

**17<sup>th</sup> Meeting of Executive Council**  
**Himachal Pradesh National Law University, Shimla**  
**Minutes of the Meeting**  
**November 02, 2022**

**The 17<sup>th</sup> Meeting of the Executive Council, HPNLU Shimla was held on November 2<sup>nd</sup>, 2022 at 09:00 A.M. The Meeting was presided by Professor (Dr.) Nishtha Jaswal, Vice-Chancellor, HPNLU Shimla.**

**Following members were present through online mode:**

1.	Professor (Dr.) Nishtha Jaswal, Vice-Chancellor, HPNLU	Chairperson
2.	Sh. Rajeshwar Goyal Special Secretary (Home) to the Govt. of Himachal Pradesh	Member
3.	Prof. Ranbir Singh, Former Vice-Chancellor, National Law University, Delhi.	Member
4.	Prof. Paramjit Singh Jaswal, Former Vice-Chancellor, Rajiv Gandhi National University of Law, Patiala	Member
5.	Prof. Vijender Kumar, Vice-Chancellor, Maharashtra National Law University, Nagpur.	Member
6.	Sh. Ajay Kochhar, Chairman, Bar Council of Himachal Pradesh.	Member
7.	Prof. S.S. Jaswal , H.P. National Law University, Shimla	Member
8.	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 (Higher Education) to the Government of Himachal Pradesh.
3. LR-Cum-Secretary (Law) to the Government of Himachal Pradesh.
4. Secretary (Finance) to the Government of Himachal Pradesh.
5. Sh. Ashok Sharma, Advocate General of Himachal Pradesh.
6. Director, IAS, Shimla

## PROCEEDINGS OF THE MEETINGS

<b>Item No. 1</b>	<b>To confirm the Minutes and Action Taken Report of the 16<sup>th</sup> Meeting of the Executive Council held on September, 19 2022</b>		
<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision/Resolved</b>	
The Vice Chancellor placed the minutes of the 16 <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 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.	
<b>Item No. 2</b>	<b>To consider and approve the proposed amendments in the Himachal Pradesh National Law University, Shimla Executive and Service Regulations, 2020.</b>		
<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision/Resolved</b>	
The Vice Chancellor placed the agenda item before the Executive Council to consider and approve the proposed amendments in the Himachal Pradesh National Law University, Shimla Executive and Service Regulations, 2020.	The Executive Council deliberated the matter thoroughly and approve the same.	The Executive Council unanimously resolved to approve the amendment in CHAPTER XVIII as specified below: <b>DISCIPLINE</b>  1. The Vice-Chancellor is empowered to take disciplinary action against Groups A, B and C employees, however, in the case of Group A employees, approval of the Executive Council shall be sought whenever major penalty is imposed. The Registrar, with the approval of the Vice-Chancellor, is empowered to take	

		disciplinary action against Group D employees.
<b>Item No. 3</b>	<b>To consider the framing the Deputation Policy for the employees of HPNLU, Shimla.</b>	
<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision/Resolved</b>
The Vice Chancellor placed the agenda item before the Executive Council to consider and approve the framing of the Deputation Policy for the employees of HPNLU, Shimla	<p>The Vice-Chancellor informed the esteemed members that the same agenda item, on the request of Dr. Ruchi Sapahia, Associate Professor of Law, was placed before the Executive Council in its 15th meeting held on 27th August, 2022.</p> <p>She also informed that in that meeting, the Executive Council had unanimously resolved to defer the matter with the direction that comparative chart of similar deputation policies in other National Law Universities be prepared and placed before the council in its next meeting.</p> <p>She further informed that an email was sent by the Registrar to all the National Law Universities for sending the deputation policy of the respective Universities. Only one response has been received from NLU Ranchi informing that no deputation policy was applicable in that University.</p> <p>Dr. Ruchi Sapahia had submitted another representation dated 01-11-2022 which was placed before the esteemed members of the Executive Council. The esteemed members took exception to such a letter and suggested that the many points/contents of the letter were wrong to the effect that the agenda</p>	<p>The Executive Council unanimously resolved the following:</p> <ol style="list-style-type: none"> <li>1. that a deputation policy shall be prepared and placed before the Executive Council in its next meeting.</li> <li>2. that Dr. Sapahia should not have taken personal names in her representation and the same were expunged by the Executive Council.</li> <li>3. that three questions raised by her in her representation, were withdrawn by her.</li> </ol>

