

**THE CONSTITUTION OF THE SHILLONG LAW COLLEGE:**  
**SHILLONG**

1. **Name** : The name of the College shall be ‘The Shillong Law College’ established in 1964 in Shillong by the Memorandum of Association with the objective of imparting legal education in Shillong.
2. **Premises** : The properties acquired and the building constructed along with facilities at Brook Haven, Dhankheti, Shillong are the premises of the College and shall include properties acquired and possessed subsequently.
3. **Office** : The designated Office(s) of the College is/are located within the Shillong Law College premises.
4. **Definitions:**
  - (a). “Governing Body” refers to the apex management Committee of the College under section 33(1) (i) of North Eastern Hill University (NEHU) statutes of 1973 and hereinafter referred to as the GB.
  - (b). “President” means the President of the Governing Body.
  - (c). “Secretary” means the Secretary of the Governing Body.
  - (d). “Principal” means the Principal of the Shillong Law College, Shillong as envisaged under section 33(1) (i) of NEHU Statutes of 1973 and hereinafter referred to as the Principal.
  - (e). “Teacher” means a “Lecturer”, “Senior Lecturer”. “Lecturer Selection Grade” and such other members of the academic staff as may be designated by the College including “teachers-on-contract”, “part-time teachers”, “guest-lecturers”, the Principal and the “Vice-Principal”.

Provided that only the Principal, the Vice-Principal and all grades of Lecturers shall be treated as members of regular academic staff of the College as per rules prescribed by the NEHU, the University Grants Commission (UGC) and the Bar Council of India (BCI)
  - (f). “Librarian” means a regular qualified “other academic” staff of the college in charge of the affairs of the College Library and employed by the College for that purpose.
  - (g). “Staff” means staff of the Shillong Law College, instituted under the Act of 1973 of NEHU, the affiliating University for the College, hereinafter to be referred to as the University.

5. **Objective:** As per Article 3 of the Memorandum of Association of 1964, the Shillong Law College is to impart quality legal education to students and prepare them for professional practice and/or other expert services as may be required from time to time in particular and to provide excellence to the people in the field of professional legal education in general.

6. **Symbols:**

(1) **Flag:** The Shillong Law College shall have a flag unique to the objective and purposes of the College. The description and design of the flag is provided in Appendix – A. The flag may be used during various occasions and events of the College and within the College premises or elsewhere for specific purposes like sports and meets and other important functions in which the college participates.

(2) **Emblem:** The Shillong Law College, shall have an emblem of the College suitable to its objective and purpose. The design and description of the emblem will be as in Appendix – B. The Principal shall be the custodian of the emblem of the College. The emblem shall be used for official purposes only including official documents of the College, the letter head of the College, and other official purposes.

7. **The Governing Body:**

(1). **Composition:**

(i) The Governing Body of the College shall consists of not more than 15 (fifteen) members including the Principal, the Vice-Principal, two representatives elected by the teachers of the College, two representatives of the University, a (official) nominee of the State Government and other members of the public as nominated by the out-going Governing Body.

Provided that the Advocate General of Meghalaya and the Local Member of the Legislative Assembly shall be *ex-Officio* Members of the Governing Body.

(ii) The Governing Body shall have a President and a Secretary elected by it. In case the Principal is not elected as the Secretary, he shall be the joint Secretary who shall act as Secretary in the absence of the Secretary.

\*(iii) Tenure: The Governing Body normally shall have tenure of three years from the date the new President of the reconstituted G.B. takes over.

Provided that under circumstances of administrative delays, the outgoing GB shall continue to function fully with all powers, till such time the new G.B. takes over.

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The words ‘the New President of the reconstituted G.B. takes over’ were substituted for the words ‘of approval of the University along with its nominees’ by Resolution No.3 adopted by the G.B. in its special meeting held on 12<sup>th</sup> June 2010.

- (iv) The G.B. shall meet a minimum of four times a year, once in each quarter. A notice to this effect shall be issued by the Secretary/Joint Secretary of the G.B. ten days in advance along with the agenda, time and venue of the meeting.

Provided that under special/extra-ordinary circumstances the G.B. can be convened within 24 hours' notice to address specific emergent issues concerning the College.

(2). **Powers and Functions:**

- (i). The Governing Body of the College is the authority to manage the entire affairs of the College.
- (ii). The G.B. shall frame all rules and procedures in connection with the affairs of the College and amend the same with the approval of two-thirds of its members present and voting. Once approved, the Secretary of the College shall notify the same unless otherwise so stipulated.

Provided, that such rules and procedures shall in general, be in conformity with the rules of the University, the UGC and the Bar Council of India wherever applicable.

- (iii). The G.B. shall be the owner of all immovable and moveable properties, assets, documents and facilities of the College. The G.B. shall also be accountable for all liabilities that arise out of the transactions of the College done under its authority.
- (iv). The G.B. shall be the sole authority in creating and abolishing all or any academic or non- academic staff positions of the College.
- (v). The G.B. shall make all academic appointments including the Principal and the Vice-Principal, if any, and the non-academic staff on the basis of the recommendation of a Selection Committee duly constituted.

