

Dr. Ram Manohar Lohiya National Law University, Lucknow
Minutes of the 36th Meeting of the Executive Council held on 07.03.2020

The following members were present in the meeting of the Executive Council held on 07.03.2020 at 3.00 PM in the Council 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. Hari Shanker Singh, Chairman, Bar Council of Uttar Pradesh	Member
4.	Mr. S.B. Pandey, Senior Advocate, Assistant Solicitor General, GOI Nominee of Hon'ble Chairperson, General Council	Member
5.	Dr. L.P. Mishra, Advocate 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.	Mr. Alok Kumar Srivastava, RHEO, Lucknow Nominee - Department of Finance, U.P.	Member
9.	Prof. Sanjay Singh, Head of the Department Dr. RML National Law University, Lucknow	Member
10.	Mr. Vijay Kumar Srivastava, Finance Officer Dr. RML National Law University, Lucknow	Special Invitee
11.	Mr. Anil Kumar Mishra, Registrar Dr. RML National Law University, Lucknow	Member Secretary

Mr. Manan Kumar Mishra, Chairman, Bar Council of India, Mr. Jai Krishna Sinha, Advocate, Mr. Suresh Kumar Kalia, Sr. Advocate, Ms. Ranjana Agnihotri, Advocate and Mr. G.N. Shukla, Advocate could not attend the meeting.

At the outset, the Chairman welcomed all the Hon'ble members of the Executive Council present in the meeting. He introduced Mr. Anil Kumar Mishra, I.A.S. who joined Dr. RMLNLU, Lucknow recently as a full time Registrar. Nextly, the Chairman, on behalf of the Executive Council and the University, congratulated and greeted Hon'ble member of E.C., Prof. G.C. Tripathi (former Vice Chancellor, BHU, Varanasi) for taking over as the Chairman of the State Higher Education Council. Furthermore, the Chairman informed that the Hon'ble Dr. Justice D.Y. Chandrachud, the Hon'ble Visitor of the University, may approve the date of convocation either on 10.04.2020 or 11.04.2020 or 12.04.2020.

Thereafter, the items of agenda were taken up.

Agenda Item No. -1

Confirmation of the minutes of the Executive Council dated 09.11.2019:

Minutes of the previous Executive Council meeting dated 09.11.2019 were circulated to the Hon'ble Members vide office letter 1686-19 dated 19.11.2019. As no comments were received from any Hon'ble Member, the Executive Council was requested to confirm the minutes annexed with this agenda item.

Resolved:

The Minutes of 35th meeting of the Executive Council held on 09.11.2019 were confirmed by the Hon'ble Members.

Agenda Item No. -2

Submission of Action Taken Report on the decisions taken by the Executive Council in its meeting dated 09.11.2019:

The Action taken report on the decisions taken by the Executive Council in its meeting dated 09.11.2019 was placed with this agenda item for the perusal of the Executive Council.

Resolved:

The Action Taken Report on the decisions taken by the Executive Council in its meeting dated 09.11.2019 was noted by the Hon'ble Members.

Agenda Item No. 3

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

The Executive Council in its meeting held on 09.11.2019 was apprised of the following facts in respect to request of Dr. Radheshyam Prasad for re-joining in the University after availing the lien:

1. 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.

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2. 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.
3. It was mentioned in the appointment letter of Dr. Prasad issued by UPES that there will a probation period of six month which assumed to be completed on 11.12.2017 but the University never received any information regarding his confirmation/probation completion in UPES either from UPES or from Dr. Prasad.
4. The Executive Council was also apprised of its decision taken in its meeting held on 08.12.2018 that ***the lien of relieved University teachers 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.***
5. Dr. Prasad was also 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.
6. Thereafter, Dr. Radheshyam Prasad through his e-mail dated 30.09.2019 had requested to give him an opportunity to join back the University.

The Executive Council in its meeting held on 09.11.2019, taking cognizance of the above facts, had 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 found confirmed then his lien in this University shall stand cancelled. The Executive Council also authorizes the Vice-Chancellor to allow Dr. Prasad to join the University within a prescribed timeline, in case his services are not confirmed yet.

Until the University takes any steps as directed by the Executive Council, Dr. Prasad had approached the Hon'ble High Court Judicature at Lucknow through writ petition no. 32839 seeking the relief to join back the University again. The facts as mentioned at 1 to 6 above were placed before the Hon'ble Court. The Hon'ble Court acknowledged the fact that Dr. Prasad concealing the fact, that his services in UPES, Dehradun have got confirmed from University has got his two years lien extended. Therefore, the court through their order dated 04.12.2019 has dismissed the writ petition without any relief to Dr. Prasad.

