Dr. Ram Manohar Lohiya National Law University, Lucknow

Minutes of the 35th Meeting of the Executive Council held on 09.11.2019

The following members were present in the meeting of the Executive Council held on 09.11.2019 at 3.00 PM in the Committee Room of the Administrative Block of the University:-

1.	Prof. S.K. Bhatnagar, Vice-Chancellor Dr. RML National Law University, Lucknow	Chairman
2.	Prof. Girish Chandra Tripathi, Nominee of Hon'ble Chairperson, General Council	Member
3.	Mr. Suresh Kumar Kalia, Senior Advocate Nominee of Hon'ble Chairperson, General Council	Member
4.	Dr. L.P. Mishra, Advocate Nominee of Hon'ble Chairperson, General Council	Member
5.	Mr. S.B. Pandey, Senior Advocate, Assistant Solicitor General, GOI Nominee of Hon'ble Chairperson, General Council	Member
6.	Mr. Vipin Kumar, HJS, Special Secretary Nominee - Department of Law.	Member
7.	Mr. Madan Raja Maurya, Joint Director, Directorate of Treasury & Pension, Govt. of U.P. Nominee - Department of Finance, U.P.	Member
8.	Prof. Sanjay Singh, Professor Dr. R.M.L. National Law University, Lucknow	Member
9.	Mr. Vijay Kumar Srivastava, Finance Officer Dr. R.M.L. National Law University, Lucknow	Special Invitee
10.	Mr. Sanjay K. Diwakar, Registrar-in-Charge Dr. R.M.L. National Law University, Lucknow	Secretary

(Mr. Manan Kumar Mishra, Chairman, Bar Council of India, Mr. Hari Shanker Singh, Chairman, Bar Council of Uttar Pradesh, Mr. Jai Krishna Sinha, Advocate, Ms. Ranjana Agnihotri, Advocate, Mr. G.N. Shukla, Advocate and Dr. Amit Bharadwaj, Joint Secretary, Nominee - Department of Higher Education could not attend the meeting, sought the leave of absence on phone.)

At the outset, the Chairman welcomed all the members of the Executive Council. He mentioned that this meeting could have been held couple of months ago but because of the frequent physical absence of the Registrar (Mr. Manoj Kumar, Special Secretary, Higher Education with additional charge of Registrar) due to his extremely busy schedule at the place of his main posting in the secretariat, it was not feasible to finalize the agenda and to hold the meeting of the E.C. earlier than this. Some of the members expressed their displeasure for not holding the meeting in time. The Chairman further informed that, for this meeting, he allowed the Registrar to select

any date of meeting of the EC but Mr. Manoj Kumar, Registrar could not attend it today because he was on leave being down with the typhoid fever.

The Chairman stated that he had, in past, sent letters to the State Administration requesting to appoint an officer as Registrar who is able to give time to the University. He read out some of the contents of the letters sent to the government requesting for transfer of the present Registrar or assimilation of the post of Registrar in the state universities cadre or allowing the University to appoint its own Registrar.

The Chairman apprised the members of the establishment of a permanent secretariat of the Consortium of the National Law Universities at NLSIU, Bengaluru and also of a grant of 1.45 crore given to the RMLNLU by the Consortium in November 2019. Regarding Agenda item no. 6(E), the Chairman informed the Hon'ble members that it stood withdrawn.

Thereafter, the Secretary of the Executive Council also extended the welcome to the Chairman and the members. Thereafter, following agenda items were taken-up for discussion one by one with the approval of the chair:

Agenda Item No. 1

Confirmation of the minutes of the 34th meeting of the Executive Council dated 08.12.2018:

Minutes of the previous Executive Council meeting dated 08.12.2018 were circulated to the Hon'ble Members vide office letter 2154(i-x)-18 dated 12.12.2018. As no comments were received from any of the Hon'ble Member, the Executive Council was requested to please confirm the minutes annexed with this agenda item.

Resolved:

The Minutes of above-mentioned meeting of the Executive Council held on 08.12.2018 were confirmed.

Agenda Item No. 2

Submission of Action Taken Report on the decisions taken by the Executive Council in their meeting dated 08.12.2018:

The Action taken report on the decisions taken by the Executive Council in its meeting dated 08.12.2018 was placed before the Executive Council for perusal of the Executive Council.

Resolved:

The Action Taken Report on the decisions taken by the Executive Council in their meeting dated 08.12.2018 was perused by the Hon'ble Members.

SKBL Sanjay

Agenda Item No. 3

Approval on the minutes of the Finance Committee meeting dated 08.08.2019:

The minutes of the Finance Committee meeting dated 08.08.2019 were placed before the Executive Council for perusal and approval.

Resolved:

The Minutes of the Finance Committee meeting dated 08.08.2019 were perused and approved by the Executive Council.

Agenda Item No.4

Approval on the minutes of the Academic Council meeting dated 03.08.2019:

The minutes of the Academic Council meeting dated 03.08.2019 were placed before the Executive Council for their perusal and approval as required under section 22 of Dr. Ram Manohar Lohiya National Law University, Act - 2005.

