

19th Meeting of Executive Council
Himachal Pradesh National Law University, Shimla
Minutes of the Meeting
June 2, 2023

The 19th Meeting of the Executive Council, HPNLU Shimla was held on June 2, 2023 at 12:00 P.M. The Meeting was presided by Professor (Dr.) Nishtha Jaswal, Vice-Chancellor, HPNLU Shimla.

Following members were present:

1.	Professor (Dr.) Nishtha Jaswal, Vice-Chancellor, HPNLU	Chairperson
2.	Sh. Rajeshwar Goyal, Special Secretary (Home) to the Govt. of Himachal Pradesh	Member
3.	Secretary (Higher Education) H.P. (Shimla) (Representative- Sh. Bhuwan Sharma, Deputy Director, Elementary Education, Shimla)	Member
4.	Prof. Ranbir Singh, Former Vice-Chancellor, National Law University, Delhi.	Member
5.	Prof. Gurdip Singh Bahri, Chancellor, IMS, University, Dehradun.	Member
6.	Prof. Faizan Mustafa, Former Vice-Chancellor, NALSAR, Hyderabad	Member
7.	Prof. Paramjit Singh Jaswal, Vice-Chancellor, SRM University, Sonipat	Member
8.	Prof. Vijender Kumar, Vice-Chancellor, Maharashtra National Law University, Nagpur.	Member
9.	Sh. Ajay Kumar Sharma, Chairman, Bar Council of Himachal Pradesh.	Member
10.	Prof. S.S. Jaswal, H.P. National Law University, Shimla	Member
11.	Dr. Ruchi Sapahia, Associate Professor, HPNLU	Member
	Registrar, H.P. National Law University, Shimla	Secretary

Note: Following hon'ble members could not attend the meeting:

1. Chief Secretary to the Government of Himachal Pradesh.
2. Secretary (Finance) to the Government of Himachal Pradesh.
3. Sh. Sharad Kumar Lagwal, LR-Cum-Secretary (Law) to the Government of Himachal Pradesh.

PROCEEDINGS OF THE MEETINGS

Item No. 1	To confirm the Minutes and Action Taken Report of the 18th Meeting of the Executive Council held on February 24th 2023.		
Agenda Note	Discussion	Decision/Resolved	
The Vice Chancellor placed the minutes of the 18 th Meeting of Executive Council along with the 'Action Taken Report' before the members of the Executive Council.	The Vice-Chancellor explained the details of the minutes of last meeting, presented the 'Action Taken Report' and explained the Action Taken Report and Proceedings.	After brief deliberation over the minutes along with the Action Taken Report, the same were confirmed.	
Item No. 2	To confirm the Minutes of the 14th Meeting of the Finance Committee scheduled to be held on June, 02 2023.		
Agenda Note	Discussion	Decision/Resolved	
The Vice Chancellor placed the agenda item before the Executive Council to confirm the Minutes of the 14th Meeting of the Finance Committee held on 2 nd June, 2022.	<p>The Vice-Chancellor explained the recommendations of the Finance Committee meeting agenda item wise.</p> <p>The Hon'ble Members of the Council appreciated Sh. Ajay K. Sharma (Chairman Bar Council of Himachal Pradesh), member of the Finance Committee for his views and stand that training of students will be done by lawyers pro bono and there is no need for payment of honorarium.</p> <p>The Executive Council deliberated upon each recommendation of the meeting of the Finance Committee thoroughly and resolved to approve the same.</p>	<p>The Executive Council unanimously approved the Minutes of the 14th Meeting of the Finance Committee held on 2nd June, 2023 with the following observation and modifications:</p> <ol style="list-style-type: none"> 1. With respect to Agenda Item No. 7 of the Finance Committee agenda, the Executive Council appreciated Sh. Ajay K. Sharma (Chairman Bar Council of Himachal Pradesh), member of the Finance Committee and the University shall express the appreciation by the Council by sending an appreciation letter. 2. With respect to Reporting Item No. 1 of the Finance Committee agenda, the Executive Council unanimously authorized the 	

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Ruchi,

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Vice-Chancellor to draw and appoint panel of lawyers.

Item No. 3 To confirm the Minutes of the 18th Meeting of the Academic Council scheduled to be held on June, 02 2023.

Agenda Note

Discussion

Decision/Resolved

The Vice Chancellor placed the Minutes of 18th Meeting of the Academic Council held on 2nd June, 2023.

