



## Himachal Pradesh National Law University, Shimla

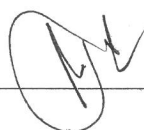
### Minutes of 6<sup>th</sup> Meeting of Executive Council October 23, 2019

The 6<sup>th</sup> Meeting of the Executive Council, HPNLU Shimla was held on October 23, 2019 at 3:30 P.M. at the Himachal Pradesh National Law University, Shimla campus. Meeting was presided by Professor (Dr.) Nishtha Jaswal, Vice-Chancellor, HPNLU, Shimla. The following members were present:

1.	Professor (Dr.) Nishtha Jaswal, Vice-Chancellor, HPNLU	Chairperson
2.	Secretary (Higher Education), Govt. of Himachal Pradesh	Member
3.	Secretary (Home), Govt. of Himachal Pradesh	Member
4.	Secretary (Finance), Govt. of Himachal Pradesh	Member
5.	Prof. Ranbir Singh, Vice Chancellor NLU Delhi	Member
6.	Prof. R.D. Sharma, Vice Chancellor, NOIDA International University	Member
7.	Prof. Usha Razdan	Member
	Dr. Girjesh Shukla, Associate Professor, HPNLU, Shimla	Member
8.	Sri Ramakant Sharma, Chairman, Bar Council of Himachal Pradesh	Member
9.	Prof. S.S. Jaswal, Registrar, HPNLU, Shimla	Secretary (Ex officio)

## PROCEEDINGS OF THE MEETINGS

<b>Item No. 1</b>	<b>To confirm the Minutes of the 5<sup>th</sup> Meeting of the Executive Council held on March 20, 2019.</b>		
<b>Agenda Note</b>		<b>Discussion</b>	<b>Decision/Resolved</b>
The Vice Chancellor placed the minutes of the 5 <sup>th</sup> Meeting of Executive Council, along with the 'Action Taken Report' before the members of the Executive Council.		The Vice Chancellor explained the details of minutes of last meeting, and presented the 'Action Taken Report'.	After brief deliberation over the minutes along with the Action Taken Report, the same were confirmed.
<b>Item No. 2</b>	<b>To confirm the minutes of the 4th meeting of the Academic Council, held on October 23, 2019.</b>		
<b>Agenda Note</b>		<b>Discussion</b>	<b>Decision/Resolved</b>
The 4th meeting of the Academic Council was held on October 23, 2019.  As such the proceedings of the Academic Council were placed before the Executive Council for approval.		The Vice Chancellor explained the details of the minutes of the meeting of the Academic Council.	After deliberations, the minutes of the Academic Council were approved unanimously.
<b>Item No. 3</b>	<b>To confirm the minutes of the 3rd Meeting of the Financial Committee, held on October 23, 2019.</b>		
<b>Agenda Note</b>		<b>Discussion</b>	<b>Decision</b>
The meeting of the Finance Committee was held on October 23, 2019.  As such the proceedings of the Finance Committee were placed before the Executive Council for its approval.		The Vice Chancellor explained the details of the minutes of the meeting of the Academic Council.	After deliberations, the minutes of the Academic Council were approved unanimously.
<b>Item No. 4</b>	<b>To consider fixing of tenure of Samadhan Committee for Three Years.</b>		
<b>Agenda Note</b>		<b>Discussion</b>	<b>Decision</b>
The Vice Chancellor apprised the members of Executive Council that section 27 of Himachal Pradesh National Law University Act 2016 (16 of 2016) does not provides any tenure for the Samadhan Committee.  It is proposed to consider and fix the tenure of Samadhan Committee for three years.		The Vice Chancellor informed the Council that there is no tenure fixed for the Samadhan Committee. The same is be fixed to bring fairness and continuity in its functioning.	The members of the Executive Council agreed with the proposal and approved the same unanimously.