Resolved:

The Executive Council after due deliberations approved the minutes. The following additions/directions were given:

1. The Executive Council took note of the MHRD Letter No.- F.No. 3-4/2017-NER dated 15.10.2019 which was received after the meeting of the Academic Council had been held on 03.08.2019. Therefore, on the agenda item no. 4 of the Academic Council, the Executive Council resolved that present reservation for 'Wards of Kashmiri Migrants' shall now be given to the Wards of Kashimiri Migrants/Kashmiri Pandit/Kashmiri Hindu families (non-migrants) in accordance with the above-mentioned MHRD letter.
2. The Executive Council considered the proposal referred to the Executive Council as per agenda item no. 13 of the minutes of the Academic Council for considering the request of a student to allow to appear in examination of BA.LLB. after the expiry of eight years. The Executive Council did not allow it in pursuance of the rules of the University.
3. During the perusal of agenda item no. 16 Mr. L.P. Mishra pointed out that University must do all efforts to organize Convocation in every academic year.
4. After the perusal of agenda item no. 17 the Executive Council authorised the Vice-Chancellor to nominate one Controller of Examination from amongst the University teachers. The Executive Council also resolved that the examination tabulation chart shall also be signed by the Controller of Examination so nominated. The Executive Council further directed to write the state

government for sanctioning one permanent/dedicated position of Controller of Examination.

Agenda Item No.5

Approval on the minutes of the special Meeting of Academic Council held on 09.11.2019:

The minutes of the special meeting of Academic Council dated 09.11.2019 were placed before the Executive Council at the time of meeting for their perusal and approval as required under section 22 of Dr. Ram Manohar Lohiya National Law University, Act - 2005.

Resolution

The Executive Council approved the recommendations of the Academic Council.

Mr. L.P. Mishra made it a point that if the State Government takes any surprising decision in the matter it will certainly affect the entire life/career of the Research Scholars in question whose results and Ph.D. notifications have already been issued by the University. The research scholars have also gone through all the mandatory steps laid down by the University Grants Commission to award a Ph.D. degree. In the whole interest of the Scholars, he also mentioned that the decision of the State Government in this regard shall deemed to be applicable w.e.f. from the year when it comes out. There were no further comments from any of the members, therefore, the recommendation of the Academic Council under this agenda were approved.

Agenda Item No.6

Service matters of the University teachers/employees.

A) Incorporation of updated Educational Qualifications and increase in Grade Pay of Stenographers in the Regulations of the University.

Department of Higher Education, Govt. of U.P. vide its government order no. 391/Sattar-4-2017 dated 24.05.2017 has restructured the cadre of Stenographers w.e.f. 26.09.2013. In accordance with the government order (copy annexed below) the Grade Pay of the Stenographers has been increased from Rs. 2400/- to 2800/-. Qualification has also been updated as per following:-

Post	Grade Pay	Prescribed Qualifications
Stenographer	Rs. 2800/- (PB-1)	Intermediate with stenography speed of 80

		W.P.M. and typing Speed of 25 W.P.M. in Hindi (or English). CCC Certificate from DOEACC (now NIELIT)

The Executive Council was requested to please accord its approval on incorporation of this government order into University Regulations.

Resolved:

The Executive Council after due deliberation accorded its approval on incorporation of the above referred government order into the University Regulations.

B) Disciplinary action by the University against Mr. Mohammad Mustafa, Junior Assistant:

Mr. Mohd. Mustafa, Junior Assistant was suspended from the services by the Registrar of the University vide his order no. 451-18 dated 22.03.2018 for dereliction in duties. The suspension order was issued under the approval of acting Vice-Chancellor and in the anticipation of approval of the Executive Council. Accordingly, an Inquiry Officer was appointed vide letter no 577-18 dated 17.04.2018 to inquire into the matter. The inquiry officer (Dr. A.K. Tiwari, Associate Professor of this University) after due inquiry had submitted his inquiry report exonerating Mr. Mohd. Mustafa of the charges. Mr. Mohd. Mustafa had consequently been reinstated vide office order no 1272-18 dated 02.08.2018 with the issue of warning to him.

The Executive Council in its meeting dated 08.12.2018 was apprised of above action taken by the Registrar.

The Executive Council in their meeting dated 08.12.2018 noted the above and directed that copy of the charge sheet, inquiry-report be placed before the Executive Council in the next meeting so as to enable it to take appropriate decision.

As directed, copy of charge sheet dated 03.05.2018 issued to Mr. Mustafa, copy of inquiry report dated 06.07.2018 of the inquiry officer and representation of Mr. Mustafa was placed before the Executive Council. The Executive Council was requested to accord its approval on the suspension and subsequent reinstatement of Mr. Mustafa.

SKBL Sanjay

Resolved:

The Executive Council decided to withdraw the warning given to Mr. Mohd. Mustafa in view of the findings of the inquiry report. It was further resolved to allow to pay all dues to him which were held back due to his suspension case.

C) Approval on Granting of Compensatory leaves to the University Employees:

The University employees who are required to work on holidays have been granted the compensatory leaves on case to case basis by the Registrar; however, there is no specific proviso in the University Regulations for granting of the compensatory leaves. The Department of Appointment, Govt. of U.P. vide order no. 3/2/1972(1)/Niyukti-3 dated 26.07.1973 provides for granting of compensatory leaves to the non-gazetted employees who are required to work on holidays. Employees of the University who are working in Accounts Department, Registrar and Vice-Chancellor office are often required to work on holidays to meet the deadlines of the work.