Provided that under extra-ordinary circumstances the G.B. can make an appointment *suo moto*, if it is so satisfied about such an exigency and the qualifications kept on record, of the concerned appointee.

- (vi). The G.B. shall regulate the scales of pay of all academic and non-academic staff of the College from time to time and to be duly notified. Furthermore the G.B. may prescribe and regulate other allowances, as it may deem fit from time to time.

Provided that the G.B. can make other forms of appointments like teachers and non-academic staff on contract or part-time basis as it may deem fit, without going through the procedures laid down for regular appointment. Such appointment shall be for a fixed tenure normally one year at a time or for a tenure to be specified by the G.B. at the time of appointment. However, in emergent cases, the President, Secretary, Principal and Vice-Principal may jointly make such appointments subject to ratification by the G.B.

- (vii). The G.B. shall have power to retrench/terminate the contract of employment and retire all or any superannuated teachers and staff upon reaching the prescribed age limit. \* [The age limit for those employed on contract or part-time basis shall ordinarily be 65 years if not extended beyond that age].
- (viii). The G.B. shall operate all revenue accounts and make appropriate investments of surplus funds in Bank(s) through the joint operation of the President of the G.B. and the Principal of the College.

Provided that the G.B. may decide to make such long term investments in reputed mutual funds, debentures, bonds and shares of reputed public limited companies for better yield but not exceeding 50 percent of the corpus funds of the College.

- (ix). The G.B. shall have powers to receive grants-in-aid from the State and Central Government and NGOs, fees, refundable deposits from the students, receive deposits from teachers and staff as contribution to Provident Fund and rents and all the accounts are to be maintained separately.
- (x). The G.B. shall have powers to create funds and accounts for various purposes or abolish them as per needs, from time to time.
- (xi). The G.B. shall appoint qualified auditors, preferably Registered Chartered Accountants to verify, and the audit and certify the accounts of the College for the preceding financial year and audit report shall be placed before the G.B. for its consideration each year. The appointment of the same auditor shall not continue normally beyond three consecutive years.

Provided that the GB shall appoint qualified auditors for internal audit of the accounts of the College whenever it thinks necessary for a particular purpose and/or for a particular period/year. The GB may issue directions to such auditors in the performance of their duties and they shall have access to the registers, books of account, records and other documents of the college. Such auditors shall submit their report to the GB.

- (xii). The G.B. shall consider the annual budget prepared by the College administration each year, preferably in the month of **June each year**. The G.B. shall take appropriate measures in balancing expenditure with revenues of the College.
- (xiii). The G.B. shall regulate the number of students to be admitted each year so also the minimum qualifying marks required for admission into the LL.B program in conformity with the rules laid down by the University and the Bar Council of India.

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\* The addition of this last sentence was made by Resolution No.3 adopted by the G.B. in its special meeting held on 12<sup>th</sup> June 2010.

- (xiv). The G.B. shall prescribe the admission, tuition and other fees payable by the students as per procedure laid down.
- (xv). The G.B. shall fix the administrative and academic hours of the College, the number of administrative and academic holidays and approve the academic calendar in conformity with the rules of the university and the government.
- (xvi). The G.B. shall have powers to investigate matters of indiscipline, misconduct and willful dereliction of duties of teachers and staff of the College and if found guilty can impose penalties, stoppage of annual increment or increments, demotion or termination of service contract with the erring employee, through the Secretary, the details of the procedure to be laid down in service rules and procedures.
- (xvii). The G.B. shall have powers to issue notices, advertisements, and information to the public on matters concerning the College through Secretary.
- (xviii). The G.B. shall have power to sue or be sued on matter concerning the College through the Secretary.

#### 8. **President of the Governing Body:**

- (i). The President of the G.B. of the College is an honorary position. None of the salaried employees of the College shall be the President of the G.B.
- (ii). Once elected, the President of the G.B. can be removed after a notice of at least 14 days signed by 25 percent of members and carried by two-thirds of the members present and voting.
- (iii). The President shall chair all the meetings of the G.B. In the absence of the President, the G.B. may elect one of its members to chair a particular meeting.
- (iv). [*Deleted vide Resolution No. 2(13) adopted by the Governing Body in its meeting dated 17 April 2010*]
- (v). If considered expedient, the President can concur or modify the proposals of the Principal or direct him to place the same before the meeting of the G.B.
- (vi). The G.B. may consider a monthly/annual allowance to the President for facilitating responsibilities of the Office.

**9. Secretary of the Governing Body:**

- (i). The Secretary will be the Chief executive of the Governing Body and will act for and on behalf of the Governing Body as per its decision and direction, and the G.B. shall act through the Secretary.
- (ii). The Secretary shall convene all the meetings of the G.B. and shall record the proceedings/minutes thereof and cause their circulation.
- (iii). The Secretary shall be elected from among the members of the G.B. and may be removed in the manner as provided in the case of the President.
- (iv)\* The Secretary shall maintain joint account of funds in Savings Bank Accounts of the college with the Principal for the term of the GB.

