by cute transactions of many manifestations now so similar in the country and illustrated by the several cases under appeal. This caveat has become necessary because the judiciary is not a mere umpire, as some assume, but an activist catalyst in the constitutional scheme.*

The Supreme Court of India has also succinctly described the unique role of judging in social justice as "...**finding [the law] and procedures which are conducive to the pursuit and protection of the rights of ordinary people.**" (Municipal Council, Ratlam vs. Shri Vardhichand & Ors, 1980).

Justice D.A. Desai's 117th Report of the Law Commission of India on Judicial Training (1986) reiterated the Constitutional vision of the role of the judiciary - that the **judicial system would transform "overnight" from an extension of the colonial law and order machinery to "an effective instrument in ushering in social revolution in Republican India"**, and functioning as a **"sentinel on the *qui vive*".. a guardian angel of the fundamental rights of citizens"**.

The unique role of the judiciary in bringing about social transformation was explicitly recognized and discussed in the Constituent Assembly. Prof. K.T. Shah, a distinguished economist who was a member of the Assembly said in a debate on on 19th November, 1948 that, "[The judiciary] is **the only authority that we are going to set up in the Constitution to give effect to whatever hopes and aspirations, ambitions and desires, we may have in making these laws and in laying down this Constitution.**"

(4) The academic gap in justice/judicial system oriented research, teaching and policy development:

Notwithstanding the central importance of justice and social justice in the Constitutional scheme, as well as in the functioning of the justice system, "justice" remains a neglected area of legal research, analysis, theoretical advance and teaching.

There is little theoretical clarity about the concept of justice. We still look primarily to European and American legal discourse for our understanding of justice. We are yet to develop a post-feudal, post-colonial, democratic, "people's" theory of justice that is in line with the Constitutional vision and is grounded in our freedom struggle and the various continuing struggles of common people.

On the ground, justice is seen by the legal profession more as a legal process hemmed in by conventional interpretations of law and as a description of the final outcome of the judicial process, rather than, for example, as a standard of human

conduct – a set of Constitutional values – against which the conduct of the State, including courts, and citizens should be measured.

The idea of “Justice” gives direction to the interpretation of law. The same criminal laws were interpreted by colonial judges guided by the British colonial concept of justice, and in an entirely different manner by progressive judges of independent India guided by Constitutional values and the Constitutional vision of justice. If the Constitutional goal of a social democratic society is to be achieved, ideas of justice must be consciously developed so that they will influence the interpretation and application of law along the lines envisaged by the Constitution. This is why, for example, Dr. B. R. Ambedkar once said that justice is just another name for liberty, equality and fraternity – that is, justice according to our Constitution.

Although justice is a trans-disciplinary concept and ought to be a central concern of every person and every field of study, non-law social disciplines such as sociology, anthropology, political science and economics have not made the study of justice a central area of research or teaching.

Although the judicial process involves social, political, economic, cognitive, management and technological dimensions, there has been very little in-depth, systematic study or research in India on the judicial process, judging and judicial method or on the working of the judicial system. This lack of serious analysis of the judicial process across disciplines is one of the important reasons why the judicial system has, for nearly a century now, struggled to overcome the challenge of delay and arrears and there is still little consensus and clarity on the qualitative, or even the quantitative aspects of justice delivery.

The main focus of legal education, controlled by the Bar Council of India, a body of advocates, is naturally on training future advocates. Although the 5th year integrated law degree programme includes basic introductory courses in core liberal arts disciplines, it lacks serious inter-disciplinary content and the liberal arts disciplines remain marginalized in law schools.

The LL.B. curriculum is mainly focused on law, devoted mainly to “court advocacy-oriented” legal education. Very little time is devoted to a critical understanding of courts, court procedures, litigation, judging, court management, alternate dispute resolution and other areas vital to the functioning of the justice system. Nor is adequate attention paid to teaching or research on the philosophical and jurisprudential aspects of justice. Very little attention, if any, is systematically paid in law schools to social justice either.

It is assumed that, lawyers can become judges (even at the highest level of the judiciary (Supreme Court and High Court)) with neither prior judicial experience nor any training. Judicial education is confined to the national and state judicial academies for subordinate court judges.

Academically, the distinction between “advocate-oriented” legal education and “justice-oriented” legal education was briefly recognized during the establishment of the “National University of Juridical Sciences” (NUJS) in Kolkata in 1999 (“juridical” means “relating to relating to judicial proceedings and the administration of the law”). Notwithstanding this important conceptual change reflected in its name,

however, NUJS's objectives and programmes remain largely focused on law rather than on justice.¹

Over the last decade, judicial academies have strongly recognized the unique dimensions of judicial education distinct from advocate-oriented legal education. The National Judicial Academy (NJA) has introduced many innovative programmes such as "Constitutional Vision of Justice" and theories of justice; and on various detailed aspects of judging and justice administration (such as the Constitutional vision of justice; social justice; justice for the poor; judicial process and judging; judicial decision making; cognitive aspects of the judicial process; the political economy and social context of justice systems and judging; appreciation of evidence; judgment writing; adjudication management; court management systems; game theory and judicial process; alternate dispute resolution; delay and arrears reduction; legal aid; access to justice; enhancing quality, responsiveness and timeliness of justice delivery; techniques and tools for judicial administration and management of timely justice; role of police, prosecutors; court staff; and litigants in justice administration; human resource management in courts; role of court managers; financial and budgetary planning for courts; poverty and justice; role of technology in justice administration (e-courts); judicial statistics; performance standards of courts; court efficiency; court development planning; judicial infrastructure; etc.).

State Judicial Academies have replicated many of these programmes and innovated many programmes of their own. The Delhi Judicial Academy, for example, deliver a programme to its newly recruited district judiciary judges that captures well the distinct approach required in legal education that is justice oriented - "from judging to justicing".) DJA also includes in its induction programme for junior division judges a "grass roots immersion" program involving mandatory stay in poor villages.

However, the role of judicial academies is limited mainly to interaction with judges (and to a limited extent other key duty holders in the system such as public prosecutors). They do not have the mandate or the institutional infrastructure to address theoretical questions, undertake trans-disciplinary analysis or train all the actors involved in the broader justice system.

Justice is more than a mere legal idea and more than the concern of only courts. It is a standard of human conduct which encompasses in it social, economic, political, institutional and historical dimensions that go well beyond legal issues. Yet, adequate effort is missing to better develop the concept of justice through academic research, education and public discourse to ensure that the Constitutional vision becomes the most widely accepted idea of justice amongst people.

Internationally, there is now considerable attention being paid to the idea of "global justice". However, there is little academic focus on the idea of "global justice" in our

¹NUJS's objectives are to (1) advance and disseminate learning and knowledge of **law and legal processes** and their role in national development; (2) promote **legal knowledge** and to make **law and the legal process** efficient instruments of social development; (3) develop in the student and research scholar a sense of responsibility to serve society **in the field of law** by developing skills with regard to **advocacy, legal service, legislation, law reforms** and the like; and (4) promote inter-disciplinary study of **law** in relation to management, technology, international cooperation and development.

country – and to the extent there is, it is no more than an adjunct to the dominant global debate.

There is no think tank or academic institution in India that is devoted primarily to the study and advancement of justice.

Nor is there adequate attention being paid to the most complex challenge facing the judicial system – how to secure justice for the weakest and poorest sections of our population who are shut out by their poverty from access to legal knowledge as well as assistance of competent legal counsel.

(5) Shortage of suitable candidates for recruitment into the judiciary due to weaknesses in the type of legal education required for judges.

India suffers from a serious shortfall in the strength of our judiciary. The Indian judiciary today has a sanctioned strength of slightly over 20,000 judges, with a high vacancy of nearly 4,800 positions (nearly 24%) (as against some 2 lakh judges in China).

The National Judicial Academy has done extensive work that shows that the great challenge facing the judicial system is not docket explosion, but its opposite, docket exclusion.

India has the lowest rates of new cases filed per thousand population amongst major nations. As against over 300 new cases per thousand population per year in the US, some 200-250 new cases per thousand population in Europe and some 80-100 new cases per thousand population in Singapore, India has about 15 new cases filed per thousand population per year. Statistics within India show that the number of new cases filed per thousand population increases with increases in literacy, education and per capita income – thus Kerala has some 40 new cases filed per thousand population per year as against 3 new cases in Jharkhand, 4 new cases in Bihar, 9 new cases in Odisha, 18 new cases in Gujarat, 19 new cases in the Punjab and 51 new cases in Delhi).