The approval of the Executive Council was requested to incorporate the above referred government order into the University Regulations.

Resolved:

The Executive Council deliberated on the issue and resolved that compensatory leave shall be given as per rules to all the employees not only to the employees who are working in Accounts Department, Registrar and Vice-Chancellor office only.

D) Counting of past service of Dr. Manwendra K. Tiwari, Assistant Professor for his promotion under Career Advancement Scheme purpose:

Dr. Manwendra Kumar Tiwari who is appointed as Assistant Professor in this University since 30.10.2013 has requested for counting of his past regular services rendered in HNLU, Raipur during 05.01.2012 to 29.10.2013. The 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 approved by the Executive Council in its meeting dated 08.12.2018 provides for counting of past services of teachers for direct recruitment and promotion under CAS subject to fulfillment of the following conditions:

Regulations 10.0

(a) The essential qualifications of the post held were not lower than the qualifications prescribed by the UGC for Assistant Professor, Associate Professor and Professor, as the case may be.

(b) The post is/was in an equivalent grade or of the pre-revised scale of pay as the post of Assistant Professor (Lecturer) Associate Professor (Reader) and Professor.

(c) The concerned Assistant Professor, Associate Professor and Professor should possess the same minimum qualifications as prescribed by the UGC for appointment to the post of Assistant Professor, Associate Professor and Professor, as the case may be.

(d) The post was filled in accordance with the prescribed selection procedure as laid down in the Regulations of the University/State Government/Central Government/ Institutions concerned, for such appointments.

(e) The previous appointment was not as guest lecturer for any duration.

As the previous appointment of Dr. Manwendra K. Tiwari in HNLU, Raipur was as a regular Assistant Professor in the similar pay scale which he is appointed in this University; he fulfills the requirement of his past services to be counted for the career advancement scheme purpose.

The approval of the Executive Council was, therefore, requested on counting of services of Dr. Manwendra Kr. Tiwari, Assistant Professor rendered in HNLU, Raipur during 05.01.2012 to 29.10.2013 for Career Advancement purpose only.

Resolved:

The Executive Council after due deliberation resolved that as the appointment of Dr. Manwendra Kumar Tiwari in HNLU, Raipur was on substantive position with the same emoluments as regularly appointed teachers get as per UGC norms, the services of Dr. Tiwari rendered in HNLU, Raipur are approved to be counted for Career Advancement purpose.

E) Counting of past service of Dr. Shashank Shekhar, Assistant Professor for his promotion under Career Advancement Scheme purpose:

Dr. Shashank Shekhar who is appointed as Assistant Professor in this University since 10.10.2013 has requested for counting of his past contractual services rendered in this University, during 01.07.2011 to 30.06.2013.

The 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, 2010 as approved by the Executive Council, which were applicable in the University during the regular appointment of Dr. Shashank

Shekhar, provides for counting of past services of teachers for direct recruitment and promotion under CAS subject to fulfillment of the following conditions:

Regulations 10.1 (f.)

(i) the period of service was of more than one year duration;

(ii) the incumbent was appointed on the recommendation of duly constituted Selection committee; and

(iii) the incumbent should be made with reference to the nature of management of the institution where previous service was rendered (private/local body/government), was considered for counting past service under this clause.

Dr. Shashank Shekhar fulfills the requirement as given at (i) and (iii) above. In reference to (ii) this is to mention that University Regulations provides for duly constituted selection committee only for Regular appointments but the regulations are silent in the case of contractual appointment. However, during the selection of Dr. Shashank Shekhar the interview panel was consisted of then Vice-Chancellor, Head of the Department and other senior Professors.

The approval of the Executive Council was, therefore, requested on counting of services of Dr. Shashank Shekhar, Assistant Professor rendered in RMLNLU during 01.07.2011 to 30.06.2013 for Career Advancement purpose only.

Resolved:

The Executive Council after due deliberation resolved to authorize the Vice Chancellor to form a committee of external members to examine all the cases of the counting of the past services of the faculty members for Career Advancement Scheme.

F) Granting of Grade Pay of Rs.8700/- to Mr. Sanjay K. Diwakar, Deputy Registrar of the University in accordance with the service contract signed with him.

Mr. Sanjay K. Diwakar, Deputy Registrar has been working as a Deputy Registrar in the PB-3, Grade Pay of Rs. 7600/- since 22.02.2014. In accordance with U.P. Govt. order No. 1484/Sattar-2-2010-6(5)/2009 dated 15.07.2010 read with MHRD notification no. 1-32/2006-U.II/U.I(ii) dated 31.12.2008 the incumbent Deputy Registrars are to be placed in Pay Band-4 Grade Pay Rs. 8700/- and shall be re-designated as Joint Registrar on the completion of 5 years service. This government

order is adopted in the University Regulations with the approval of the Executive Council and accordingly, service contract was signed with Mr. Diwakar.

In accordance with the terms of the service contract he has been granted Grade Pay of Rs. 8700/- in PB-4 w.e.f. 22.02.2019 vide office memorandum no. 898-19 dated 07.06.2019 but at that time his position could not be re-designated as Joint Registrar.