<b>Item No. 5</b>	<b>To consider the creation of following Administrative and Ministerial posts for better administration of the University.</b>		
<b>Agenda Note</b>		<b>Discussion</b>	<b>Decision</b>
<p>The Vice Chancellor informed the members about creation of following Administrative Posts for better administration of University:-</p> <ul style="list-style-type: none"> <li>• Deputy Librarian- 01</li> <li>• Computer Lab Assistant- 01</li> <li>• Computer Technician- 01</li> <li>• Caretaker for the Hostels-02</li> <li>• Attendants for Girl's Hostel-03</li> <li>• Driver- 02</li> <li>• Conductor-02</li> </ul> <p>It is submitted that for the smooth running of the University, the appointments of the above Administrative Staff are urgently required.</p> <p>This item was also placed before the Finance Committee in its meeting held on October 23, 2019, wherein the same was approved unanimously.</p>		<p>The Vice Chancellor explained the need of creating proposed administrative and ministerial posts and appointments thereto.</p> <p>The members of the Council deliberated upon the agenda and agreed that post of the Deputy Librarian shall be appointed as per UGC Regulations, whereas other post may be filled as per the Himachal Pradesh Government Rules.</p>	<p>The Executive Council unanimously approved the agenda item. It was approved to appoint the Deputy Librarian as per UGC Regulations, where as other post shall be filled as per the Himachal Pradesh Government Rules.</p>
<b>Item No. 6</b>	<b>To consider the approval of the Common Seal of the University.</b>		
<b>Agenda Note</b>		<b>Discussion</b>	<b>Decision</b>
<p>The Vice Chancellor apprised the members of the Executive Council that <i>as per</i> Section 3 of Himachal Pradesh National Law University Act, 2016, "<i>the University shall be a body corporate by the name of "Himachal Pradesh National Law University, Shimla" having perpetual succession and a common seal, and may sue or be sued by the said name and shall be competent to acquire, hold and dispose of property, both movable and immovable and to contract and to do all things necessary for the purposes of this Act</i>".</p> <p>And as per Section 18 (2) (k) of the Act, the Executive Council is empowered to select the Common Seal of the University.</p>		<p>The Vice Chancellor explained the need of creating common seal for the University. The same is required under the Himachal Pradesh National Law University Act, 2016 also.</p> <p>The members of the Council were shown the specimen of the common seal.</p>	<p>The Executive Council unanimously approved the common seal of the University.</p>

It is proposed to approve the specimen of the Common Seal, as attached, for approval of the Council.			
Item No. 7	To consider the proposed “The Himachal Pradesh National Law University, Discipline Regulations, 2019”		
Agenda Note	Discussion	Decision	
For maintaining discipline within the Campus/hostels of the University, these Regulations have been framed and placed before the Council for consideration and approval.	The Vice Chancellor explained the details about the “The Himachal Pradesh National Law University, Discipline Regulations, 2019” and informed the Council that the Regulation were urgently required for maintaining better discipline in the University Campus as well as the University Hostels.	After a detailed deliberation on “The Himachal Pradesh National Law University, Discipline Regulations, 2019”, the Executive Council unanimously approved the same.	
Item No. 8	To consider the proposed “The Himachal Pradesh National Law University, Hostel Regulations, 2019”		
Agenda Note	Discussion	Decision	
For maintaining discipline within the Campus/hostels of the University, these Regulations have been framed and placed before the Council for consideration and approval.	The Vice Chancellor appraised the members of the Executive Council that The Himachal Pradesh National Law University, Hostel Regulations, 2019 are required for maintaining discipline within the Campus/hostels of the University.	After a detailed deliberation on “The Himachal Pradesh National Law University, Hostel Regulations, 2019”, the Executive Council unanimously approved the same.	
Item No. 9	To consider the report of One-Member Committed of Prof. S.M. Afzal Qadri, constituted by the Executive Council in its meeting held on 20th March, 2019.		
Agenda Note	Discussion	Decision	
The report of One-Member Committee of Prof. S.M. Afzal Qadri, constituted by the Executive Council in its meeting held on 20th March, 2019 was placed	With the permission of the members of the Executive Council the Vice Chancellor open the report and read it for the members present. The Vice Chancellor also informed the members that four other representations have been received from the faculty members which are mentioned in the items no. 10 & 11, so the discussion has to be in the light of the	The members of the executive Council decided-  1. That Dr. Deepika Gautam is eligible for the post of Assistant Professor in Management for	