As India's literacy and per capita income improves, a corresponding increase in the number of new cases filed per thousand population is also inevitable, desirable and necessary – after all, in a democracy, disputes about the existence, non-existence, nature or extent of right, liability and disability must be determined in courts of law and not on the streets by lynch mobs.

As a “developed” country with a projected population of about 1.5 billion, India should stabilize at around at least 200 new cases per thousand population. This means that the Indian judicial system should be prepared to have some 300 million (50 crores) new cases being filed each year, processed and disposed of every year. Currently, approximately 2 crores new cases are filed, 5 crores cases are processed (including the backlog) and 2 crore cases are disposed each year. This means that the system will have to expand about 25 times its current size.

This projected increase is not entirely out of line with past experience. Whereas some 0.77 cases were filed per thousand population in India in 1977, currently, some 15

new cases are filed per thousand persons per year in India (an improvement of 20 times). The number of new cases filed annually has increased over fifty fold in the 1977-2016 period; and the number of judges (sanctioned strength) has increased ten fold.

At current US levels of efficiency (30,000 judges dispose of 100 million cases per year, as against 20,000 Indian judges now disposing of 20 million cases per year), processing and disposal of 500 million cases would require about 150,000 judges - a 7.5 times increase in the number of judges, 5,449 involving the training and recruitment of about 130,000 new judges over the next 30-50 years.

Quite apart from the large number of judges required to meet the needs of expansion, sanctioned positions remain unfilled currently because of lack of availability of suitable candidates. As of September 30, 2015, 5449 (25%) of a total of 21,511 judicial positions in India remain vacant due to lack of suitable candidates (375 of 1016 High Court judge positions and 5074 of 20495 subordinate court positions).

A large number of candidates apply for judicial positions in the district judiciary, given the attractive and rewarding career prospects and remuneration. However, only a miniscule number are found suitable for appointment mainly because of deficiencies in legal education in preparing students for judicial careers.

If this shortage is to be met, all law colleges and law schools need to refocus legal education and give greater attention to training future judges. In addition, careful study of the situation shows that specialized institutions dedicated primarily to education of future judges are also needed to give content leadership and direction to legal education suitable for training future judges.

(6) Acute shortage of law teachers/legal academics

The number of law colleges is mushrooming in India so rapidly that an accurate number of law colleges is not reliably available. The number of law colleges are said to have gone up by 50% from 800 to about 1200 in just the last two years. In addition, national law schools (autonomous Universities) are mushrooming as well, with 18 institutions now in operation and more in the pipeline.

The expansion of legal education is necessary and welcome to address the challenge of docket exclusion and meet the huge unmet needs of judicial justice. However, expansion should not be at the cost of quality of legal education. For this, perhaps the most critical requirement is ensuring an adequate supply of high quality law teachers.

Neither Law Colleges nor National law schools are producing adequate original research. They lack strong postgraduate and doctoral programmes.

Again, as in the case of training future judges, legal educational institutions are yet to develop a systemic, institutional response to address this challenge. There is need for some legal educational institutions to adapt their curricula with the specific objective of training future law teachers.

(7) Acute shortage of “public defenders”

Legal aid programmes are being thwarted by the acute shortage of well trained and committed legal aid lawyers at the local level to represent and assist people from marginalized sections whose rights and interests are violated with impunity. There can be little doubt that a bar that is entirely private can serve only those who can afford to pay for legal services – those without money will have little chance to secure justice. A fundamental social contract entered into during our freedom movement is betrayed when the State tells people in a largely poor country that their ability to secure their rights and obtain justice will depend on their ability to pay.

To address this concern, many democratic countries have established a cadre of “public defenders” who are often salaried lawyers (such as public prosecutors) who defend the rights of indigent litigants in court.

A **public defender** is an attorney appointed to represent people who cannot afford to hire one. A public defender may be part of an organized service (not the case in India) or may be provided by the Court on a case-to-case basis from amongst practicing private lawyers with stipulated fees being paid by Legal Aid authorities (the current Indian scenario).

Brazil is said to be the only country where the Constitution mandates an office of government-paid lawyers that provides legal assistance and representation to the destitute, free of charge.

In the [United States](#), a **public defender** is appointed by the Court to represent people who cannot afford to hire an attorney. The 1963 [US Supreme Court](#) case *Gideon v. Wainwright* held that the Constitutional right to counsel requires the State to provide free legal counsel in criminal cases to indigent defendants. Some US jurisdictions have a publicly funded public defender office, others do not.

The bulk of state funded criminal defence work in the UK is provided by private lawyers engaged by the Legal Aid Agency on a case by case basis as part of legal aid. There are limited *Public Defender Service* offices in England & Wales with lawyers employed directly by the [Legal Aid Agency](#) to provide legal aid..

India will need to build such a cadre at the local level if we are to meaningfully guarantee the protection of the rights of the poor. Even in the absence of such a cadre, the availability of law graduates who are trained to defend the rights of recipients of legal aid, and use (Alternative Dispute Resolution(ADR) tools for the benefit of the poor, will considerably enhance the quality and effectiveness of legal aid and Lok Adalat programmes.

(8) The challenge of diversity and representativeness in the judiciary.

Most democracies pay close and careful attention to maintaining diversity and representativeness in the judiciary.

The UK, for example, regularly monitors representation of women as well as BAME (Black, Asian and Minority Ethnic) communities in the judiciary.

A 2012 report from the House of Lords Constitution committee found that in the UK, *“Only one in 20 judges is non-white and fewer than one in four is female, and this disparity is undermining the public's confidence in the courts.”* The Committee further said, *“Although the simple fact of being a member of an under-represented group will not in itself make someone a more meritorious candidate ... A more diverse judiciary can bring different perspectives to bear on the development of the law and to the concept of justice itself.”*

The report also questioned the flawed concept of merit in judicial appointments that leads to prejudice, and said, *“The concept of merit incorporates a range of different skills and qualities, in addition to the intellectual capacity necessary to become a judge. A number of our witnesses drew attention to the fact that merit is still regarded by many in the legal profession as equating to high quality advocacy; this naturally favours QCs, and it is QCs who are most likely to fit the white male stereotype.”*

Detailed judicial statistics are maintained and monitored in UK by specialized staff. Statistics are published annually on diversity. There has been progress since 2012, although slow.

The Lord Chief Justice of the UK, along with the Senior President of Tribunals, released the latest publication of the judicial diversity figures for 2015 and said, *“Diversity is important to all of us and to the judiciary in particular. It is not just a guarantor of public confidence in justice, it is also a feature of justice itself because it represents both fairness and equality of opportunity. The figures (of July 2015) show a steady improvement in the diversity of the courts and tribunals judiciary. It is encouraging that the numbers of female judges in the High Court and the Court of Appeal are at their highest levels ever. There has been a rise in the number of women on the Circuit Bench, and more than half of all judges in courts and tribunals under 40 years of age are women (55 per cent). On the other hand, it is disappointing that there has been little marked improvement, in either courts or tribunals, in the percentage of judges from a BAME background. However, I believe the percentage of BAME judges under 50 years of age (12 per cent) provides some encouragement for the future. Clearly there is more to be done. The Judicial Appointments Commission selects candidates for judicial roles on merit irrespective of background, but there is a real need to ensure that there is a level playing field and everyone has a genuine opportunity when applying for judicial appointment.”*

Notwithstanding strong policy intervention, the slow progress in the UK in improving diversity is evident in the following table showing diversity figures between 1998 and 2011, especially with respect to the “Black, Asian and Minority Ethnic (BAME)” category

Year	% Women	% black & minority ethnic
1998	10.30	1.60
1999	11.20	1.70

2000	12.70	2.10
2001	14.10	1.90
2002	14.50	2.00
2003	14.90	2.20
2004	15.80	2.50
2005	16.90	2.90
2006	18.00	3.80
2007	18.70	3.50
2008	19.00	4.10
2009	19.40	4.50
2010	20.60	4.80
2011	22.30	5.10

Similar examples of a proactive approach to monitor the representativeness of the judiciary and safeguard its diversity is found in all major liberal democracies committed to the values of equality and equal opportunity.