The approval of the Executive Council was solicited on granting of higher pay to Mr. Sanjay K. Diwakar and re-designating him as Joint Registrar w.e.f. 22.02.2019 in accordance with the service contract signed with Mr. Diwakar.

Resolved:

The Executive Council perused the order relating to granting of grade pay of Rs. 8700/- in the Pay Band of Rs. 37400-67000 to Mr. Diwakar in accordance with the terms of the service contract signed with him. The Executive Council also accorded its approval on re-designation of Mr. Diwakar as Joint Registrar w.e.f. 22.02.2019.

G) Granting of lien to Dr. J.D. Gangwar, Joint Registrar, to join IGNOU, Delhi as Finance Officer.

Dr. J.D. Gangwar, Joint Registrar had applied position of Finance Officer in the Indira Gandhi National Open University, New Delhi. His application was forwarded by the University. Consequent upon his selection on the post, he has requested the University for his relieving from the duties of the University w.e.f. 8th September, 2019 to join the IGNOU, New Delhi. As his appointment in the IGNOU is 5 years' tenure appointment, he has further requested to grant him lien for the period of 05 years.

As per the provisions of University Regulations, the faculty members/officials of the University can be allowed to join other organization on deputation basis for maximum period of 05 years. During this period, lien of the employee shall be maintained in the University. Out of 05 years' period, 03 years' lien can be granted by the Vice-Chancellor and 02 more years' lien can be granted by the Vice-Chancellor with the concurrence of the Executive Council.

As Dr. Gangwar was required to join the IGNOU latest by 9th of September, 2019, he has been relieved in the afternoon of 08.09.2019 to enable him to join IGNOU in the anticipation of approval of the same by the Executive Council.

The Executive Council was requested to kindly accord its approval for granting of 05 years lien to Dr. J.D. Gangwar from the date of his relieving from this University.

SKB Sanjay

Resolved:

The Executive Council after due deliberation authorises the Vice-Chancellor to grant two more years lien to Dr. J.D. Gangwar at his level.

H) Matter relating to re-joining of Dr. Radheshyam Prasad in the University after availing lien:

Dr. Radheshyam Prasad was appointed as Assistant Professor (Pay Band Rs. 15600-39100 AGP Rs. 6000/-) in the University and he had joined the post on 31.10.2013. Later on he was selected as Associate Professor in UPES, Dehradun. On request of Dr. Prasad, he was relieved by the University vide office memorandum no. 732-17 dated 29.04.2017 granting him lien for a period of one year w.e.f. 29.04.2017.

Thereafter, on his request, again he was granted lien for a period of two years w.e.f. 29.04.2018. It was mentioned in the appointment letter of Dr. Prasad that there will a probation period of six month which assumed to be completed on 31.10.2017 but the University never received any information regarding his confirmation/probation completion in UPES either from UPES or from Dr. Prasad.

The Executive Council in its meeting dated 08.12.2018, in the matter of lien granted to some of University teachers, had resolved the following:

"The Executive Council after due deliberations accorded their ex-post facto approval on reliving of above Assistant Professors subject to the conditions that the lien be restricted only until completion of probation period by the employees, referred in the agenda, in their respective Department/ University. Lien granted beyond the probation period, be cancelled accordingly."

Accordingly, Dr. Prasad was apprised of the above decision vide letter no. 547-19(iii) dated 30.03.2019 through speed post mentioning that your lien has been cancelled. The same letter was also sent on his e-mail ID on 09.08.2019.

Now, Dr. Radheshyam Prasad through his e-mail dated 30.09.2019 has requested to give him an opportunity to join back the University. Dr. Prasad has also requested to grant him minimum three months' time to get clearance from presently employed institution.

The Executive Council was requested to decide upon the request of Dr. Prasad in view of the facts given in this agenda.

Resolved:

The Executive Council after due deliberation and consideration on the matter resolved that the University would write a letter to the UPES, Dehradun to know the status of confirmation of Dr. Radheshyam Prasad there. If services of Dr.

Prasad are confirmed there then his lien in this University shall stand cancelled. In case his services are yet to be confirmed, the Executive Council authorizes the Vice-Chancellor to allow him to join the University within a prescribed timeline.

Agenda Item No.7

Extension of contractual appointment of Security Officer, Medical Officer and Prof. C.M. Jariwala:

1) Security Officer and Medical Officer:

The Executive Council in its meeting dated 08.12.2018 (under agenda item no. 15) had accorded its approval on extension of contractual engagement of Col. A.K. Singh as Security Officer and Dr. M.P.S. Rawat as Medical Officer for the period of one year w.e.f. 08.12.2018 which is ending on 07.12.2019. The services of the Security Officer and Medical officer are required for smooth functioning of Security wing and the Health Center of the University respectively.

The Executive Council was, therefore, requested to accord its approval on extension of contractual engagements of Security Officer and Medical Officer.

Resolved:
After due deliberation the Executive Council accorded its approval on extension of contractual services of Security and Medical Officer for one year w.e.f. 08.12.2019 with no change in emoluments.