The Vice-Chancellor explained the recommendations of the Academic Council in its meeting held on 2nd June, 2023.

The Executive Council deliberated upon each recommendation of the Academic Council thoroughly and resolved to approve the same with some modifications.

The Executive Council unanimously approved the Minutes of the 18th Meeting of the Academic Council held on 2nd June, 2023 with the following observation and modifications:

1. With respect to Agenda Item No. 3 of the Academic Council, the Executive Council unanimously resolved to modify and approve the recommendations of the minutes of Academic Council to the effect that the cases, where students secure more than 85% marks, shall reviewed by the Standing Moderation Committee instead of evaluation by second examiner.

Item No. 4 To consider and approve the proposed changes in the Himachal Pradesh National Law University Hostel and Discipline Regulations, 2019.

Agenda Note

Discussion

Decision/Resolved

The Vice-Chancellor placed the Agenda item before the Executive Council to consider and approve the proposed changes in the Himachal Pradesh National Law University Hostel and Discipline Regulations, 2019.

The Vice-Chancellor submitted that some amendments were proposed in the Himachal Pradesh National Law University Hostel and Discipline Regulations, 2019 in the previous meeting of the Executive

The Executive Council unanimously approved the changes in the Himachal Pradesh National Law University Hostel and Discipline Regulations, 2019 as specified below:

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<p>Council, meeting held on 24th February, 2023, the same was approved by the Esteemed Executive Council with some modifications suggested. The decision of the Esteemed Council has been incorporated in the said Regulations.</p> <p>She further submitted that during the course of incorporation of the amended provision for the smooth functioning of the Hostel system of the University, it was realized that there is a need for further amendments in the Regulations.</p> <p>The Vice-Chancellor proposed the amendments to modify/add/change provisions relating to fine, suspension and appeal.</p> <p>The item was thoroughly deliberated upon by the members and resolved to approve the same.</p>		<table border="1"> <thead> <tr> <th data-bbox="983 197 1152 273">Regulation No.</th> <th data-bbox="1152 197 1455 273">Proposed Amendment</th> </tr> </thead> <tbody> <tr> <td data-bbox="983 273 1152 631">Rule 4: The HPNLU Discipline Among Students/Residents Regulations, 2019</td> <td data-bbox="1152 273 1455 631"> <p>Punishments for Indiscipline</p> <p>Any student found guilty of indiscipline shall be liable to a fine up to Rs 10000/- with or without community Service in the form of duty in the library/computer lab/ hostel/any office/working place of the University for a period up to one week.</p> </td> </tr> <tr> <td data-bbox="983 631 1152 990">Rule 5: The HPNLU Discipline Among Students/Residents Regulations, 2019</td> <td data-bbox="1152 631 1455 990"> <p>Punishment for Serious Indiscipline</p> <p>Any student found guilty of serious indiscipline shall be liable to a fine up to Rs. 25000/- and/or expulsion from the Hostel with or without community service at the Library/Computer Lab/ Hostel/any office or other working place of the University up to two weeks.</p> </td> </tr> <tr> <td data-bbox="983 990 1152 1975">Rule 12: The HPNLU Discipline Among Students/Residents Regulations, 2019</td> <td data-bbox="1152 990 1455 1975"> <p>12.2 If punishment is awarded for committing an act of indiscipline as prescribed under Rule 4, the aggrieved party/student(s) may prefer an appeal before the Registrar within 15 days of communicating the punishment.</p> <p>12.3 If punishment is awarded for committing an act of serious indiscipline as prescribed under Rule 5, the aggrieved party/student(s) may prefer an appeal before the Vice-Chancellor within 15 days of communicating the punishment.</p> <p>12.4. If punishment is awarded for committing an act of grave indiscipline as prescribed under Rule 6, the aggrieved party/student(s) may prefer an appeal before the Vice-Chancellor, within 15 days of communication of the punishment.</p> </td> </tr> </tbody> </table>	Regulation No.	Proposed Amendment	Rule 4: The HPNLU Discipline Among Students/Residents Regulations, 2019	<p>Punishments for Indiscipline</p> <p>Any student found guilty of indiscipline shall be liable to a fine up to Rs 10000/- with or without community Service in the form of duty in the library/computer lab/ hostel/any office/working place of the University for a period up to one week.</p>	Rule 5: The HPNLU Discipline Among Students/Residents Regulations, 2019	<p>Punishment for Serious Indiscipline</p> <p>Any student found guilty of serious indiscipline shall be liable to a fine up to Rs. 25000/- and/or expulsion from the Hostel with or without community service at the Library/Computer Lab/ Hostel/any office or other working place of the University up to two weeks.</p>	Rule 12: The HPNLU Discipline Among Students/Residents Regulations, 2019	<p>12.2 If punishment is awarded for committing an act of indiscipline as prescribed under Rule 4, the aggrieved party/student(s) may prefer an appeal before the Registrar within 15 days of communicating the punishment.</p> <p>12.3 If punishment is awarded for committing an act of serious indiscipline as prescribed under Rule 5, the aggrieved party/student(s) may prefer an appeal before the Vice-Chancellor within 15 days of communicating the punishment.</p> <p>12.4. If punishment is awarded for committing an act of grave indiscipline as prescribed under Rule 6, the aggrieved party/student(s) may prefer an appeal before the Vice-Chancellor, within 15 days of communication of the punishment.</p>
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		The HPNLU Discipline Among Students/Residents Regulations, 2019	Rule 14. Notwithstanding anything in these Regulations, a student may be suspended from the University and/or hostel pending an inquiry under these Regulations.
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Item No. 5 **Any other item with the permission of the Chair.**