In the US, eight years of the Obama administration have strengthened diversity in US federal courts. Certain demographic groups are over represented or well represented – whereas 63.7% of the population are (non-Hispanic) whites, 73.6% of Federal judges are from this category; and whereas 12.6% of the population is African American, 15% of Federal judges belong to this category.

Certain other categories, however, are still under-represented. Whereas nearly 51% of the population are women, just 29.2% of Federal judges are women (notwithstanding the Obama administration making historic number of appointments of women, with three of 9 judges in the US Supreme Court now being women). Whereas 16.3% of the population are non-Hispanic whites, only 9% of Federal judges are from this category; whereas 4.75% of the population are Asian Americans, only 2% of Federal judges belong to this category. Whereas 0.95% of the population is American Indians, just 0.2% of Federal judges are from this category. Whereas Pacific Islanders are 0.17% of the population, only 2% of Federal judges are from this community.

Systematic and detailed statistics are not publicly available on the social background of Indian judges except to some extent on gender. However, it is clear that diversity is a major challenge for the Indian judiciary. Although women are 48.4% of the population, only about 10% of High Court judges are women as of the end of February, 2016. As of that date, there are eight High Courts (out of 24) in which there is not a single woman. Only five High Courts had 5 or more women judges. These are Delhi (9 women, 23%), Bombay (9 women, 15%), Punjab and Haryana (8 women, 16%), Calcutta (6 women, 14%) and Allahabad (5 women, 6%). Minorities, SC/ST and OBC categories are very poorly represented. As of March 1, 2016, there are only three non-Hindu judges of the 25 judges of the Supreme Court (in contrast with the US Supreme Court where currently every single judge is from a minority background). The Supreme Court had only one woman judge, one Muslim judge and no SC/ST judge. Most judges in the country appear to be Hindu, upper caste, male –

a demographic that represents a very small proportion of the vast and diverse population of India.

One of the key actions required to make the Indian judicial system more diverse and representative is to ensure that there is a strong pipeline of candidates for judicial careers from socially excluded backgrounds by providing *students from socially excluded groups opportunities for highest quality legal education oriented towards judicial careers* so that they may be able to enter the judiciary and strengthen it in line with global standards on diversity and representativeness.

(9) Students from poor and socially excluded marginalized families cannot afford coaching to get into high quality legal education in national law schools or elite private law schools, or to pay exorbitant fees charged by these institutions.

Students studying law – from amongst whom future judges will be drawn – are increasingly drawn from economically and socially well off sections of society. Students from poor and socially excluded marginalized families cannot access the best available legal education. They can afford neither coaching to get into high quality legal education in national law schools, or fees charged by these institutions.

Experience with reservations for SC/ST in national law schools and law colleges indicates that while these provide important and useful opportunities, there are still serious obstacles of discrimination in the class room and amongst peers in institutions dominated by students and teachers belonging to dominant social groups (comparable to that encountered in educational institutions of national excellence in other fields such as IITs).

A sensitive atmosphere that respects, values and honors the life experience, cultures, world view and social characteristics of students from marginalized and excluded groups, as well as protects and strengthens their self confidence is essential for their growth and development to their ~~also~~ full potential. A specially sensitive curriculum, faculty and approach is required. Additional time is also required to allow the organic transition of these students to English-medium professional education.

If they are to serve as catalysts for the improvement of the social and material condition of their families and communities, the education of students from socially and economically excluded backgrounds should reinforce their family and social bonds rather than alienate them from their own background

SECTION 2: PROPOSED NATIONAL JUSTICE UNIVERSITY – VISION AND MISSION

Consideration has been given over the last few years to addressing these concerns within the framework of national law schools including by introducing a justice education stream within their curricula. However, these efforts have not borne fruit and justice/judicial education remains subsidiary to the main focus of law schools, i.e., training of advocates.

What is needed is the establishment of a law school with a difference – India’s first National *Justice* University dedicated to the study and advancement of justice and social justice – the central goals of the Republic.

2. The mission of such a University would be:
 - (i) the study of justice, the advancement of the Constitutional vision of justice and the democratization of the judicial and legal system;
 - (ii) delivery of world class legal education for students from the most marginalized sections to make them successful judges, law professors and public defenders.
3. The vision of the University would be a just society in which human relations and institutions are based on Constitutional values, in particular, equality, liberty, fraternity, democracy, socialism, secularism and social justice.
4. The institutional vision of the University would be to become, in course of time, a leading global centre of expertise and excellence on the trans-disciplinary study of justice, and on democratizing judicial and legal systems.

2. The University would seek to attract children of the most economically and socially marginalized sections of society who would choose to pursue academic study and become members of the legal profession as judges, law professors and public defenders. By opening up this opportunity for such students and providing them with a mission of egalitarian social change, the University would enhance the diversity and representativeness of the judiciary and the legal profession and advance the cause of democratization of the judicial and legal systems. The University would also aim thereby to positively transform the lives of students and their families. The University’s Bachelor’s degree programme would be exclusively for such students.

3. Through original research, the University would generate new knowledge and insight into the idea of justice. It would work on developing new post-feudal and post-colonial theories of justice derived from India’s national struggle for freedom and the various struggles of common people in our country. It would seek to shape the idea of justice so as to advance the social revolution envisaged by the Constitution of India. The graduates of the University who become judges should have a broad concept of justice that will guide them.

The University would also seek to develop ideas for improving the performance of the judicial system – quality, responsiveness and timeliness – especially for marginalized sections.

The University would seek to develop and support a public discourse on justice over the internet and on campus.

The University would seek to be a voice demanding democratization of the judicial and legal system, and their transition from a feudal and colonial past to a social democratic future.

For these purposes, the University would seek to attract the best possible research talent both as post-graduate students and as faculty, creating and nurturing an atmosphere of creativity and innovation in theory and practice.

The University would seek to be an institution that would practice the egalitarian values that it preaches.

SECTION 3: KEY ACADEMIC POLICIES AND PROGRAMMES

Academic Programmes:

(A) Undergraduate (B.A. (Honors) (Justice), LL.B).

The University will offer only one undergraduate programme – a B.A. (Honors) (Justice), LL.B. programme, initially for 80 students in each batch.

Only children of BPL unskilled and semi-skilled workers engaged in specified manual labour occupations will be eligible to apply to the B.A. (Honors) (Justice), LL.B. programme, subject to family income limit of not more than Rs. 25,000 per month.

Eligibility criteria will also include that they should have completed 12th standard or equivalent (plus two) from a government institution or should be in a private school under the EWS scheme of the Right to Education Act.

There will be no entrance examination.

Applicants will also submit a statement of purpose (short essay) written by them in their own hand.

After short-listing, selection will be made on the basis of interviews and appropriate tests conducted during the interviews.

Academic performance in school and in available extra-curricular activities (such as NCC or sports) would also be taken as factors, but would not be determinative.

Preference would be given to children of first or second generation literate parents. Aptitude to pick up language may also be considered.

Selection will be limited to Malayalam-speaking students regardless of place of residence as the first year academic programme will be mainly in Malayalam medium (see below).

The potential for wider positive impact of admission on the family and community of the student will also be considered.

To the extent possible, at least 50% of the applicants will be girls.

While caste and community will not be a determinative selection criterion, reservation requirements will be duly complied with and diversity and representation will also be borne in mind.

An organization such as CREST with relevant experience may be requested to advise the University on designing an effective and culturally sensitive selection process.

The B.A. (Honors), LL.B. programme will be structured as a six year programme.

The first year will be an Orientation year in which the medium of instruction will be Malayalam and the focus will be on orienting students to basic ideas in philosophy/jurisprudence, history, political science, sociology and economics in Malayalam so as not to harm their self confidence and not to let language come in the way of understanding and discourse.

During the orientation year, they will also be given intensive language coaching in English – spoken and written – and in analytical and communication skills. They will also be introduced to core tools such as reasoning and logic. Their math skills will also be strengthened.

Starting the second year, the students will enter the five year integrated B.A. (Hons) English course with English as the medium of instruction.

Education for the five year LL.B. programme will be entirely free of cost. NJU will be residential.

(B) Post Graduate Programmes on Justice (LL.M., M.A. and Doctoral Programmes) (revenue generating)

NJU would also offer on a fee-paid basis postgraduate programmes focused on justice/social justice/judicial systems. International students should be attracted to these programmes.

(C) Empirical Research programmes on justice, courts and related institutions (police, jails, etc.) (revenue generating)

NJU would conduct original empirical research on justice, courts and related institutions (police, jails, etc.). International researchers should be attracted to these programmes.