2) Prof. C.M. Jariwala:

In this regard the following agenda was placed before the Executive Council in its meeting dated 08.12.2018 under agenda item no. 16:

Prof. C.M. Jariwala has been working as contractual Professor since 28.01.2008. As all of the 11 positions of the Professors available in the University are lying vacant, therefore, he was being given year to year extension in the academic interest of the University. He was further given extension by the Vice-Chancellor on 06.07.2017 till the next meeting of the Executive Council. The meeting of the Executive Council could not be convened since 06.07.2017 for want of nominations of the members by the Chairman, General Council, therefore, his services are being continued till date.

As per UGC Regulations as adopted by the University from time to time re-employment of retired Professors is permissible upto the age of 70 years. Prof. C.M. Jariwala who is retired from BHU, Varanasi is of the age of 80^{+}.

The Executive Council may take a considered decision on the extension of the contractual engagement of Prof. C.M. Jariwala on the existing terms and conditions in the view of the fact that in the absence of any regular Professor of Law in the University, Prof. Jariwala has been playing important role in organizing teaching in the University for nearly 10 years.

Taking note of the above, the Executive Council had deferred the matter for the next Executive Council meeting with the direction that University should take necessary steps to appoint required number of Professors on regular/contract basis as per UGC norms.

Accordingly, the matter was put-up before the Executive Council.

Resolved:

The Executive Council considered the issue of the extension of the services of the re-employed teacher Prof. C.M. Jariwala. The Executive Council did not approve the extension. During the deliberation the Executive Council took note of the request of Professor Jariwala as presented by the Secretary of the Executive Council. The Executive Council allowed the engagement of Prof. C.M. Jariwala as Honorary Professor with an office cabin only.

The Finance Officer of the University sought the attention of the Executive Council to the fact that as the University will not pay anything to Prof. Jariwala as Honorary Professor, he may be paid Rs. 20,000/-per month towards Travel Allowances. The opinion/proposal of Finance Officer was also approved by the Executive Council.

Agenda Item No. 8

Approval on the panel of experts for teaching and non-teaching positions:

Section 25(1) requires constitution of a Selection Committee for making recommendations to the Executive Council for appointment to the posts of teachers and other employees in the University.

For constitution of selection committee for teaching positions, section 25(2)(iii) (a) of the University mandates nomination of three experts by the Vice-Chancellor from amongst the panel of names recommended by the Academic Council and approved by the Executive Council.

The Academic Council, in its meeting held on 03.08.2019 (vide agenda no. 19), had authorized the Vice-Chancellor to do the job and put up the panel before the Executive Council for approval. Accordingly, the panel of experts is prepared which will be circulated at the time of meeting.

The panel of experts for non-teaching positions is not being placed due to the reason that recently the Department of Higher Education, Government of U.P. had directed to send the *'Adhiyachan'* to the Uttar Pradesh Subordinate Selection Service Commission (UPSSC) for appointment. The decision on the issue that appointment on these positions will be made by the University or UPSSC is yet to be taken by the State Government. Once the final decision is received in this regard, the appropriate action will be taken-up.

The Executive Council was requested to consider and accord its approval to the panel of experts for teaching positions.

Resolved:

The Executive Council after due deliberation accorded its approval on the panel presented by the Vice-Chancellor with further directions that the experts in the panel will not be below the rank of Professor or equivalent and they should have served or should be serving in the Universities/ Institutions of the Central/ State governments.

The Executive Council also authorized the Vice-Chancellor to prepare a panel of experts by himself for Non-teaching positions too, in view of the fact that if the Government decided to fill the non-teaching positions at University level, then this panel will be useful for the University.

Agenda Item No. 9

Approval on the revised fee structure for B.A.LL.B. (Hons.), LL.M. and Ph.D. programmes of the University:

The Finance wing of the University had prepared Budget for the Financial Year 2019-20. In this budget the receipts (including government grants) and the expenditure was found almost same.

Due to the steady increase in the rates of maintenance of equipments, buildings and other outsourced services of the University, the increment in fee was quite required as the current fee is being charged from the Academic Year 2016-17.

Accordingly, a proposal for increment in fee was placed before the Finance Committee in its meeting dated 08.08.2018 under agenda item no.8. The proposal was incorporated an increment of approximately 28% and 43% increment in present fee of B.A.LL.B. and LL.M. respectively. 50% increment in the fee structure of Ph.D. was also proposed. The Finance Committee has accorded its' in principle approval on the increased fee structure w.e.f. A.Y. 2020-21 with the direction that approval of the Executive Council be taken on the revised fee structure.

Accordingly, the recommendation of the Finance Committee were placed before the Executive Council for approval.

Resolved:

The Executive Council after due deliberations accorded its approval to charge rupees twenty five thousand (25,000) as Development Fee from the newly admitted students from the session 2020-21.

Agenda Item No.10

Approval on taking services of one Junior Engineer (Electrical) on outsourcing basis.

The State Government vide its order no. 126/70-4-2016-6(1)/07 dated 04.08.2016 had sanctioned, including some other positions, a position of Junior Engineer (Electrical) on regular basis. At present the day to day electrical and civil maintenance works of the University are carried out by the U.P.R.N.N., Lucknow.