REPORTING ITEM

1. The Vice-Chancellor apprised the member of the Hon'ble Executive Council that in its meetings held on 29th May 2022 and 24th February, 2023, the Executive Council had decided that the all internal promotions of Non-Teaching Employees shall be done through written examinations and skill test/typing test. Further, the Council had unanimously resolved following:

- (a) "A Candidate of General Category is required to secure minimum of 45% marks and a candidate of Reserved Category is required to secure 40% marks to qualify the written examinations"
- (b) The minimum typing speed for promotion to the post of Junior Assistant is 40 w.p.m.
- (c) The minimum typing speed for promotion to the post of Junior Scale Stenographer is 40 w.p.m. and short hand speed is 80 w.p.m.

Accordingly, written test for five eligible candidates (for two Steno-Typist and three Clerks) was conducted on 14.02.2023. As per the said written test and above guidelines, out of all five candidates, Mr. Harish Kumar, Steno Typist qualified the written examination. Thereafter, the skill test was conducted on 25.03.2023, and Mr. Harish Kumar, was declared eligible for promotion to Junior Scale Stenographer by the Departmental Promotion Committee.

The Council unanimously approved the Reporting Item.

2. The Vice-Chancellor apprised the Council the matter of pay protection of Mr. Munish Kumar, Clerk, HPNLU, Shimla which was placed in the previous meeting of Executive Council at agenda item No. 4, meeting held on 24th February, 2023. The Esteemed Executive Council approved the pay protection of Mr. Munish Kumar and revised his basic from Rs. 21,800/- to Rs. 31,200/-.

She further informed the esteemed members that inadvertently his basic pay was shown as Rs. 21,800 which was in fact Rs. 20,200/-. She requested to the esteemed members that in order to rectify this inadvertent error of presenting incorrect basic pay of Mr. Munish Kumar, his basic pay may be revised to Rs. 31, 200/- from the original basic pay of Rs. 20,200/-.

The Council unanimously approved the Reporting Item.

3. The Vice-Chancellor apprised the Council the that the Report of Internal Committee in the complaint of Sexual Harassment against Dr. Santosh Kumar Sharma and Mr. Aayush Raj have been accepted by the Vice-Chancellor. Consequently, appropriate order/s has been issued to the concerned authorities.

The Council unanimously approved the Reporting Item.