(D) Inter-Disciplinary Centre on Justice (revenue generating)

NJU could establish an inter-disciplinary centre on justice that could offer bachelors and masters degree and research programmes on justice, based on and liberal disciplines such as philosophy, political science, sociology and economics. International scholars/faculty should be attracted to these programmes.

(E) Judicial Education and Justice Programmes (revenue generating)

NJU will also offer on a fee-paid programme in-service training programmes for judges, members of tribunals and government officers (national and international) as well as coaching classes for applicants for judicial entrance tests. NJU could also offer courses on justice/judicial remedies to members of the public on-line as well as face-to-face.

(F)Conferences (revenue generating)

NJU could organize national and international conferences of judges/on the judicial system as a revenue earning activity.

Curriculum

The University will duly deliver the required Bar Council of India (BCI) B.A. (Hos.) LL.B. curriculum and LL.M. curriculum fully. However, the University will adapt the curriculum to its goals.

In addition, the University will develop an innovative curriculum of its own to effectively achieve its various goals.

The curriculum will include a strong clinical component and also focus on judicial qualities, attitudes and skills.

Extensive emphasis will be given to judging and judicial method, court procedures, court management, litigation management, ADR, legal aid, legal research and law teaching.

The curriculum will include attachments to judges/courts; judicial academies; legal aid and ADR institutions. Judicial moots will be organized. Placements with judges/courts in collaboration with the Kerala Judicial Academy will be considered.

A detailed curriculum will be developed by an expert group of judicial educators and researchers.

Academic Autonomy

Within the framework of its statutes and regulations, the University would need academic autonomy (with commensurate accountability) in line with the autonomy enjoyed by comparable national institutions.

SECTION 4: ORGANIZATIONAL STRUCTURE AND GOVERNANCE

1. NJU seeks to be a University established by legislation enacted by the Kerala Legislative Assembly.
2. NJU seeks to be an autonomous University to be governed along the lines of National Law Schools, IITs, IIMs, etc., with maximum autonomy and commensurate accountability.

3. The Organs of the University: The University will consist of the following main organs:

(a) The General Council: The General Council shall be the highest authority of the University.

(b) The Executive Council shall be the chief executive body of the University. The day to day administration, management and control of the University shall vest in the Executive Council subject to rules and regulations set by the General Council.

(c) The Academic Council: The Academic Council shall be the academic body of the University and shall have power of superintendence and control of and be responsible for the maintenance of standards of instruction, education, research, publication and examination of the University.

(d) Board of Studies for each discipline/theme of study of the University.

4. The principal officials of the University: The following shall be the principal officials of the University:

(a) Visitor: Subject to his consent, the Chief Justice of India, or a Senior Judge of the Supreme Court of India, or an eminent academician nominated by the Chief Justice of India in consultation with the Faculty, shall be the Visitor of the University.

(b) Chancellor: The Chief Justice of the High Court of Kerala shall, subject to his consent, be the ex-officio Chancellor of the University.

(c) Vice Chancellor: The Vice Chancellor of the University shall be its executive head, The VC shall be appointed by the Executive Council with the prior approval of the Chancellor in accordance with procedures to be set out in the Statute and/or in the Regulations.

5. Liberal Arts and Management Science Departments/Schools: The University will in future develop schools and institutes in disciplines other than law as well as interdisciplinary centres/institutes organized around themes/issues relevant to justice and struggles against injustice.

SECTION 5: FINANCE

NJU will need about 15 acres land for its campus. NJU will also need a building of about 1.5 lakh square feet.

Recurrent costs would come to about 7-8 crores per annum. NJU will be partially self-financing, with support from Government and agencies of the Central and State Governments. A corpus may be raised from donors (national and international) to establish a corpus and meet annual operating expenses.

NJU would have two University Funds, one for receiving Government grants and the other for receiving money raised by the University from other sources. Government permission will be required for any decision that may create a financial burden on the Government. Both internal and external audit of the accounts including that of the Accountant General will be required.

SECTION 6: KEY ISSUES AND NEXT STEPS

1. LOCATION OF THE UNIVERSITY:

The Committee would suggest that, given the nature of the concept of NJU, the University should be located in Wyanad, the district with the highest incidence of poverty in Kerala, as close as possible to Calicut airport to facilitate access to the campus. Necessary land will need to be found for this purpose.

2. CONCEPT; FINANCES; BILL

The unique concept of the University should be approved by Government along with its financial needs and the draft legislation.

3. BCI APPROVAL, KERALA GOVERNMENT APPROVAL

4. FINALIZING TRANSITIONAL PROVISIONS; LAUNCH

SECTION 7: DRAFT LEGISLATION

PRELIMINARY DRAFT (FOR DISCUSSION)

THE NATIONAL JUSTICE UNIVERSITY BILL

An Act to establish and incorporate a University dedicated to the study and advancement of justice and matters connected therewith or incidental thereto.

Preamble

WHEREAS (a) the Preamble to the Constitution of India declares “JUSTICE, social, economic and political” as the first amongst the preeminent goals of the Republic; and Article 39A of the Constitution of India mandates the State to “secure that the operation of the legal system promotes justice on a basis of equal opportunity”; to “provide free legal aid, and to “ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities”; (b) access to justice for common people still remains a substantially unfulfilled goal for large sections of the population in Kerala and elsewhere in India; (c) there is need to build up a cadre of trained “public defenders” to secure the rights of economically weaker sections utilizing legal aid schemes; and (d) to address these needs there is need to institutionalize inter-disciplinary research and teaching to support Constitutional goals of advancing and securing justice;

AND WHEREAS (a) currently law schools and law colleges have as their principal focus the legal education and training the preparation of advocates in an adversarial system rather than preparation of future judges, law teachers, law researchers and public defenders; (b) a distinction is now academically recognized between advocate-focused legal education and justice-oriented legal education that has as its central goal imparting specialized qualities, attitudes, skills and knowledge for preparing future judges, public defenders and law teachers and researchers as required for the promotion and administration of justice; (c) and whereas there is at present no institution in India the primary purpose of which is to prepare students to enter into judicial service, law teaching, public defence and focused inter-disciplinary study and research of the Constitutional vision of justice;

AND WHEREAS students from the lowest economic strata do not yet have adequate opportunity to access the best available legal education or to enter the judiciary or become law teachers and researchers; and provision of such access is of vital importance to achieve the social revolution envisaged in the Constitution of India;

AND WHEREAS the Higher Education Council of the Government of Kerala has recommended that these needs be addressed by establishing India’s first “Justice University”;

AND WHEREAS the establishment of a pioneering specialized institution to research and advance the Constitutional goal of justice from an inter-disciplinary perspective catering mainly to students from the lowest economic strata of society would serve as a model for the country;

AND WHEREAS, THEREFORE, it is deemed expedient to establish the National Justice University for the purposes hereinafter appearing;

Be it enacted in the xxx Year of the Republic of India as follows:-

1. *Short title and commencement.*- (1) This Act may be called the National Justice University Act, 2016.

(2) It shall be deemed to have come into force on the xx day of xxx, 2016.

2. *Definitions.*- In this Act, unless the context otherwise requires,-

(1) "Academic Council" means the Academic council of the University;

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

(3) "Bar Council of Kerala" means the Bar council of Kerala constituted under the Advocates Act, 1961 (Central Act 25 of 1961)

(4) "Centre or study centre" means a centre or study center for higher education in law or legal research or allied discipline established by the University and includes an institution founded for the purpose by the University;

(5) "Chancellor" means the Chancellor of the University;

(6) "Executive Council" means the Executive Council of the University;

(7) "Fund" means the University fund referred to in section 32;

(8) "General Council" means the General Council of the University;

(9) "Government" means the Government of Kerala;

(10) "Pro-Chancellor" means the Pro-Chancellor of the University; (13) "Registrar" means the Registrar of the University;

(11) "Regulations" means the regulations of the University made under the provisions of this Act;

(12) "Search Committee" means a Committee constituted by the Chancellor under section 27;

(13) "State" means the State of Kerala;

(14) "University" means the National Justice University established under section 3;

(15) "Vice-Chancellor" means the Vice-Chancellor of the University; and

(16) "Visitor" means the Visitor of the University.

3. *Establishment and incorporation of the National University of Justice*(1) With effect on and from the date of commencement of this Act, there shall be established a University by name "the National Justice University".