<p>before the Executive Council.</p>	<p>representations mentioned under the agenda item 10 &amp; 11.</p> <p>The members of the Executive Council deliberated upon the terms of reference to the Committee one by one.</p> <p>1. Regarding the eligibility of Dr. Deepika Gautam, who is holding the Degree of M.Com. and not MBA, it was discussed that Commerce is an allied subject of management, so the question of rigid eligibility should be ignored.</p> <p>2. There was thorough deliberation on the issue of eligibility of Dr. Amit Chaturvedi. As the records speak, he is having Master of Science (Criminology) Degree and also UGC-NET in Criminology. The Post advertised was of Sociology for which the eligibility qualification is Post Graduation as well as UGC-NET in Sociology. The members discussed the humanitarian aspects as well as technicalities of the matter, and it was considered to allow him to teach the subject of Criminology in UG and PG Courses and to enable him to have the complete workload, some additional administrative responsibility/ies be given to him. It was also discussed to allow him to continue teaching sociology till the post of Assistant professor in sociology is filled up by following the proper procedure for appointment.</p> <p>3. The issue relating to seniority amongst the faculty members was discussed in the light of the fresh representation of Mr. Chanchal Kumar Singh and Mr. Santosh Kumar Shamra, as referred under item No. 10. There were thorough deliberations on the issue. The nuances of the issue were discussed referring to the advertisement dated September 2016, earlier Executive Council decisions dated December 29, 2017 and Executive Council</p>	<p>teaching the Course of B.B.A. LL.B. (Hons.)</p> <p>2. that Dr. Amit Chaturvedi-</p> <p>(a) May continue as Assistant Professor teaching Criminology Courses, and to adjust his workload, he may be assigned other administrative works.</p> <p>(b) The Post of Assistant Professor in Sociology be advertised and the faculty be appointed as per the UGC Regulations.</p> <p>(c) Until the post of Assistant Professor, Sociology is filled, Dr. Amit Chaturvedi may be permitted to continue teaching Sociology.</p> <p>3. After detailed deliberations, the Executive Council unanimously resolved:</p> <p>(a) The seniority of the teachers must be considered from the date of confirmation.</p> <p>(b) Those employed on contractual basis cannot be confirmed retrospectively thereby adversely affecting the seniority of teachers appointed on regular basis.</p>
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	<p>decision dated March 20, 2019, report of Prof. S.M. Afzal Qadri and the representations stated above. After going into the depth of the service jurisprudence, it was discussed that the contractual appointees cannot be made senior to the regular appointees. As far as the question of confirmation of contractual teachers with retrospective effect, the members considered the principle of retrospectivity in the light of Supreme Court judgments that retrospective effect can be given but, by giving retrospective effect, the right which has already been accrued, cannot be taken away. The members put the record straight by considering the facts in chronological order. The appointments on contract basis were made in October 2016. The regular appointments were made in July 2017. In the meeting of Executive Council on 29<sup>th</sup> December 2017, the teachers, who were appointed on contractual basis in October 2016, were confirmed. They were not placed on probation. The members agreed that this retrospective confirmation of the teachers appointed on contractual basis had divested the teachers appointed on regular basis, of their vested rights of seniority being the regular appointees.</p> <p>4. The members considered the representation made by Ms. Navditya Tanwar and Mr. Hari Chand relating to the financial benefits in the light of the Executive Council resolution dated December 29, 2017, the report of Prof. S.M. Afzal Qadri, and the fresh representations made by Ms. Navditya Tanwar and Mr. Hari Chand.</p> <p>The members after deliberations agreed with the resolution of Executive Council dated December 29, 2017 and the report of Prof. S.M. Afzal Qadri, they unanimously decided</p>	<p>(c) Accordingly, the confirmation of contractual employees have to be prospective and not retrospective in nature.</p> <p>It was also resolved to issue letters of confirmations to the faculty members accordingly.</p> <p>4. The Executive Council unanimously resolved not to give financial benefits from the back date.</p>
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	not to give financial benefits from the back date.	
<b>Item No. 10</b>	<b>To consider the representations of Mr. Chanchal Kumar Singh and Mr. Santosh Kumar Sharma regarding determining the seniority among the faculty members. [Annexure-VII]</b>	
<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision</b>
<p>It is submitted that the issue of determination of seniority amongst the faculty members was placed before the Executive Council meeting held on 20<sup>th</sup> March, 2019. This issue, along with some other issues, was referred to a one member committee of Prof. S.M. Afzal Qadri.</p> <p>As the report of the committee was to be placed before the Executive Council for its consideration, so no response could be given to the earlier representations made by above mentioned faculty members. They have submitted representations again which are placed for consideration of the Executive Council.</p>	<p>The issue relating to seniority amongst the faculty members was discussed in the light of the fresh representation of Mr. Chanchal Kumar Singh and Mr. Santosh Kumar Shamra, as referred under item No. 10. There were thorough deliberations on the issue. The nuances of the issue were discussed referring to the advertisement dated , earlier Executive Council decisions dated December 29, 2017 and Executive Council decision dated March 20, 2019, report of Prof. S.M. Afzal Qadri and the representations stated above. After going into the depth of the service jurisprudence, it was discussed that the contractual appointees cannot be made senior to the regular appointees. As far as the question of confirmation of contractual teachers with retrospective effect, the members considered the principle of retrosectivity in the light of Supreme Court judgments that retrospective effect can be given but, by giving retrospective effect, the right which has already been accrued, cannot be taken away. The members put the record straight by considering the facts in chronological order. The appointments on contract basis were made in October 2016. The regular appointments were made in July 2017. In the meeting of Executive Council on 29<sup>th</sup> December 2017, the teachers, who were appointed on contractual basis in October 2016, were confirmed. They were not placed on probation. The members agreed that this retrospective confirmation of the teachers appointed on contractual basis had divested the teachers appointed on regular basis, of their</p>	<p>After detailed deliberations, the Executive Council unanimously resolved:</p> <p>(a) The seniority of the teachers must be considered from the date of confirmation.</p> <p>(b) Those employed on contractual basis cannot be confirmed retrospectively thereby adversely affecting the seniority of teachers appointed on regular basis.</p> <p>(c) Accordingly, the confirmation of contractual employees have to be prospective and not retrospective in nature.</p> <p>It was also resolved to issue letters of confirmations to the faculty members accordingly.</p>