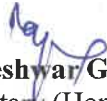
CURRENT AGENDA

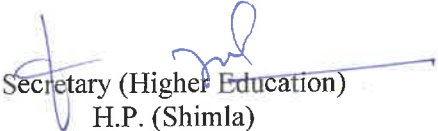
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Item No. 1	To authorize the Vice-Chancellor for appointment of panel of advocates for representing the HPNLU in subordinate Courts.	
Agenda Note	Discussion	Decision/Resolved
The Vice-Chancellor placed the Current Agenda item before the Executive Council to authorize the Vice-Chancellor for appointment of panel of advocates for representing the HPNLU in subordinate Courts.	<p>The Vice-Chancellor informed the esteemed members that many occasions arise where the University is needed to be represented by advocates in various subordinate's courts/consumer forums etc. Such matters arise in different jurisdictions/states in India. She proposed that the Vice-Chancellor may be authorized to appoint a panel of advocates to represent the University in such forums/courts.</p> <p>The item was thoroughly deliberated upon by the members and resolved to approve the same.</p>	The Executive Council unanimously resolved to authorize the Vice-Chancellor to draw and appoint panel of advocates for representing University in various legal matters before different legal forums.
Item No. 2	To consider and approve the Report of the Screening-cum-Evaluation Committee about the application of Dr. Ruchi Gupta, Assistant Professor (Law) for promotion under Career Advancement Scheme (CAS), for promotion from Assistant Professor (Academic Level 10) to Assistant Professor (Senior Scale/Academic Level-11) (Annexure-I).	
Agenda Note	Discussion	Decision/Resolved
The Vice-Chancellor placed the Current Agenda item before the Executive Council to consider and approve the Report of the Screening-cum-Evaluation Committee about the application of Dr. Ruchi Gupta, Assistant Professor (Law) for promotion under Career Advancement Scheme (CAS), for promotion from Assistant Professor (Academic Level 10) to Assistant Professor (Senior Scale/Academic Level 11).	<p>The Vice-Chancellor informed the esteemed members that Dr. Ruchi Gupta, Assistant Professor (Law) had applied under UGC Regulations on Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education, 2018, as adopted by the University for promotion from Assistant professor (Academic Level 10) to Assistant Professor (Senior Scale/Academic Level 11).</p> <p>The Vice-Chancellor further informed that the Screening-cum-Evaluation Committee found Dr. Ruchi Gupta to be eligible for promotion from Assistant Professor</p>	The Executive Council unanimously resolved to approve the Report of the Screening-cum-Evaluation Committee and that Dr. Ruchi Gupta be promoted from Assistant Professor (Academic Level 10) to Assistant Professor (Senior Scale/Academic Level 11), w.e.f., 24-04-2023.


	<p>(Academic Level 10) to Assistant Professor (Senior Scale/Academic Level 11), w.e.f., 24-04-2023.</p> <p>Members thoroughly deliberated the agenda Item and resolved to approve the same.</p>	
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The Vice-Chancellor concluded the meeting by expressing her gratitude towards the esteemed members of the Executive Council.



Sh. Rajeshwar Goyal
 Special Secretary (Home) Govt.
 of Himachal Pradesh


 Secretary (Higher Education)
 H.P. (Shimla)
 (Representative- **Sh. Bhuwan Sharma, Deputy Director**
 Elementary Education, Shimla)



Prof. Ranbir Singh
 Former Vice-Chancellor
 National Law University Delhi



Prof. Gurdip Singh Bahri,
 Chancellor, IMS University,
 Dehradun.

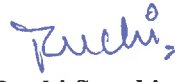
Prof. Faizan Mustafa
 Former Vice-Chancellor
 NALSAR, Hyderabad


Prof. Paramjit Singh Jaswal
 Vice-Chancellor, SRM
 University, Sonapat


Prof. Vijender Kumar
 Vice-Chancellor
 MNLU, Nagpur


Sh. Ajay Kumar Sharma
 Chairman
 Bar Council of Himachal
 Pradesh


Prof. S.S. Jaswal
 HPNLU, Shimla


Dr. Ruchi Sapahia,
 Associate Professor, HPNLU


Registrar
 HPNLU, Shimla


Professor (Dr.) Nishtha Jaswal
 Vice-Chancellor
 HPNLU, Shimla

P.S. The agenda brought against me should be provided in advance. Also the minutes be made part of the minutes even if you force me to recuse from the meeting to discuss the matter. The proceedings should not be carried in clandestine manner.

19th Meeting of Executive Council
Himachal Pradesh National Law University, Shimla
Minutes of the Meeting

June 2, 2023

The 19th Meeting of the Executive Council, HPNLU Shimla was held on June 2, 2023 at 12:00 P.M. The Meeting was presided by Professor (Dr.) Nishtha Jaswal, Vice-Chancellor, HPNLU Shimla.