(2) The University shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire and hold property, to contract and shall by the said name sue and be sued.

(3) In all suits and other legal proceedings by or against the University, the pleadings shall be signed and verified by the Registrar and all process in such suits and proceedings shall be issued to and served on the Registrar.

(4) The headquarters of the University shall be in Kerala.

(5) Notwithstanding anything contained in any other law for the time being in force, and subject to Section 3(6) of this Act, the territorial jurisdiction of the University shall extend to the whole of Kerala.

(6) The University may establish campuses and study centers within the state and also in other parts of India and abroad.

4. *The objects of the University.*- (1) The objects of the University shall be:

(a) to secure and promote justice, in particular, for socially, economically and politically marginalized sections of society in accordance with the values of the Constitution of India (in particular, equality, liberty, dignity, democracy, socialism and secularism as well as the sovereignty and unity and integrity of the country);

(b) to advance egalitarian social change in India and globally as envisaged in the Constitution of India;

(c) to the above end, to advance and disseminate learning and knowledge of justice in its broadest, inter-disciplinary sense, through professional legal education as well as advanced education in all fields related to justice, as well as through research and critical public discourse for preparation of future judges, public defenders, law teachers and law researchers as well as academicians working on justice issues in disciplines beyond the law;

(d) to multiply the social justice impact of education by selecting students such that the professional success of each student will provide new life transforming opportunity for the economic and social uplift of her/his entire family;

(e) to develop in students, research scholars, advocates and government officials, especially those who discharge quasi judicial functions, a sense of commitment,

vision and a sense of responsibility to serve society by developing skills in regard to judging, law teaching and research, justice systems, advocacy, legal services, legislation, judicial reform, law reforms and the like;

(f) to promote legal and judicial reforms as are needed to strengthen the administration of justice in India in the interests of marginalized sections of society,

(g) to organize lectures, seminars, symposia, colloquiums and conferences on jurisprudence, current legislation, legal processes, rule of law and allied subjects on which instruction is imparted or research is carried out by the University;

(h) to conduct research on justice, civil rights and fundamental rights;

(i) to promote legal knowledge so as to make the law, justice system and judicial and legal processes efficient instruments of social change and national development;

(j) to promote inter disciplinary study and research of law and justice and all subjects related thereto;

(k) to provide orientation and training to officers involved in the administration of justice, teachers and researchers, civil servants, members of civil society, private sector personnel, advocates and other persons engaged or interested in the legal and justice fields;

(l) to provide advisory services on justice related issues;

(m) to hold examinations and confer degrees, diplomas, certificates or academic or honorary distinctions;

(n) to endeavour for the well being of the society through the medium of justice and law;

(o) to create an awareness of justice and respect to law and lawful authorities among the general public,;

(p) to instill a sense of Rule of Law among the students and citizens;

(q) 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.

(2) (a) Subject to Sections 2(b) and 2(c) of this Act, the University shall be open to all persons irrespective of gender, race, creed, caste or religion and it shall unlawful for the University to impose on any person any condition, 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 undergo, any course of study there at or to enjoy or to exercise any privilege or to exercise any right thereof.

(b) To advance the objects set out in Section 1 above, the University shall offer a B.A., LL.B. integrated five year law degree course (or its equivalent or successor program) exclusively to children of those engaged in lowest wage occupations (to be stipulated

through regulations), as their principal source of livelihood with a view to securing and advancing the quality of justice and the judicial system by ensuring that the judiciary, law teaching and the legal profession shall include adequate representation of numbers persons coming from such background.

(c) The University shall make every effort to ensure that at least 50% of its students are female in each course.

(3) In making appointments by direct recruitment to posts either permanent or temporary created for a period exceeding six months posts in any class or category in each department under the University, or to permanent posts of non-teaching staff in the University, the University shall, *mutatis mutandis*, observe the provisions of clauses (a), (b) and (c) of rule 14 and rules 15 to 16 and 17 of the Kerala State and Subordinate Service Rules, 1958 as amended from time to time:

Provided that three per cent of the post in addition to the above shall also be reserved for physically handicapped persons.

(4) Subject to Section 2 (b) and 2 (c), the University shall reserve seats in the admission of students of Scheduled Castes or Scheduled Tribes and Backward and Other Backward Classes as prevalent in professional courses in the State.

(5) The University shall also reserve three per cent of seats for the physically handicapped students while making admission to every course in the University.

5. *Powers and Functions of the University.*- Subject to the provisions of this Act, the University shall have the following powers and functions namely:-

(i) to administer and manage the University and such other centres for study, research, education, professional training and instructions 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 justice and law as the University may think fit, including legal and other disciplines, and to make provisions for research and for the advancement and dissemination of legal and jurisprudential knowledge;

(iii) to organize and undertake extra-mural and practice oriented teaching, distance learning and consultancy and extension services;

(iv) to hold examinations and to grant titles, diplomas or certificates, and to confer degrees and other academic or honorary distinctions on persons subject to such conditions as the University may determine and to withdraw or cancel diplomas, certificates, degrees and other academic distinctions or other distinctions under conditions that may be prescribed by regulations after giving the persons affected thereby a reasonable opportunity to show cause why it shall not be withdrawn or cancelled;

(v) to confer honorary degrees or other distinctions in the manner and subject to such conditions as may be laid down in the regulations;

- (vi) to fix, demand and receive fees and other charges;
- (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 or residence;
- (viii) to establish such special centres, specialized study centres or other units for research and instruction within Kerala and elsewhere as are, in the opinion of the University, necessary for the furtherance of its objects;
- (ix) to establish and maintain such departments and centres in various branches of study as it deems fit for the furtherance of its objects;
- (x) to supervise and control the residence and to regulate the discipline of the students of the University;
- (xi) to make such arrangement in respect of residence, discipline and teaching of women students;
- (xii) to create academic, technical, administrative, ministerial and other posts and to make appointments thereto;
- (xiii) to regulate and enforce discipline among the employees of the University and to take such disciplinary measures as may be deemed necessary;
- (xiv) to institute professorships, associate professorships, assistant professorships, readerships, lectureships and any other teaching, academic or research posts required by the University;
- (xv) to appoint persons as professors, associate processors, assistant professors, readers, lecturers or other teachers and researchers of the University;
- (xvi) to institute and award fellowship, scholarship, prizes and medals;
- (xvii) to provide for printing, re-production and publication of periodicals, treatises, study books, reports, journals and other literature on all subjects and organize exhibitions;
- (xviii) to sponsor and undertake research in all aspects of law, justice, other disciplines and social development and to promote inter disciplinary approach;
- (xix) to co-operate with any other organization including any Government in the matter of education, training and research in law, justice, national development, management, technology 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;
- (xx) to co-operate with institutes 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;

(xxi) to regulate the expenditure and to manage the accounts of the University;

(xxii) to establish and maintain within the University's premises or elsewhere, such class rooms 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;

(xxiii) to receive grants, subventions, subscriptions, donations, endowments and gifts for the purposes of the University, consistent with the objects for which the University is established;

(xxiv) to purchase, take on lease or accept as gifts or otherwise any property, movable or immovable, or building or works which may be necessary or convenient for the purpose of the University 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;

(xxv) 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;

(xxvi) 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;

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

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

(xxix) to give up and to cease, from carrying on any classes or departments of the University;

(xxx) to enter into any agreement with Central government, State Governments, the Government of any Union Territory, the University Grants Commission or any foreign Government or Universities or Institutions or other authorities for receiving grants;

(xxxi) to accept grants or money, securities or property of any kind on such terms as prescribed by regulations made under this Act;

(xxxii) 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 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;

(xxxiii) 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 investment;

(xxxiv) to make such regulations as may, from time to time, be considered necessary for regulating academic matters, administration, financial dealings and the management of the University and to alter modify and to rescind them;

(xxxv) to constitute subject to the provisions of any law in force for the benefit of the academic, technical, administrative and other staff, in such manner and subject to such conditions as may be prescribed by regulations, such as provident fund and gratuity as it may deem fit and to make such grants as it may think fit for the benefit of any employee of the University, and to aid in establishment and support of the associations, institutions, fund, trusts and conveyance calculated to benefit the staff and the students of the University;

(xxxvi) to constitute an elected students Council and other elected and non-elected student bodies, in such manner as shall be prescribed by the regulations to organize students academic, sports, arts and cultural activities and for the overall well being and welfare of the students;

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

(xxxviii) 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 anyone of them.