**10. The Principal:**

- (i). The Principal shall be the academic and administrative head and shall be a whole-time salaried functionary of the College.
- (ii). The Principal shall possess such academic qualifications as prescribed by the University, University Grants Commission and the Bar Council of India or otherwise an eminent jurist, a citizen of India not below the age of 40 years.
- (iii). The selection and appointment of the Principal shall be as per rules for the purpose.
- (iv). The Principal shall be paid a monthly salary as per UGC guidelines or as contracted with the College at the time of entry inclusive of allowances and other benefits as may be decided by the G.B.
- (v). It shall be the duty of the Principal to oversee the day-to-day administration of the College and its academic programmes. All teachers and other members of the staff of the College are to report directly to the Principal.
- (vi). The Principal shall be the custodian of all properties, movable and immovable assets of the College and shall be responsible for good care and custody of the assets of the College.
- (vii). The Principal shall also be the custodian of all papers, documents of the College, which shall be kept in safe custody in the Locker of the Bank.
- (viii). The Principal and his office shall maintain all the accounts of the College and present the same for the purpose of annual audit.

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\* A new clause (iv) in Article 9 is inserted by GB's Reslution No. 2 (13) adopted in its meeting held on 17<sup>th</sup> April, 2010

- (ix). The Principal shall prepare the annual budget of the College for the consideration of the G.B.
- (x). The Principal shall allocate teaching assignments to each teacher as per the programme of the College. He shall oversee the teaching programme including maintenance of attendance of students as per the prescribed norms of the University and the Bar Council of India.
- (xi). The Principal shall participate in regular teaching/research activities of the College for providing academic leadership to the faculty. Such academic load shall be half of normal work-load of a teacher.
- (xii). The Principal shall undertake such measures as necessary for the maintenance of discipline of students and members of the staff for the smooth functioning of the College.
- (xiii). The Principal shall maintain an impress account of Rs. 5000/- for day-to-day expenses of the College \*[drawn from the budget provisions under the expenditure head “Contingencies”].
- (xiv). The Principal shall be the sanctioning authority of all financial expenditure authorized by the G.B. The Accountant shall be the disbursing authority.
- (xv). The funds of the College \*\*[in the Savings Bank Account] shall be \*\*[jointly operated] by the Principal and the \*\*[Secretary] of the G.B.
- (xvi). The Principal shall have power to maintain the buildings, library facilities and premises of the College and carry out such civil works as may be authorized by the G.B. for the purpose.
- (xvii). The Principal shall function under the general direction of the G.B. and its policies of managing the College.
- (xviii). The Principal shall retire after attaining the age of 60 years or at the end of the contracted term of service whichever is earlier.

Provided that a retired Principal who is not beyond the age of 65 years, can be re-employed as a “teacher-on-contract” on a year to year basis subject to approval by the G.B.

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\* This addition to the original sentence was made by Resolution No. 3 adopted in its special meeting held on 12<sup>th</sup> June 2010.

\*\* The words ‘in the Savings Bank Account’ was newly inserted; the words ‘jointly operated’ was substituted for the words ‘on joint operation’, and the word ‘Secretary’ was substituted for the word ‘President’ vide GB’s Resolution No. 2(13) adopted in its meeting held on 17 April 2010.

- (xix). The Principal can be removed from service for misconduct, dereliction of duties, insanity or medical disabilities which prevent the Principal from discharging duties effectively, through termination of contract of employment, premature retirement or removal from service as per procedures laid down by the G.B.

#### 11. **The Vice-Principal :**

- (i). The G.B. may decide to appoint a Vice-Principal of the College from among its existing teachers \* through promotion in accordance with or as laid down in the relevant service rules and procedures.
- (ii). The Vice-Principal shall act as Principal of the College in the absence of the Principal. However, for terms over three months, the concurrence of the G.B. for appointment will be necessary.
- (iii). The Vice-Principal shall act under the directions of the Principal or act on matters delegated to him by the Principal and the G.B. for the purpose. In addition, the Vice-Principal shall assist the Principal in the day-to-day running of the College.
- (iv). The Vice-Principal shall have academic work-load besides administrative work.

12\*\*. Amendment: Proposals for amendment to any provisions of the constitution shall be taken up by the Governing Body and shall be adopted by the majority of not less than two-thirds of the members present and voting in the GB meeting.

[This constitution was approved by the Governing Body of the Shillong Law College *vide* its Resolution No. 3 adopted in its meeting held on the 3<sup>rd</sup> of August 2001]

Sd/-  
(B.P. Dutta)  
Secretary, Governing Body  
The Shillong Law College, Shillong

Sd/-  
(M.R. Mawlong)  
President, Governing Body  
The Shillong Law College, Shillong

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\* The original words 'for specific term not exceeding 5 years at a stretch. It may appoint a Vice Principal purely on contract.' were substituted by the words 'through promotion in accordance with or as laid down in the relevant service rules and procedures' vide Resolution No. 3 adopted by the GB in its special meeting held on 12<sup>th</sup> June 2010.

\*\*The new article 12 was added by the GB's Resolution No. 3 adopted in its special meeting held on 12<sup>th</sup> June 2010.