As per the orders of Department of Higher Education, Govt. of U.P., the *'Adhiyachan'* to fill the Group-C positions has been sent to the Uttar Pradesh Subordinate Selection Service Commission (UPSSC). Therefore, to supervise day to day maintenance civil works and other occasional civil maintenance/repairs/renovation works, the University is taking the services of one Junior Engineer (Civil) on outsourcing basis and services of one Junior Engineer (Electrical) on contract basis. The University is requiring the services of one Junior Engineer (Electrical) on outsourcing basis too in order to bring parity and similarity in the nature of both the appointments.

The Executive Council, is therefore, requested to accord its approval on taking the services of one Junior Engineer (Electrical) on outsourcing basis against the sanctioned position till the regular appointment on the post is made by the UPSSSC/University.

Resolved:

The Executive Council after due deliberation accorded its approval on taking the services of Junior Engineer (Electricals) on outsourcing basis same as Junior Engineer (Civil).

Agenda Item No.11

Representation of Dr. V. Visalakshi, Assoc iate Professor:

Dr. V. Visalakshi, Associate Professor of the University had given one representation regarding fixation of her pay consequent upon implementation of 6th Pay Commission to one member of the Executive Council namely, Dr. L.P. Mishra, Advocate individually. Dr. L.P. Mishra drew the attention of the Executive Council towards the representation in its meeting dated 08.12.2018 and it was resolved that Dr. V. Visalakshi should submit her representation to the Executive Council in its next meeting through the Registrar.

Accordingly, Dr. V. Visalakshi has submitted her representation to the Registrar which is placed before the Executive Council. The following are the facts in relation to her representation:

1. The University has issued a recruitment notice in the year 2008 for selection of teaching position and Dr. V. Visalakshi was appointed, through this recruitment notice, on the post of Assistant Professor (Reader as per UGC nomenclature) in the pay band of Rs. 12000-42-18300 (pre-revised) and had joined the University on 06.07.2009.
2. As per revised UGC Regulations, 2009, Assistant Professor (reader as pr UGC nomenclature) position was abolished and it was provided that readers after completion of 3 years service shall be re-designated as Associate Professor and will be placed in pay band-IV.
3. In accordance with point no. 2 above, Dr. Visalakshi along with two other teachers were re-designated as Associate Professor after completion of 3 years service and Pay Band IV was granted to her. This was done in accordance with the Government of India order no. 1.36/2009-U-II dated 26.08.2010 endorsed by UGC vide letter no. F.No. 1-2/2009(EC/PS) Pt. file V dated 15.09.2010 but Dr. V. Visalakshi alone was demanding the same from date of her joining.
4. Service conditions of University teachers have been laid down in the University Regulations which have been adopted from UGC Regulations. These service Rules were also followed-up by the University in case of Dr. V. Visalakshi. Her demand for re-designating her as Associate Professor from date of her joining going beyond the Service Rules, therefore, was not accepted by the University.
5. Later on, Dr. V. Visalakshi had submitted one representation before the 'Tribunal of Arbitration' of the University of the effect that she should be given the pay band of Rs. 37400-6700 with the AGP of Rs. 9000 from the date of her joining i.e. from 06.07.2009. The 'Tribunal of Arbitration' in its award has mentioned that Dr. V. Visalakshi be given the pay band of Rs. 37400-6700 with the AGP of Rs. 9000 from the date of joining and be paid arrears with interest of 8%.
6. The awards of the 'Tribunal of Arbitration' in respect of Dr. Visalakshi were placed before the Executive Council in its meeting held on 15.11.2014 for implementation. The Executive Council, in the light of the fact given at point no. 3 above, had resolved that University should file an appeal in the court to set-aside the awards in respect of Dr. V. Visalakshi.
7. Accordingly, the University had filed a regular suit (00008/2015) in the District Court of Lucknow. Last hearing in the matter was held on 06.11.2019 and the status of the suit is still pending.

The Executive Council was apprised of the above.

Resolved:

The agenda item was deliberated it detail. Mr. L.P. Mishra also called the awards of the Tribunal of Arbitration and minutes of the Executive Council dated 15.11.2014 and perused. After due deliberation the Executive Council resolved to defer the matter for the next meeting with the directions that the Executive Council in its next meeting must be apprised that under whose orders and why the suit was filed in the court on the basis of the views of representative of Principal Higher Education and Principal Secretary, Finance only. It was also pointed out that view of two members cannot form.

SKB Sanjay

Agenda Item No.12

Tenure of Chairman of Tribunal of Arbitration constituted under section 31(2) of the University Act:

The Visitor of the University (Chief Justice of India or his nominee) in the year 2013 had appointed Former Mr. Justice Bhanwar Singh as Chairman of the Tribunal of Arbitration of the University. The Visitor's letter does not mention any tenure of such appointment neither the University Regulations provide for any tenure for the Chairman of the Tribunal of Arbitration.

The Executive Council may please like to pass necessary direction in respect of tenure of Chairman of Tribunal of Arbitration.

Resolved:

The Executive Council took note the above situation and resolved that the status quo will remain.