6. *Teaching in the University.*- (1) All teaching in connection with the degrees, diplomas and certificates of the University shall be conducted by the Faculty under the oversight of the Academic Council with respect to academic aspects, and the oversight of the Executive Council with respect to administrative aspects, in accordance with the Syllabus prescribed by regulations.

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

(3) Subject to the provisions of the University Grants Commission Act, 1956 (Central Act 3 of 1956), there shall be such teaching staff as Professors, Associate Professors, Assistant Professors, Readers, Lecturers, Visiting and Adjunct Professors, Research and Teaching Fellows, Associate Research and Teaching Fellows, and other incumbents as may be prescribed by regulations.

(4) There shall be a head for each Department, Centre or any other institution under the University as may be prescribed by regulations.

7. *Visitor of the University.*- (1) Subject to his consent, the Chief Justice of India, or a Senior Judge of the Supreme Court of India, or an eminent academician nominated by him in consultation with the Faculty, shall be the Visitor of the University.

(2) The Visitor shall have the right to call for report on any matter pertaining to the affairs of the University and to issue suggestions for improvements.

(3) The Visitor shall have the right to attend any meetings of the General Council, Executive Council or the Academic Council.

(4) The Visitor, if present, shall, preside over the convocations conferring honorary degrees or other distinction of the University.

(5) In case the Visitor gives any direction to the University, it shall give effect to such direction within a period of ninety days or show cause why such direction could not be implemented, to the Visitor.

8. *Chancellor of the University.*- (1) The Chief Justice of the High Court of Kerala shall be the Chancellor of the University

(2) The Chancellor shall preside over the Convocations of the University in the absence of the Visitor.

(3) The Chancellor shall appoint the Vice-Chancellor with the prior approval of the Visitor in accordance with the procedure prescribed under section 27.

9. *The Powers of the Visitor and the Chancellor.*- (1) The visitor and the Chancellor shall have the following powers, namely:-

(a) to give direction take action or do anything as required under the provisions of this Act and regulations made thereunder;

(b) to cause an inspection by such person, as he may direct of any work, activity or examination of the University, Department, Institution or Regional Centres;

(c) to give his views or advice to the Vice-Chancellor in the matters wherein an inspection or inquiry has been made under clause (b) of sub-section (1).

(2) Where either the Visitor or the Chancellor of the University has ordered an inspection or inquiry under clause (b) of sub-section (1) the University shall render all assistance for the inspection or enquiry and may depute one of its officers to represent it in such inspection or inquiry.

(3) The person or persons who conducts or conduct the inspection or inquiry shall afford all opportunities to the officer or nominee representing the University for being heard, or consider all the records furnished by him.

(4) The Visitor or the Chancellor shall communicate the result of the inspection or inquiry and his advice to the Vice-Chancellor.

(5) The result and the advice referred to in sub-section (4) shall be communicated by the Vice-Chancellor to the Executive Council with his comments for appropriate action and the Executive Council shall communicate through the Vice-Chancellor such action it proposes to take or has been taken to the Visitor or the Chancellor as the case may be.

(6) If, however, on considering the result together with the advice referred to in sub-section (4) and the comments of the Vice-Chancellor thereon with his suggestion for action, the Executive Council is of the view that the result and advice be rejected, it may reject it and direct the Vice-Chancellor to give the Chancellor or the Visitor as the case may be convincing grounds for such rejection.

(7) Where the Executive Council does not, within reasonable time, comply with the advice to the satisfaction of the Visitor or the Chancellor, as the case may be, the Visitor or the Chancellor, after considering any explanation furnished or representation made by the Executive Council, may issue such directions as he may think fit and Executive Council shall comply with such directions.

10. *Authorities of the University.*- The following shall be the authorities of the University namely:-

- (i) The General Council;
- (ii) The Executive Council;
- (iii) The Academic Council;
- (iv) Such other bodies as may be declared by regulations to be the authorities of the University.

11. *The General Council.*- The General Council shall be the plenary authority of the University and shall consist of the following members, namely:-

- (i) The Chancellor;
- (ii) The Vice-Chancellor;
- (iii) The Minister for Law, Government of Kerala;
- (iv) Two sitting Judges of the High Court of Kerala nominated by the Chancellor, one of whom shall be a woman;
- (v) Principal Secretary, Finance, Government of Kerala;
- (vi) The Principal Secretary Higher Education Department, Government of Kerala;
- (vii) The Advocate General of Kerala;

- (viii) The Chairman, Bar Council of India;
- (ix) The Chairman, Bar Council of Kerala;
- (x) The Director of the Kerala State Judicial Academy;
- (xi) The Principal of a Government Law College in Kerala nominated by the Chancellor;
- (xii) Not more than three members nominated by the Government from among eminent representatives of social movements of marginalized sections, of which one member shall be a woman and one shall be from Scheduled Castes or Scheduled Tribes;
- (xiii) Two senior members of the Teaching Faculty of the University nominated by the Vice-Chancellor;
- (xiv) Three social scientists of national or global eminence nominated by the Chancellor in consultation with the Faculty;
- (xv) Three students of the University, elected from amongst them, of which one shall be a woman and one shall be from Scheduled Castes or Scheduled Tribes; and two of who shall be from the undergraduate programme and one from the post graduate programme.
- (xvi) Such other members of the Executive Council who are not otherwise members of the General Council.

12. *Term of office of the members of the General Council.*- (1) The term of office of the members of the General Council shall be two years:

Provided that the member nominated from among the students as per clause (xxii) of section 12 shall hold office for a period of one year from the date of his/her nomination or till he/she ceases to be a student whichever is earlier.

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

(3) If any casual vacancy arises in the General Council, that vacancy shall be filled up from the category in which the vacancy arose in the manner specified for that category in section 12 but he can continue in the General Council only for the remaining period as if the vacancy had not arisen.

13. *Reconstitution of General Council.*- On the expiry of every four years from the date of constitution of the General Council it shall be reconstituted in the manner specified in section 12.

14. *Meeting of the General Council.*- (1) The General Council shall meet at least once in a year. One fourth of the total number of members of the General Council shall constitute the quorum for the meeting.

(2) The Chancellor, or in his/her absence the Vice-Chancellor, shall preside over the meeting.

(3) When both the Chancellor and the Vice-Chancellor are absent the members of the General Council present may choose one among them to preside over the meeting.

15. *Powers of the General Council.*-The General Council shall have the following powers, namely:-

(a) to review from time to time the policies and programmes of the University and suggest measures for the improvements and development of the University;

(b) to review the annual report and the audited accounts of the University presented to it by the Executive Council;

(c) to advise on matters relating to the functioning of the University which are referred to it by the Executive Council or the Academic Council;

(d) to perform such other functions as it may deem necessary for the efficient functioning of the University;

(e) to consider and pass resolution on the annual report and the annual accounts of the University and the audit report on such accounts;

(f) to advise the Visitor or the Chancellor in respect of any matter which may be referred to it for advice;

(g) to approve the regulations of the University or their alteration or amendment or repeal;

(h) to approve the budget of the University presented by the General Council;

(i) to recommend to the Chancellor regarding the honorary degree, if any, to be conferred on distinguished persons.

16. *The Executive Council.*- (1) The Executive Council shall be the chief executive body of the University. The administration, management and control of the University shall be vested with the Executive Council. It shall control and administer the property and funds of the University.

(2) The Executive Council shall consist of the following members, namely:-

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

(ii) The Principal Secretary, Finance, Government of Kerala

(iii) One member from among the members of the teaching faculty of the University in the General Council, nominated by the Vice-Chancellor by rotation for a period of two years;

(iv) An eminent scholar in the area of justice; a law teacher of national eminence; and an eminent retired judge, each nominated by the Chancellor in consultation with the Vice Chancellor.

17. *Term of office of the members of the Executive Council.*- (1) The Term of office of the members of the Executive Council, nominated or co-opted shall be two years from the date of their nomination or co-option, as the case may be.

(2) Where a person has become a member of the Executive Council by reason of the office or appointment he holds, the membership shall cease when he ceases to hold that office or appointment or on removal by the nominating authority.

18. *Meetings of the Executive Council.*- (1) The Executive Council shall ordinarily meet once in six months, and as and when required for the conduct of business of the University on dates and hours to be fixed by the Vice-Chancellor. Every meeting of the Executive Council shall be presided over by the Vice-Chancellor or in his absence, by a member chosen by the members present to preside over in that meeting.