Following members were present:

1.	Professor (Dr.) Nishtha Jaswal, Vice-Chancellor, HPNLU	Chairperson
2.	Sh. Rajeshwar Goyal, Special Secretary (Home) to the Govt. of Himachal Pradesh	Member
3.	Secretary (Higher Education) H.P. (Shimla) (Representative- Sh. Bhuwan Sharma, Deputy Director, Elementary Education, Shimla)	Member
4.	Prof. Ranbir Singh, Former Vice-Chancellor, National Law University, Delhi.	Member
5.	Prof. Gurdip Singh Bahri, Chancellor, IMS, University, Dehradun.	Member
6.	Prof. Faizan Mustafa, Former Vice-Chancellor, NALSAR, Hyderabad	Member
7.	Prof. Paramjit Singh Jaswal, Vice-Chancellor, SRM University, Sonipat	Member
8.	Prof. Vijender Kumar, Vice-Chancellor, Maharashtra National Law University, Nagpur.	Member
9.	Sh. Ajay Kumar Sharma, Chairman, Bar Council of Himachal Pradesh.	Member
10.	Prof. S.S. Jaswal, H.P. National Law University, Shimla	Member
11.	Dr. Ruchi Sapahia, Associate Professor, HPNLU	Member
	Registrar, H.P. National Law University, Shimla	Secretary

Note: Following hon'ble members could not attend the meeting:

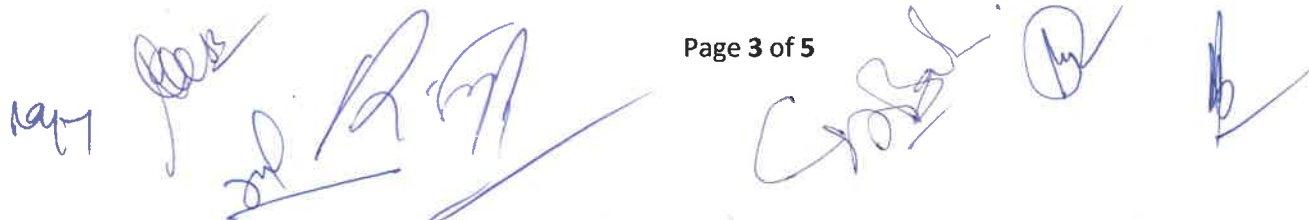
1. Chief Secretary to the Government of Himachal Pradesh.
2. Secretary (Finance) to the Government of Himachal Pradesh.
3. Sh. Sharad Kumar Lagwal, LR-Cum-Secretary (Law) to the Government of Himachal Pradesh.

PROCEEDINGS OF THE MEETINGS

CURRENT AGENDA

Current Item No. 3	To consider and decide the case of Dr. Ruchi Sapahia, Associate Professor of Law, HPNLU, Shimla, as per the directions of the Hon'ble Chancellor of the University.	
Agenda Note	Discussion	Decision/Resolved
<p>Before taking up this Current Agenda Item No. 3, the Chairperson requested Dr. Ruchi Sapahia to recuse as the matter pertains to her. Accordingly, Dr. Ruchi Sapahia recused during deliberation, discussion and decision on this agenda item.</p>		
<p>The Vice-Chancellor placed the Current Agenda item before the Executive Council to consider and decide the case of Dr. Ruchi Sapahia, Associate Professor of Law, HPNLU, Shimla, as per the directions of the Hon'ble Chancellor of the University.</p>	<p>The Vice-Chancellor apprised the esteemed Executive Council that in the 18th meeting of the Executive Council, the Current Agenda Item No. 5 was placed before the Council for consideration and decision. The Esteemed Members of the Executive Council unanimously resolved as follows:</p> <ol style="list-style-type: none"> 1. The University shall provide the copy of the legal opinion to Dr. Ruchi Sapahia and require her to submit her comments within 15 days. 2. The comments received from Dr. Ruchi Sapahia shall be sent to the University Counsel for placing as part of record of written statement before the Hon'ble High Court in the writ petition filed by her against the University. 3. The copy of the comments received from Dr. Ruchi Sapahia shall also be forwarded to the Hon'ble Chancellor of the University for information. 4. The comments so received shall be placed before the Executive Council in its next meeting for decision. <p>The Vice-Chancellor further informed that in compliance with the above decision of the Council, a letter was written to Dr. Ruchi Sapahia and a copy of the legal opinion attached with it (dated 28-02-2023) and she was asked to give her comments. She submitted her comments on 14-03-2023. In compliance with the decision, at points 2 & 3, mentioned above, the comments received from Dr. Ruchi Sapahia</p>	<p>The Executive Council unanimously decided the following:</p> <ol style="list-style-type: none"> 1. A Sub Committee, consisting of Council Members, is constituted to assess the eligibility and legality of her appointment to the post of Associate Professor as per the records of the case and make recommendations to the Hon'ble Chancellor. 2. The Committee shall consist of following Council Members: <ol style="list-style-type: none"> a. Prof. (Dr.) Ranbir Singh (Chairperson) b. Prof. (Dr.) Gurdip Singh Bahri (Member) c. Prof. (Dr.) Faizan Mustafa (Member) d. Sh. Ajay K. Sharma (Member) e. Prof. S.S. Jaswal, (Member, Co-ordinator) 3. The Sub-Committee shall meet on 2nd