Agenda Item No.13

Teaching Departments in the University:

The Executive Council is apprised of the following facts:

1. The Executive Council in its meeting dated 20.03.2008 has approved the draft of the University Regulations. Later on the Executive Council in its meeting dated 30.10.2010 substituted the provision of 'Department' in the these Regulations, as per the following :

Clause of the Regulation	Provision approved by the E.C. on 20.03.2008	Provision as substituted by the E.C. on 30.10.2010
Chapter-VII, Academic Regulations clause-2	Till the Regulations do not provide for establishment of more than one Department of Studies in the University, all teachers of the University shall be deemed to constitute a single Department of Studies, and the Vice-Chancellor shall be the ex-officio Head of the Department of Studies	There shall be two Department of Studies in the University, namely; 1. Department of Legal Studies 2. Department of Humanities & other Studies.

2. Executive Council in its meeting dated 30.10.2010 had also appointed two Head of the Departments namely Dr. A.K. Tiwari, Associate Professor and Dr. Sanjay Singh, Assistant Professor for Department of Legal Studies and Department of Humanities & other Studies respectively.

3. Later on a regular Professor, Professor Amar Pal Singh was appointed in the University and subsequently he was appointed as Head of the Department, Department of Legal studies for a period of three years w.e.f. 20.01.2014 subject to the ratification of the same by Executive Council/Academic Council. Prof. Amar Pal Singh was also assigned the duties of Head of Department of Humanities & other studies, till further orders. The matter was, accordingly, reported to the Academic Council in its meeting held on 15.02.2014. Later on the 11 Departments were incorporated in the University Regulations. As there were no sufficient teachers available in the University to appoint Head of the Departments for each Department, the Executive Council in its meeting dated 15.02.2014 had resolved that there will be only one designated Head of the Department to look after all the 11 Departments of Studies. Subsequently, on resignation of Prof. Amar Pal Singh from the University, Dr. A.K. Tiwari, Associate Professor, was further assigned the duties of HoD till further orders.
4. Later on, Prof. Sanjay Singh was appointed as Head of the Department for a period of 03 years w.e.f. 17.06.2016 who completed his term on 16.06.2019.
5. As there was no other Professor available in the University except Prof. Sanjay Singh, therefore, on completion of tenure of Prof. Sanjay Singh as Head of the Department on 16.06.2019, the next senior Associate Professor Dr. V. Visalakshi had been appointed as the Head of the Department w.e.f. 17.06.2019 by the Vice-Chancellor, following the rules of rotation. This was reported to the Academic Council in its meeting on 03.08.2019. The Academic Council while noting this action, had also resolved to add one more Department in the name of 'Department of Legal Studies' in the existing 11 department while Dr. V. Visalakshi will be the Head of Department of Legal Studies.
6. At present 11 out of 11 positions of Professor and 06 out of 11 positions of Associate Professors are lying vacant in the University due to the reason that the suitable applicants could not be found despite of several recruitment notifications by the University. Due to this all the departments except 'Department of Legal Studies' are dysfunctional at present.
7. The Act vide Section 28(1) provides: "Those shall be a Head of the Department for each of the departments in the University".

In the light of the facts given above the Executive Council is requested to accord its approval for the re-creation of the Department of Legal Studies in the University Regulations. Hence, the provision of structuring of departments as made by the Executive Council on 30.10.2010 will be revived.

Furthermore, it was requested to review the existence of other 11 departments in which the teaching posts have already been sanctioned by the Government.

Resolved:

The Executive Council perused the issue holistically and observed that there is no need of 11 departments in the University as of now.
It resolved to approve the recommendations of the Academic Council (vide agenda no. 15, 26th meeting of Academic Council, held on 03.08.2019) to revive

and continue 'Department of Legal Studies' with Dr. V. Visalakshi as its Head of the Department since 17 June 2019.
It further resolved to get the structuring of the Departments and Centers reviewed.

Agenda Item No.14

Approval on the recommendation of the committee constituted to review the Regulations governing the Proctorial Board of the University:

As per (G) 2 of Chapter VIII of Regulations, the Proctorial Board consists of Chief Proctor, Warden-in-Chief, Proctor, three Wardens (one from each hostel), Security Officer. These members are already holding the official positions in the University. It is necessary that the composition of the Proctorial Board should be flexible to include other faculty members.

Therefore, the Vice-Chancellor constituted a three men committee consisting of Head of the Department, Prof. C.M. Jariwala and Dr. A.K. Tiwari, Associate Professor to review the Regulations governing the Proctorial Board of the University and to suggest necessary changes. The committee in its meeting dated 29.06.2018 has recommended to amend the relevant regulations which are placed with this agenda. The recommendations of the committee were approved by the Vice-Chancellor with certain changes.

The Executive Council was requested to consider to accord its approval on incorporation of above amended Regulations in the University Regulations.

Resolved:

The Executive Council accorded its approval on incorporation of above amended regulations into the University Regulations.

Agenda Item No.15

Amendment in University Regulations relating to provisions of University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education) Regulations, 2018.

The Executive Council in its meeting dated 08.12.2018 had resolved to adopt the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and Measures for the Maintenance of Standards in Higher Education) Regulations, 2018 w.e.f. date of notification of these Regulations in the official gazette of the Govt. of India i.e. 18.07.2018. Adoption of these Regulations was subjected to the condition that wherever these Regulations are in consistent with the University Act/State Government orders the provision of University Act/State Government order shall prevail over these Regulations.