(2) Four members shall constitute the quorum for a meeting of the Executive Council.

(3) The Registrar shall be the ex-officio non-member secretary of the Executive Council.

(4) The Executive Council shall take decisions or pass resolutions based on the majority of members present and voting. If, however, there is an equality of votes the Vice-Chancellor or the person presiding shall have and shall exercise a casting vote.

19. *Powers and functions of the Executive Council.*- The Executive Council shall have the following powers subject to directions, if any, to be issued by the General Council, namely:-

(i) To propose regulations and amendments or repeal thereof for the consideration of the General Council:

Provided that regulations relating to courses of studies and examination, withdrawal of degrees, titles, diplomas or certificates or distinctions conferred by the University shall be made on the recommendation of the Academic Council and no such regulation shall be cancelled or amended by the Executive Council without giving the Academic Council an opportunity to state its opinion on the proposed cancellation or amendment;

(ii) to establish maintain and manage University Centres or other Institutions for higher learning or research as it may deem necessary from time to time and to abolish them when found necessary;

- (iii) to institute, on the recommendation of the Academic Council or otherwise, teaching and research posts required by the University;
- (iv) to appoint, from time to time, teachers, heads of departments and other employees in centres and other institutions of the University as may be necessary in accordance with the provisions of the University Grants Commission Act, 1956 (Central Act 3 of 1956) and the rules and the regulations made thereunder, on the recommendations of the Selection Committee constituted in accordance with the regulations for the purpose and to suspend, dismiss or otherwise punish any member of the establishment of the University including teachers after giving them an opportunity for defending their case;
- (v) to create administrative, ministerial and other necessary posts, to determine the number and emoluments for such posts, to specify minimum qualifications for appointment to such posts and to appoint persons to such posts on such terms and conditions as may be prescribed by regulations made in that behalf;
- (vi) to direct the form, custody and use of the common seal of the University;
- (vii) to manage and regulate the finances, accounts, investments and properties both movable or immovable, business and all other administrative affairs of the University;
- (viii) to approve the financial estimates of the income and expenditure of the University;
- (ix) to consider the annual accounts together with audit report thereon and take appropriate action thereof;
- (x) to institute by regulations the degree, diplomas and other academic distinctions which may be granted by the University;
- (xi) to award fellowships, scholarships, bursaries, medals and prizes;
- (xii) to conduct University examinations and approve and publish the results thereof;
- (xiii) to withhold or cancel the result of any candidate at the University examinations;
- (xiv) to appoint duly qualified examiners and question paper setters and to fix their remuneration and other allowances;
- (xv) to prepare the annual report and annual budget of the University and to present the same for the consideration of the General Council;
- (xvi) to delegate any of its powers to the Vice-Chancellor or to a Committee appointed from among its members or to any officer of the University and withdraw such delegation either in full or in part;

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

20. *The Academic Council.*- (1) The Academic Council shall be the academic body of the University and shall have power of superintendence and control of and be responsible for the maintenance of standards of instruction, education, research, publication and examination of the University.

(2) The Academic Council shall consist of the following members, namely:-

(i) The Vice-Chancellor (Chairman);

(ii) A nominee of the Chairman of the Bar Council of India from among the members of its Legal Education Committee;

(iii) A nominee of the Chairman of the University Grants Commission from among its members of the Law panel;

(iv) A jurist of great eminence nominated by the Executive Council;

(v) An educationist of great eminence drawn from a non-law discipline nominated by the Executive Council;

(vi) All Heads of Departments of the Centres;

(vii) Two senior members of the teaching faculty of the University, nominated by the Vice-Chancellor;

(viii) Two distinguished law teachers, with expertise in the study of justice, other than teachers of the University, nominated by the Vice-Chancellor;

(ix) A senior professor in law from any one of the National Law Universities in India, with expertise in the study of justice, nominated by the Chancellor in consultation with the Vice-Chancellor;

(x) A retired judge nominated by the Vice Chancellor;

(xi) One teacher each of every discipline or theme of study other than law, offered under the scheme and syllabus prescribed by the University to be co-opted by the Academic Council.

21. *Term of office of the members of the Academic Council.*- (1) The term of office of the members of the Academic Council, nominated or co-opted, shall be two years from the date of their nomination or co-option, as the case may be, or his nomination is withdrawn or cancelled by the nominating authority.

(2) Where a person has become a member of the Academic Council by reason of the office or appointment he holds, the membership shall cease when he ceases to hold that office or appointment.

22. *Meeting of the Academic Council.*- (1) The Academic Council shall ordinarily meet at least twice in a year and the Vice-Chancellor may direct additional meetings to be held as and when necessary.

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

(3) The Vice-Chancellor shall be the Chairman of the Academic Council.

(4) Every meeting of the Academic Council shall be presided over by the Chairman and in his absence by a member chosen by the members present to preside over in that meeting.

(5) The Registrar shall be the Ex-officio non-member Secretary of the Academic Council.

(6) The proceedings of the meetings of the Academic Council shall be prepared by the Registrar. The proceedings duly approved by the Vice-Chancellor shall be circulated among the members within ten days after the date of the meeting.

(7) It shall be open to the Vice-Chancellor, in urgent cases, to obtain the opinion of the Academic Council by circulation. Such opinion together with the action taken thereon shall be communicated to all the members.

23. *Powers and functions of the Academic Council.*- Subject to the provisions of this Act and the regulations, the Academic Council shall have the following powers, namely:-

(i) to advise the Executive Council on all academic matters;

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

(iii) to make recommendations to the Executive Council with regard to the creation, abolition or classification of teaching posts in the University and the duties and functions attached thereto;

(iv) to formulate and modify or revise schemes for the organization of the various departments and to assign to such departments their respective subjects and also to report to the Executive Council as to the expediency of the abolition or sub-division of the department or the combination of one department with another;

(v) to prescribe the scheme and syllabus for various courses of studies offered in the University and to constitute such committees as are necessary to make proposals in this regard;

(vi) to promote research within the University and to require from time to time reports on such research;

(vii) 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.

(viii) to make recommendation to the Executive Council with regard to the appointment of examiners and if necessary their removal;

(ix) to make proposals regarding the prescription of regulations relating to courses of studies and examinations;

(x) to make proposals to the Executive Council regarding the regulations relating to the qualifications of teachers;

(xi) to prescribe the qualifications for admission of students to the various courses of studies of the University and to the examinations and the conditions under which exemption may be granted;

(xii) to make proposals for research and advancement and dissemination of knowledge;

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

24. *Board of Studies.*- (1) There shall be a Board of Studies attached to each discipline or sub-discipline or theme of study in the University, as determined by the Academic Council and set out in the Rules.

(2) The constitution and powers of the Board of Studies shall be such as may be prescribed by regulations framed under this Act.

25. *Officers of the University.*- The following shall be the Officers of the University, namely:-

(a) The Vice-Chancellor;

(b) The Registrar;

(c) The Controller of Examinations;

(d) The Finance officer;

(e) Such other officers as may be prescribed by regulations.

26. *Appointment and powers of the Vice-Chancellor.*- (1) The Vice-Chancellor shall be appointed by the Chancellor on the unanimous recommendation of the Search

Committee appointed by him, consisting of the following members, who shall all be eminent academicians in areas relevant to justice, namely:-

- (b) One nominee of the State Government.
 - (c) One nominee of the Faculty of the University chosen by election;
 - (d) One member of the Executive Council chosen by election from amongst them;
- (2) The Committee shall make its recommendation within a period of three months of its appointment.
- (3) In case the Search Committee is unable to recommend a name unanimously, the Vice-Chancellor shall be appointed by the Chancellor from among the panel of three names submitted to him by the Committee within the period specified in sub-section (2).
- (4) Notwithstanding anything contained in this Act or the regulations, the first Vice-Chancellor shall be appointed by the Government on such terms and conditions as may be specified by order.
- (5) The term of office of the Vice-Chancellor shall be five years from the date on which he enters upon his office or until he attains the age of 65 whichever is earlier.
- (6) The remuneration payable to and the other conditions of service of the Vice-Chancellor shall be such as may be determined by the Chancellor.
- (7) The Vice-Chancellor shall be the Chief Executive and Academic Head of the University and subject to the specific and general directions of the Executive Council , the Academic Council and the General Council; the Vice-Chancellor shall discharge all the functions for the effective management and administration of the University.
- (8) The Vice-Chancellor shall,-
- (a) ensure that the provisions of this Act and the regulations are duly observed, and he shall have all such powers as are necessary for that purpose;
 - (b) convene the meetings of the General Council, the Executive Council and the Academic Council and shall perform such other acts as may be necessary to give effect to the provisions of this Act;
 - (c) appoint examiners and other officials for the conduct of examinations from the panel approved by the Executive Council;
 - (d) have all such powers as are necessary for proper maintenance of discipline in the University.