	vested rights of seniority being the regular appointees.	
<b>Item No. 11</b>	<b>To consider the representations made by Ms. Navditya Tanwar and Mr. Hari Chand regarding the financial benefits and increments from the date of joining.</b>	
<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision</b>
It is submitted that this issue was placed before the Executive Council in its 5th meeting. This issue, along with some other issues, was referred to a one member committee of Prof. S.M. Afzal Qadri. As the report of the committee was to be placed before the Executive Council for its consideration, so no response could be given to the earlier representations made by above mentioned faculty members. They have submitted representations again which are placed for consideration of the Executive Council.	<p>The members considered the representation made by Ms. Navditya Tanwar and Mr. Hari Chand relating to the financial benefits in the light of the Executive Council resolution dated December 29, 2017, the report of Prof. S.M. Afzal Qadri, and the fresh representations made by Ms. Navditya Tanwar and Mr. Hari Chand.</p> <p>The members after deliberations agreed with the resolution of Executive Council dated December 29, 2017 and the report of Prof. S.M. Afzal Qadri, they unanimously decided not to give financial benefits from the back date.</p>	The Executive Council unanimously resolved not to give financial benefits from the back date.
<b>Item No. 12</b>	<b>To consider and authorize Vice-Chancellor to modify the list of Holidays for the University.</b>	
<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision</b>
The Vice Chancellor informed the members of Executive Council that, keeping in mind certain academic and other urgencies, Vice Chancellor may be authorized to amend/modify the approved list of holiday.	The members agreed with the proposal.	The Executive Council unanimously approved the proposal.
<b>Item No. 13</b>	<b>To consider the case of confirmation of Mr. Arun Kumar, Assistant Librarian, HPNLU, Shimla.</b>	
<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision</b>
Mr. Arun Kumar was appointed as Assistant Librarian via letter No. HPNLU/Admn./2017-782 dated 11 <sup>th</sup> July,	The Vice Chancellor apprised the council members about	The Executive Council unanimously