	<p>items relates to adoption of a deputation policy whereas in the letter on 01-11-2022, Dr. Sapahia has confused deputation with sabbatical leave, lien as well as extra ordinary leave. The Esteemed member Prof. P.S. Jaswal appreciated the efforts made by Dr. Sapahia in bringing several facts together in her letter, however, he categorically denied the fact mentioned at point No. 10 and further, observed that it was not correct and relevant with respect to the agenda item.</p> <p>The esteemed members categorically opined that they were in favour of adopting a deputation policy, however, it has to be considered as to whether the University can afford it after how many years from the inception of the University.</p> <p>The Executive Council deliberated the matter thoroughly.</p>	
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<b>Item No. 4</b>	<b>To consider and approve the resolution of the Committee constituted by the Executive Council for regularization of non-teaching employees who have completed or will complete at least three years services on or before 15<sup>th</sup> September, 2022.</b>
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<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision/Resolved</b>
<p>The Vice-Chancellor placed the Agenda item before the Executive Council to consider and approve the resolution of the Committee constituted by the esteemed Executive Council for regularization of non-teaching employees who have completed or will complete at least three years services on or before 15th September, 2022.</p>	<p>The Vice-Chancellor informed the members of the Executive Council that the same agenda item was placed before the Executive Council in its 15th meeting held on 27th August, 2022. The Executive Council unanimously resolved to approve as under:</p> <ol style="list-style-type: none"> <li>1. Regularization of Group C and D employees, who have completed or will complete at least</li> </ol>	<p>The Executive Council unanimously approved the regularization of the employees who have completed three years till 15th September, 2022 except the cases where such employees' petition is <i>sub judice</i> in the High Court of Himachal Pradesh against the University.</p>

	<p>three years of service on or before 15th September, 2022.</p> <p>2. A Committee shall be constituted for considering the cases of regularization of such employees.</p> <p>The Committee shall be presided over by Professor Ranbir Singh, Member, Executive Council and other members shall be appointed by the Vice-Chancellor.</p> <p>She informed that the meetings of the said committee were held. Report of the meeting was made. In the report, the Committee has recommended regularization of those employees who have completed three years of service on or before 15th September, 2022.</p> <p>She further informed that while perusing the records, it was found that some of the employees, who have completed three years, have filed a petition before the Hon'ble High Court of Himachal Pradesh, against the University for regularization. The committee recommended that their case for regularization may be considered only if they withdraw the respective petitions from the High Court.</p> <p>The Executive Council deliberated the matter thoroughly.</p>	
<b>Item No. 5</b>	<b>To consider and approve the proposed amendments in the Himachal Pradesh National Law University Hostel and Discipline Regulations, 2019.</b>	
<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision/Resolved</b>
The Vice-Chancellor placed the Agenda item before the Executive	The Vice-Chancellor informed the members that	The Executive Council unanimously resolved to approve

<p>Council to consider and approve the proposed amendments in the Himachal Pradesh National Law University Hostel and Discipline Regulations, 2019.</p>	<p>while applying the Himachal Pradesh National Law University Hostel and Discipline Regulations, 2019, some anomalies have been noticed and practical difficulties have been faced. In order to remove such difficulties, some amendments in the regulations are required.</p> <p>The Executive Council deliberated the matter thoroughly.</p>	<p>the proposed amendments in the Himachal Pradesh National Law University Hostel and Discipline Regulations, 2019, specified below and authorized the Vice-Chancellor to incorporate the same and similar such changes in the existing regulations which are required for execution purpose.</p> <p style="text-align: center;"><b>The Himachal Pradesh National Law University Hostel Regulations, 2019</b></p> <p><b>3.3.2</b> In exigencies, the Warden, with the approval of the Registrar through Dean Students Welfare may shift inmates from one room to another.</p> <p><b>3.4</b> Those students, who have been suspended, expelled or rusticated for any reason by the University, shall have to vacate the hostel and may not be considered for hostel admission for subsequent session(s).</p> <p><b>3.4.1.</b> Those students, who have been declared year-back as per the HPNLU Examinations Regulations shall have to vacate the hostel for the said academic Session.</p> <p><b>3.4.2.</b> A student who, without any justification and without permission of the warden, remains absent from the hostel for more than 15 days, shall be deemed to have vacated the hostel.</p> <p><b>4.3</b> The entry time for the residents is between 6:00 A.M. to 9:30 P.M.</p>
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**4.4** Every resident of the hostel shall make an entry, while leaving and returning to the hostel, in the Entry-Exit Register. The resident shall take prior written permission from the warden if he/she has to stay out of the hostel after 9:30 P.M. for some unavoidable reasons.