The State Government vide its office order no.600/Sattar-1-2019-16 (114)/2010 dated 28.06.2019 has notified that the date of implementation of the UGC Regulations, 2018 shall be effective from the date of notification by the Govt. of U.P. i.e. 28.06.2019 as against the date of notification of these Regulations by the UGC.

The Executive Council may kindly accord its approval on amendment of date of implementation of UGC Regulations, 2018 in accordance with the decision of the State Government.

Resolved:

The Executive Council accorded its approval on the proposal.

Agenda Item No.16

Hiring of services of academicians/ legal experts for making the draft Regulations of the University:

In the year 2008, the Executive Council in its meeting dated 20.03.2008 has approved the draft of the Regulations prepared by the then Officer on Special Duty (a retired PG college teacher) appointed by the Government at the time of establishment of the University.

These Regulations which were drafted for immediate utility purposes could not be printed yet, as they suffer from certain degrees of incompleteness, overlapping and ambiguities. The Regulations are required to be redrafted and legally vetted. This requires services of academicians and legal experts for framing of Regulations/Statutes.

Approval of the Executive Council was solicited to authorize the Vice Chancellor to hire the services of the academicians and legal experts for a committee for the above-mentioned purpose. The Vice-Chancellor may be authorized to approve suitable remuneration for the work.

Resolved:

The Executive Council after due deliberations authorized the Vice-Chancellor to constitute a committee of not more than 7 members to review and draft the University Regulations. The Executive Council also authorized the Vice-Chancellor to determine and pay the suitable remuneration for the job.

Agenda Item No.17

Any other matter with the permission of Chair:

1. Matter relating to exemption to Ph.D. Scholars from Hostel fee who are not being provided with hostel facility :

Before year 2014, there was a provision of Hostel Fee of Rs. 9,000/- in the fee structure of Ph.D. programme of the University. Later on the Finance Committee in its meeting dated 15.11.2014 had decided to merge the head of hostel fee and some other fee heads in the Utility Charges. After that the following fee structure is being followed for Ph.D. programme:

Head of fee	Amount (Rs.)
Registration Fee (One Time Payment)	5,000.00
Tuition Fee	30,000.00
Utility Charges	20,000.00
Caution Money	5,000.00
Total Fee	**60,000.00**

The Girls Hostel being insufficient to accommodate all the students/Ph.D. scholars, the University had decided to expand the existing Girls Hostel. A proposal was also sought from the U.P. Rajkiya Nirman Nigam but the construction agency had informed that it is not technically possible to expand the Girls Hostel by making 4th floor, however, the construction agency has asked for providing a separate land for construction of a separate hostel. But there is no excess land left in the University campus to construct any building.

Due to this reason, some of the girl Ph.D. scholars are not being provided the hostel facility by the University. There is no provision of exemption from hostel fee as the fee is merged in the head of Utility Charges. Some of the girl Ph.D. scholars, who are not being provided the hostel facility by the University, have been requesting to exempt them from paying the amount of hostel fee.

The office has routed a proposal to deduct Rs. 9000/- from the Utility charges in case of such scholars who are not being provided the hostel facility by the University but the scholars who are being provided the hostel facility shall be required to pay the full Utility Charges.

On the proposal the accounts wing of the University has makes remark that the Finance Committee had merged the different heads of fee in four due to less the number of different type of queries by the students, stakeholders who are often asking the actual expenses by the University in respect to each heads of the fee.

In the light of the given facts, the Executive Council was requested to consider and pass the necessary directions in the matter.

Resolved:

The Executive Council resolved to defer the matter for its next meeting.

Sanjay

Any Other Item:

1. It was proposed by Prof. G.C Tripathi that Executive Council should pass a resolution to request the government to appoint full time Registrar and Finance Officer in the University. This proposal was approved by the Executive Council.
2. Some members showed their displeasure on not holding the meeting of EC on time and asked the University to organize the EC meeting at regular intervals.
3. Prof. Sanjay Singh pointed out to correct the name of Dr. Lohiya incorporated in every document of the University. The Executive Council resolved that University may take necessary steps for the same.
4. Mr. S.B. Pandey pointed out that Secretary-in-Charges of Law/Finance/Higher Edu. department always attend the meeting through their nominees, despite the fact that there is no such provision of nominees in the University Act. He, therefore, proposed that University may request the government to amend its Act by mentioning Secretary-in-charge or his nominee in place of Secretary-in-Charge to avoid any complications in future.
5. Mr. S. K. Kalia, Mr. L.P. Mishra and Mr. S.B. Pandey pointed out that in every national law university, the Chief Justice of the State happens to be the Chancellor of the University but in this University, it is not so. Therefore, it is resolved that a request may be sent to the government to amend the University's Act to make the Chief Justice of the Allahabad High Court as the Chancellor of the University. Accordingly, the Chief Justice may be the Chairman of the General Council also.
6. Mr. S.B. Pandey pointed out that if, for any reasons, the Registrar is not available DR/JR should be authorized to call the meeting of EC/AC to hold the meetings as per the provisions of the Act.

The meeting ended with the vote of thanks to the Chair.

Sanjay

(Sanjay K. Diwakar)
Registrar-in-charge/
Secretary, Executive Council

Minutes approved.

SKBhatnagar

(Prof. (Dr.) S.K. Bhatnagar)
Vice-Chancellor/
Chairman, Executive Council