2017, he joined as Assistant Librarian on 14 <sup>th</sup> July, 2017 (forenoon). His probation period for the above post is already completed. His case is reported for consideration and confirmation.	services of Mr. Arun Kumar, Assistant Librarian.	approved the proposal.
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<b>Item No. 14</b>	<b>To consider the demand of the students for appointment of independent wardens instead of giving additional duty of warden to the teachers.</b>
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<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision</b>
<p>The Vice Chancellor submitted before the Executive Council that keeping in view the demands of the students, a policy decision is required to be taken and new post of wardens are to be created.</p> <p>It is pertinent to mention that it will have additional financial liability on the University. It also needs mention that at present, the university hostels are being run in the 10 private accommodations. Only one Girls hostel is expected to be completed by February 2020.</p> <p>These facts show the extent of financial liability on the University.</p> <p>The members were also apprised that in almost all the Universities in the country including NLUs, the teachers have been performing the duties of wardens as additional duty. Such system has better administrative and disciplinary control over the students.</p>	<p>The members of the Executive Council deliberated upon the issue and after examining the arrangements in other Universities, and the financial burden involved, it was agreed that teachers of the University shall continue to function as wardens.</p>	<p>The Executive Council unanimously resolved that teachers of the University shall continue to function as wardens.</p>

<b>Item No. 15</b>	<b>To authorize the Vice Chancellor for appointing Professor/s by Invitation on contractual basis with prior approval of the Hon'ble Chancellor.</b>
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<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision</b>
<p>It is proposed to authorize the Vice Chancellor for appointing Professor/s by Invitation on contractual basis for a period of six months or more subject</p>	<p>The Vice Chancellor explained to the members of the Executive Council that the presence and</p>	<p>After a brief deliberation, the members of the Council unanimously resolved to authorise the Vice Chancellor to</p>



to the condition that it may be extended up to the age of 70 years, with prior approval of the Hon'ble Chancellor.  The person so appointed shall be entitled for the same remuneration as reflected in his/her last drawn salary.	contribution of senior faculty makes a difference in the academic environment of the University.	appoint Professor/s (serving/retired professor) by invitation on contractual basis for a period of six months or more and which may be extended up to the age of 70 years. Such appointment shall subject to post facto approval of Executive Council.
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<b>Item No. 16</b>	<b>To consider the requirement of receiving financial aid or required infrastructural facility/construction of any block through corporate social responsibility by public/private sector corporation/agency.</b>
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<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision</b>
The Vice Chancellor informed the Council that for the University is not receiving any state grant for the further development of the University Infrastructure. For this purposes, University is approaching various corporations/companies to provide financial assistance in terms of Corporate Social Responsibility (CSR).  In this regard, the University may be authorized to approach the Corporations/Companies for the requirement of receiving financial aid or through corporate social responsibility.	The members of the Council were further informed that the University sent a proposal under the mandate of CSR to SJVN Ltd for either financial assistance for construction of Hostel or getting the hostel constructed by their own agency for HPNLU.  Mr. Ramakant, Chairperson Bar Council of Himachal Pradesh and member of Executive Council informed that he was pursuing the case of University under the CSR with NTPC.	The Executive Council appreciated the efforts of the Chancellor as well the Vice Chancellor with respect to CSR, and recommended that the University must write a letter of appreciation to SJVN Ltd.  It was also recommended to send proposal NTPC under CSR mandate.  The agenda item is approved accordingly.


<b>Item No. 17</b>	<b>To consider the demand of student to constitute Student Body.</b>
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<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision</b>
The Vice Chancellor informed the Executive Council that Students have demanded creation of 'student body'.	The Members of the Executive Council deliberated on the agenda item while perusing the demand of the student, as attached in the agenda. They suggested that University may ask the students to submit proper proposal for constituting 'Student Body', and the same may be examined as	In view of the discussion it was resolved to defer the matter for the next meeting where the proposal, as discussed,