**4.12** A resident may be provided the ambulance of the University for visiting the nearest PHC/CHC on medical grounds only. All the medical expenses except first aid shall be borne by the resident himself/herself.

**8.1** Except as otherwise provided in any other Regulations of the University, any act, in violation of these Regulations, shall be act of indiscipline.

**8.2** Every resident of the hostel shall be subject to the disciplinary control and jurisdiction of the authorities as provided in the Himachal Pradesh National Law University Discipline among Students/Residents Regulations 2019.

**The HPNLU Discipline Among Students/Residents Regulations, 2019**

**8.1** On commission of an act of serious indiscipline the Administrative Officer/Warden/Teacher/Officer of the University shall report the matter to the Dean Students Welfare.

Provided that in case where student/resident is suspicious of

		<p>using alcohol, he/she may be required to submit himself/herself for medical testing including testing through alcometer.</p> <p><b>8.2</b> On receipt of report the Dean Students Welfare shall conduct a preliminary inquiry and if satisfied that act of the student amounts to an act of serious indiscipline, shall submit a report to the Vice-Chancellor through Registrar.</p> <p><b>8.3</b> The Vice-Chancellor may constitute a Committee that may comprise the following to inquire into any act of serious indiscipline:</p> <ol style="list-style-type: none"> <li>1. Dean Students Welfare.</li> <li>2. Administrative Officer, if any</li> <li>3. Warden/Senior Teacher to be nominated by the Vice-Chancellor</li> </ol> <p><b>8.4</b> The fact-finding Committee shall give an opportunity to the concerned student to explain his/her position and shall also collect/record relevant evidence.</p>
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<b>Item No. 6</b>	<b>To give the <i>ex post facto</i> approval to the BEST EMPLOYEE AWARD conferred on the Foundation Day of Himachal Pradesh National Law University.</b>
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<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision/Resolved</b>
The Vice-Chancellor placed the Agenda item before the Executive Council to ex post facto approval to the BEST EMPLOYEE AWARD conferred on the Foundation Day of Himachal Pradesh National Law University.	The Vice-Chancellor informed the members of the Executive Council that University celebrated its Foundation Day on 11th October, 2022 and gave BEST EMPLOYEE AWARD.	The Executive Council unanimously approved the agenda item.



	<p>The award consisted of the following:</p> <ol style="list-style-type: none"> <li>1. Certificate/Appreciation Letter</li> <li>2. An item of prize in kind up to the price value of Rs. 5,000/-</li> <li>3. Cash Prize of Rs. 10,000/-</li> <li>4. Memento/Trophy</li> </ol> <p>The Executive Council deliberated the matter thoroughly and approve the same.</p>	
<b>Item No. 7</b>	Any other item with the permission of Chair	

**CURRENT AGENDA**

<b>Item No. 1</b>	<b>To consider and approve the proposed amendments in the Himachal Pradesh National Law University Hostel and Discipline Regulations, 2019 relating to 'Ragging'.</b>		
	<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision/Resolved</b>
	The Vice-Chancellor placed the Agenda item before the Executive Council to consider and approve the proposed amendments in the Himachal Pradesh National Law University Hostel and Discipline Regulations, 2019 relating to 'Ragging'.	The Executive Council deliberated the matter thoroughly and approved the same.	The Executive Council unanimously resolved to approved the proposed amendments in the Himachal Pradesh National Law University Hostel and Discipline Regulations, 2019 relating to 'Ragging' attached in the agenda item.
<b>Item No. 2</b>	<b>To consider and approve the request of Dr. Mritunjay Kumar, Assistant Professor of Law, HPNLU, Shimla.</b>		
	<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision/Resolved</b>
	The Vice-Chancellor placed the Agenda item before the Executive Council to consider and approve the request of Dr.	The Vice-Chancellor apprised the members that on the untimely demise of mother of Dr. Mirtunjay Kumar, Assistant	The Executive Council unanimously resolved to approve the following:

<p>Mritunjay Kumar, Assistant Professor of Law, HPNLU, Shimla.</p>	<p>Professor of Law, HPNLU, Shimla, he proceeded on leave during 22nd August, 2022 to 5th September, 2022. Dr. Mritunjay Kumar applied for 13 Casual Leaves which is available in his leave account.</p> <p>She further informed that as per Clause No. 2.1.2 of Chapter VIII of Himachal Pradesh National Law University, Shimla Executive and Service Regulations, 2020, only 6 days Casual Leave is admissible at a time. An order has been issued by the Registrar to Dr. Mritunjay on 27-10-2022 granting him 12 Earned Leave and 03 Extra Ordinary Leaves (Without Pay).</p> <p>The members expressed heartfelt condolences to Dr. Mritunjay for untimely demise of his mother. The members suggested that this is an exceptional case of hardship where Dr. Mritunjay may be allowed to avail 13 casual leaves at a time and he shall not need to avail earned leave or extraordinary leave (without pay).</p> <p>Esteemed members deliberated and unanimously opined that in exceptional cases of hardship the Vice-Chancellors should be authorized to approve and grant more than 06 casual leaves at a time. However, this should not be taken as a general rule and cannot be availed as a matter of right by any employee of the University. The existing rule Clause 2.1.2 of Chapter VIII may be modified accordingly. It was further suggested any employee who is granted</p>	<ol style="list-style-type: none"> <li>1. Dr. Mritunjay is allowed to avail 13 casual leaves as an exceptional case and the order dated 27-12-2022 be withdrawn/expunged.</li> <li>2. Clause No. 2.1.2 of Chapter VIII of Himachal Pradesh National Law University, Shimla Executive and Service Regulations, 2020 be appropriately modified to authorize the Vice-Chancellor to grant casual leaves exceeding 06 in number at a time, in exceptional cases of hardship.</li> <li>3. Any employee who is granted earned leave in advance and he/she resigns for any other reasons or demits the post, deductions shall be made from his salary or the same shall be recovered.</li> </ol>
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	<p>earned leave in advance and he/she resigns for any other reasons or demits the post, deductions shall be made from his salary or the same shall be recovered.</p> <p>The Executive Council deliberated the matter thoroughly and approve the same.</p>	
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<b>Item No. 3</b>	<b>To give approval to the removal of anomalies in the record of University Executive Council, Finance Committee and Academic Council Minutes.</b>	
<b>Agenda Note</b>	<b>Discussion</b>	<b>Decision/Resolved</b>
<p>The Vice-Chancellor placed the Agenda item before the Executive Council to give approval to the removal of anomalies in the record of University Executive Council, Finance Committee and Academic Council Minutes.</p>	<p>The Vice-Chancellor informed the esteemed members that while perusing minutes of the Executive Council, Finance Committee and Academic Council with regard to the Prizes/Medals/Fellowship/Award to be conferred in the 1st Convocation of the University which is scheduled on 19th November, 2022, it is found that there are certain anomalies in the previous records of the University Executive Council, Finance Committee and Academic Council minutes. The Finance Committee in its meeting held on 26th August, 2017 had approved the institution of Medals/Prizes etc. In some cases Finance Committee has approved but it was not placed before the Academic Council and Executive Council and in other cases the minutes were not properly signed. The esteemed members suggested that such matters are covered under</p>	<p>The Executive Council unanimously resolved to approve the agenda item as follows:</p> <ol style="list-style-type: none"> <li>1. The agenda item was unanimously approved.</li> <li>2. The Vice-Chancellor is authorized to rectify such mistakes in future as well.</li> </ol>

	<p>minor procedure lapses and the same is corrected or rectified by the Head of the Institution.</p> <p>The esteemed members further observed that Vice-Chancellor of the University should be authorized to rectify such mistakes, if any, that may arise in future also.</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) to Government of  
Himachal Pradesh


**Prof. (Dr.) Ranbir Singh**  
(Former Vice-Chancellor, NLU Delhi)


**Prof. (Dr.) P.S. Jaswal**  
(Former Vice-Chancellor, RGNUL)


**Prof. (Dr.) Vijender Kumar**  
(Vice-Chancellor, MNLU, Nagpur)

**Sh. Ajay Kochhar**  
(Chairman, Bar Council of H.P)

  
**Dr. Ruchi Sapahia**  
(HPNLU, Shimla)

  
**Prof. (Dr.) S.S. Jaswal**  
(HPNLU, Shimla)

  
**Registrar**  
HPNLU, Shimla

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