	<p>were placed, as part of record of written statement, before the Hon'ble High Court in the writ petition filed by her against the University.</p> <p>She also apprised the members that the comments received from her on the legal opinion was placed before the Hon'ble Chancellor of the University, who was pleased to direct the University to place the same before the Executive Council.</p> <p>The Vice-Chancellor stated before the Council the brief facts of the case of Dr. Ruchi Sapahia which is given as below:</p> <ol style="list-style-type: none"> 1. Dr. Ruchi Sapahia was appointed to the post of Associate Professor of Law in the year 2017-2018. 2. She joined the post on 1st March 2018. 3. She applied, under Carrier Advancement Scheme (CAS), for promotion from Associate Professor to the post of Professor on 22nd February, 2021. 4. Her Application for promotion was considered by duly constituted Screening Committee and on the basis of the findings of the Committee, she was not found eligible to be promoted to the Post of Professor and, therefore, her application was rejected, by an order dated vide No. HPNLU-B(15)-92(R.O.)/2021/-4, dated 6th July, 2021. 5. She gave a representation against the rejection of her candidature for promotion to the post of Professor. 6. The representation was placed before the Executive Council in its meeting held on 18-09-2021, and same was rejected by the Council. 7. The decision of the Executive Council was communicated to her vide No. 33-1/21-HPNLU/(Estt.)903 dated 10-11-2021. 	<p>June, 2023 at 4:00 P.M.</p> <ol style="list-style-type: none"> 4. The recommendations of the Sub Committee shall be placed before the Hon'ble Chancellor of the University.
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12/11/21


8. Against the decision of the Executive Council, Dr. Ruchi Sapahia filed a Writ Petition in the Hon'ble High Court of Himachal Pradesh bearing Writ Petition No. CWP No. 2190 of 2022.

9. While preparing reply in the Writ Petition No. CWP No. 2190 of 2022, it came to the notice of the University Counsel that Dr. Ruchi Sapahia was not eligible/did not possess/fulfilled minimum qualifications, at the time of appointment, to the post of Associate Professor of law in 2017-2018.

10. Accordingly, the University sought an Expert Legal Opinion from the University Legal Advisor/Counsel.

11. The legal opinion was received by the University on 20th December, 2022.

12. The University Counsel in the legal opinion pointed out that Dr. Ruchi Sapahia was not eligible at the time of appointment for the post to which she was appointed by the selection committee and the Counsel further opined that the entire appointment process was vitiated by illegality.

13. The University Counsel has further pointed out that the appointment process has violated mandatory regulations of University Grants Commission, University Regulations, Service Jurisprudence established by the Hon'ble Supreme Court and provisions of the Constitution of India.


The members deliberated the matter thoroughly and noted that it is the Executive Council which creates the posts and the confirms the services of a teaching employee.

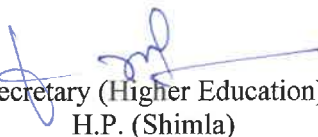
The members suggested that a Sub Committee consisting of Council Members may be constituted to assess the legal position and records of the case and decide the case. The decision of the Sub Committee shall be placed before the Hon'ble Chancellor of the University.


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	The members thoroughly deliberated the agenda item and decided to approve the same.	
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The Vice-Chancellor concluded the meeting by expressing her gratitude towards the esteemed members of the Executive Council.



Sh. Rajeshwar Goyal
 Special Secretary (Home) Govt.
 of Himachal Pradesh


 Secretary (Higher Education)
 H.P. (Shimla)
 (Representative- **Sh. Bhuwan Sharma, Deputy Director**
 Elementary Education, Shimla)



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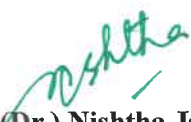

Prof. Paramjit Singh Jaswal
 Vice-Chancellor, SRM
 University, Sonipat

Prof. Vijender Kumar
 Vice-Chancellor
 MNLU, Nagpur


Sh. Ajay Kumar Sharma
 Chairman
 Bar Council of Himachal
 Pradesh


Prof. S.S. Jaswal
 HPNLU, Shimla


Registrar
 HPNLU, Shimla


Professor (Dr.) Nishtha Jaswal
 Vice-Chancellor
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