(9) If, in the opinion of the Vice-Chancellor any emergency has arisen and such emergency requires immediate action, 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.

(11) The Vice-Chancellor shall have the right of visiting and inspecting the departments, centres and other institutions maintained by the University.

(12) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by regulations.

(13) In the event of a temporary vacancy occurring in the office of the Vice-Chancellor or where the Vice-Chancellor is temporarily absent, the Executive Committee shall make necessary arrangement for exercising the powers and performing the duties of the Vice-Chancellor.

27. Appointment and powers of the Registrar.- (1) The Registrar shall be a whole time salaried officer of the University and shall be appointed by the Executive Council for such period and on such terms as may be prescribed by regulations. The Registrar shall not be a member of the Faculty of the University.

(2) Notwithstanding anything contained in this Act or the regulations, the first Registrar shall be appointed by the Executive Council on such terms as may be specified by order.

(3) The Registrar shall be the Ex-officio Secretary of the General Council, the Executive Council and the Academic Council but shall not be deemed to be a member of any of these authorities.

(4) Suits or other legal proceedings by or against the University shall be instituted by or against the Registrar.

(5) The Registrar shall,-

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

(b) be the custodian of the records, common seal and such other property of the University as the Executive Council may assign to his charge;

(c) issue notices for convening meetings of the General Council, the Executive Council, the Academic Council and any of the committees appointed by the authorities of the University;

(d) keep the minutes of all meetings of the General Council, the Executive Council, the Academic Council and any committees of the University;

(e) conduct the official correspondence on behalf of the University;

(f) supply the Chancellor 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;

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

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

(i) exercise such powers and perform such functions as may be prescribed by regulations.

(6) In the event of the post of Registrar remaining vacant for any reason, it shall be open to the Executive Council to authorize any officer in the service of the University to exercise such powers and perform such functions and duties of the Registrar as the Executive Council deems fit.

28. Appointment and powers of the Finance Officer.- (1) The Finance Officer shall be a whole time salaried officer of the University and shall be appointed by the Executive Council for such period and on such terms as may be prescribed by regulations.

(2) The Finance Officer shall exercise such powers and perform such duties as may be prescribed by regulations.

29. Other officers and employees.- Subject to the regulations relating to the service conditions, every other officer or teaching and non-teaching staff of the University may be appointed under a written contract setting out the conditions of service as may be prescribed by regulations, which shall be lodged with the University and a copy thereof furnished to the officer or employee concerned.

30. Funds of the University.- (1) There shall be a fund for the University to be called the University Fund, which shall include,-

(a) any contribution or grant made by the Central or State Government;

(b) any contribution or grant made by the University Grants Commission;

(c) any contribution made by the Bar Council of India;

(d) any contribution made by the Bar Council of Kerala, the Trust or other State Bar Councils;

(e) any bequests, donations, endowments or other grants made by private individuals and other Trusts, public or private;

(f) income received by the University from fees and charges;

(g) amounts received from any other source.

(2) The amount in the Fund shall be kept in a scheduled bank or banks as may be decided by the Executive Council.

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

31. *Execution of contracts.*- 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 contract is above rupees twenty lakhs and by the Registrar when its value does not exceed rupees twenty lakhs.

32. *Finance estimates and Annual Accounts.*- (1) The financial estimates and the annual accounts of the University may be prepared by the Vice-Chancellor and got approved by the Executive Council, before the financial year commences. No expenditure shall be incurred unless the budget is approved by the Executive Council.

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

(3) The accounts when audited shall be printed by the Executive Council and a copy of the accounts together with the audit report shall be submitted to the Chancellor and to the Government.

(4) The financial estimates, the annual accounts and the audit report together with the comments of the Executive Council thereon shall be laid before the General Council at its next meeting.

33. *Annual Report.*- (1) The Executive Council shall prepare the annual report relating to the functioning of the University covering each financial year and submit it to the General Council for its review 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.

(2) Copies of the annual report along with the resolutions of the General Council shall be submitted to the Chancellor and the Government. The Government shall lay the same before the State Legislature at its session immediately following such receipt.

34. *Eligibility for admission of students.*- No student shall be eligible for admission to a course of study in the University unless he possesses such qualifications as may be prescribed by regulations.

35. *Departments and Centres.*- (1) The Executive Council may on the recommendation of the Academic Council or otherwise, establish such departments and centres as may be necessary from time to time.

(2) The Heads of the departments and centres shall be Professors, Associate Professors, Adjunct Professors or Adjunct Associate Professors.

(3) The powers, functions, mode of appointment and conditions of service of the head of such institutions shall be such as may be prescribed by regulations.

36. *Regulations.*- (1) Subject to the provisions of this Act, the Executive Council shall have, in addition to all the other powers vested in it., the power to frame 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 its opinion in writing on the proposed changes and any opinion so expressed shall be considered by the Executive Council.

(2) All regulations made by the Executive Council shall be laid before the General Council at its next meeting and it may make such modifications in it as it may deem necessary.

37. *Award of Degree, Diplomas etc.*- Award of Degrees, Diplomas, Certificates etc. shall be made in person or *in absentia* at Convocations or *in absentia* at a meeting of the Executive Council held after the publication of the results of the examinations concerned.

38. *Honorary Degree.*- (1) On the recommendation of the Academic Council or on its own motion, the Executive Council may confer an honorary degree on distinguished persons who by the reason of their eminent position and attainments or by virtue of their contribution to learning or eminent services to the cause of legal education, are fit and proper persons to receive such a degree.

(2) The honorary degree shall be conferred only at a Convocation and may be taken in person or in absentia. The procedure for holding Convocation, honorary degrees to be conferred shall be such as may be prescribed by regulations.

39. *Withdrawal or cancellation of Degree or Diploma.*- (1) On the recommendations of the Academic Council, the Executive Council may 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 Executive Council and by a majority of not less than two-thirds of the members of the Executive Council present and voting at the meeting, if such person has been convicted by a court of laws for an offence which in the opinion of the Executive Council involves moral turpitude or if he has been guilty of gross misconduct.

(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 proposed action to be taken.

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

(4) Any person aggrieved by the decision taken by the Executive 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.

40. *Discipline of students.*- The Vice-Chancellor shall be responsible for the maintenance of discipline among the students of the University. His directions in that behalf shall be carried out by the heads of departments, centres, hostels and other institutions.

41. *Action not invalidated merely on the ground of defect in constitution, vacancy etc.*- No act done, or proceedings taken by the General Council, the Executive Council, the Academic Council or any other authority or body of the University shall be invalidated merely on the ground that it is not duly constituted or there is a defect in its constitution or reconstitution, at any time or that there is a vacancy in the membership of any such authority or body and no act or proceedings of such authority or body not affecting the merits of the case shall be invalidated on any such ground or grounds.

42. *Constitution of the first Executive Council.*-Notwithstanding anything contained in this Act, the first Executive Council of the University shall be constituted by the Government.

43. *Power of Government to cause inspection of the University.*- (1) the Government shall have the right to cause inspections to be made by such person or persons as they may direct, of the university, its buildings, libraries etc; and of any institution maintained by the University and also of the work conducted by the University and cause inquiry to be made in respect of any matter connected with the University.

(2) The Government shall communicate to the Executive Council the result of any inspection or inquiry made under sub-section (1) and advise the University upon the action to be taken in the matter.

44. *Indemnity.*- No suit, prosecution or other legal proceeding 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 done in good faith or purporting to be done in pursuance of this Act or any regulation made thereunder.

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

46. *Removal of difficulties.*- If any difficulty arises as to the first constitution of any authority of the University or otherwise in giving effect to the provisions of this Act, the Government may, by order, do anything which appear to them necessary for the purpose of removing such difficulty:

Provided that no order under this section shall be issued by the Government after the expiry of a period of two years from the date of commencement of this Act.