	per the existing student bodies in other National Law Universities.	may be place and considered.			
Item No. 18	To consider and approve the Annual Report of the University for the Academic Session 2018-19 scheduled to be presented before the General Council.				
Agenda Note		Discussion	Decision		
The Vice Chancellor placed the Annual Report of the University for the Academic Session 2018-19 scheduled to be presented before the Governing Council.		The Vice Chancellor apprised the members of the Council about the progress and achievements of the University.	The Annual Report is approved and recommended to be placed before the Governing Council.		
Item No. 19	Reporting Item/s				
Agenda Note		Discussion	Decision		
1. With the permission of Hon'ble Chancellor University changed its address.		The members appreciated the change in the address of the University and the reporting item was accordingly approved.  The members also appreciated giving additional charge to the faculty members as it was necessary so as to facilitate the smooth functioning of the University. Accordingly, the reporting item was approved.  The members agreed that the change in the size (height and width) of the logo has increased the clarity.	The reporting items were approved unanimously.		
<table><tr><th>Previous Address</th><th>Present Address</th></tr><tr><td><b>Himachal Pradesh National Law University Shimla, P.O. Shakrah, Sub-Tehsil, Dhami District Shimla, Himachal Pradesh-171011</b> Ph. 0177-2779802, 0177-2779803, Fax:0177-2779802 Website:http://hpnlu.ac.in</td><td><b>HIMACHAL PRADESH NATIONAL LAW UNIVERSITY, SHIMLA</b> 16 MILE, SHIMLA-MANDI NATIONAL HIGHWAY, GHANDAL DISTRICT SHIMLA, HIMACHAL PRADESH-171014. Ph. 0177-2779802, 0177-2779803, Fax: 0177-2779802 Website:<a href="http://hpnlu.ac.in">http://hpnlu.ac.in</a></td></tr></table>				Previous Address	Present Address
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<b>Himachal Pradesh National Law University Shimla, P.O. Shakrah, Sub-Tehsil, Dhami District Shimla, Himachal Pradesh-171011</b> Ph. 0177-2779802, 0177-2779803, Fax:0177-2779802 Website:http://hpnlu.ac.in	<b>HIMACHAL PRADESH NATIONAL LAW UNIVERSITY, SHIMLA</b> 16 MILE, SHIMLA-MANDI NATIONAL HIGHWAY, GHANDAL DISTRICT SHIMLA, HIMACHAL PRADESH-171014. Ph. 0177-2779802, 0177-2779803, Fax: 0177-2779802 Website: <a href="http://hpnlu.ac.in">http://hpnlu.ac.in</a>				
2. The following faculty members have been given additional charge(s) provided as under: (i) Dr. Girjesh Shukla - Dean Academic Affairs (ii) Dr. Alok Kumar - Dean Students Welfare (iii) Mr. Chanchal Kumar Singh - Controller of Examinations (iv) Mr. Digvijay Singh Katoch - Finance Officer					

3. The size (height and width) of the logo of the University has been changed to increase the clarity

  
Spl. Secretary  
(Higher Education, HP Government)

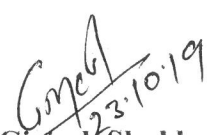
  
Spl. Secretary  
(Home, HP Government)

Secretary  
(Finance, HP Government)

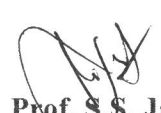
  
Prof. Ranbir Singh  
(Vice Chancellor XLU Delhi)

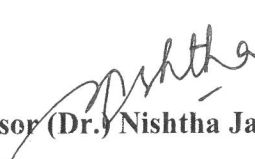
Prof. Usha Razdan

Prof. R.D. Sharma  
Vice Chancellor, NOIDA International University

  
Dr. Girjesh Shukla  
HPNLU, Shimla

  
Sri Ramakant Sharma  
Chairman, Bar Council, HP


  
Prof. S.S. Jaswal  
Registrar, HPNLU, Shimla

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

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Secretary  
(Higher Education, HP Government)

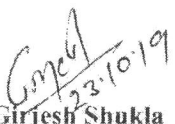
  
Spt Secretary  
(Home, HP Government)

Secretary  
(Finance, HP Government)

  
Prof. Ranbir Singh  
(Vice Chancellor, MLU Delhi)

Prof. Usha Razdan

  
Prof. R.D. Sharma  
Vice Chancellor, NOIDA International University

  
Dr. Girjesh Shukla  
HPNLU, Shimla

Sri Ramakant Sharma  
Chairman, Bar Council, HP

  
Prof. S.S. Jaswal  
Registrar, HPNLU, Shimla

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

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