Later on a proposal was placed before the Vice-Chancellor regarding the compliance of the decision taken by the Executive Council on 09.11.2019 regarding knowing the status of confirmation of Dr. Radheshyam Prasad in UPES, Dehradun. It was observed that as the matter has already been decided by the Hon'ble Court and services of Dr. Prasad have also been confirmed, if the University will comply with the decision of the Executive Council in the matter, there may be the situation of contempt of court, therefore, it was decided to sought the directions of the Executive Council on the following fact:

- As the Hon'ble court has dismissed the writ petition of Dr. Prasad on 04.12.2019 without giving any relief to him, so will it be necessary to comply with the directions of the Executive Council given in its meeting held on 09.11.2019 as mentioned above.

The directions of the Executive Council were, therefore solicited on the above.

Resolved:

Since Dr. Radheshyam Prasad had already been confirmed in UPES, Dehradun and the Hon'ble Allahabad High Court, Lucknow Bench, on his petition, has also not directed the University to allow him to rejoin this University, therefore, his request to rejoin this University is rejected.

Agenda Item No. 4

Representation of Dr. V. Visalakshi, Associate Professor:

Dr. V. Visalakshi, Associate Professor of the University, earlier, 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 had submitted her representation to the Registrar which was placed before the Executive Council. The following facts, in relation to her representation, were placed before the Executive Council in its meeting held on 09.11.2019:

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. 37400-67000 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. 37400-67000 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 and Executive Council has resolved "..... the award in case of Dr. V. Visalakshi, Associate Professor all members approved the implementation of award except the representation of Principal Secretary, Higher Education and Principal Secretary, Finance who were of the view that the University should file an appeal against the award".
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 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 the suit was filed in the court on the basis of the views of representative of Principal Secretary, Higher Education and Principal Secretary, Finance only.

Accordingly, the Executive Council was apprised that, taking cognizance of the decision of the Executive Council taken on 15.11.2014, the suit was filed with the approval of then Vice-Chancellor.

The Executive Council, was therefore, requested to decide upon the representation of Dr. V. Visalakshi in order to dispose off her grievance.

Resolved:

The Executive Council, after due deliberation, on the agenda resolved to authorize the Vice-Chancellor to constitute a three member committee to look into the merit in the case of Dr. V. Visalakshi and also to look into holistically the similar cases, if any.

The Executive Council also resolved that composition of the committee shall include one retired Judge of High Court, one academican and one person having experience in

administration/ finance with the Registrar as its Secretary. Further, the Executive Council also directed that the report of the committee so constituted shall be placed before the Executive Council.

Agenda Item No. 5

Matter relating to counting of past services of University Teachers

As per the directions of the Executive Council in its meeting vide item no. 6(E) held on 09.11.2019, a committee vide office memorandum no. O.M. No. 1740-19/NLULko/Admin-C-86/2019 dated 26.11.2019 was constituted to look into the validity/genuineness of the claims of counting of past services by the university teachers. Accordingly, the committee has convened its two meetings and the claim of one faculty member namely Dr. Manoj Kumar, Assistant Professor has been decided by the committee. Rest of the similar cases will be decided by the committee in due course.

The Executive Council was apprised of the above development for its perusal. The Chairman informed in the meeting that, on the writ petition of Dr. Manoj Kumar (for adding his past services), the Hon'ble Allahabad High court, Lucknow bench directed the University on 11.11.2019 to consider and decide his case. The committee constituted on 26.11.2019 looked into his case. Furthermore, the Chairman informed that, on the basis of the minutes of this committee, letter no. 1807-19/NLULko/Admin/C-89/2019 dated 06.12.2019 was sent to Dr. Manoj Kumar. Dr. Manoj Kumar has also requested for his personal hearing by the Executive Council.

Resolved:

During deliberation on the agenda, the reports about the matter of Dr. Manoj Kumar, Assistant Professor were placed before the Executive Council for perusal. Looking into the facts/contents of the Regulations relating to counting of past services, it was resolved to constitute a fresh new committee to look into the case of Dr. Manoj Kumar afresh and to also decide cases of similar nature of other faculty members.

The Executive Council also resolved that the committee so constituted shall give an opportunity to the applicants (including Dr. Manoj Kumar), and the recommendations of the committee shall be placed before the Executive Council.

Agenda Item No. 6

The issues related to Career Advancement Scheme of the U.G.C.

The University Act vide Section 25 prescribes the composition of the Selection Committee. However, the UGC regulations provide for the inclusion of the Visitor/ Chancellor's nominee in the Selection Committee which is not provided in the Act.

The E.C. was requested to consider it and pass appropriate directions.

Resolved:

The Executive Council deliberated the agenda in detail. After due deliberation on the issue the Executive Council resolved to seek legal opinion in the matter which may be placed before the Executive Council in the next meeting.

Agenda Item No. 7

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

Following proposal was placed before the Executive Council in its meeting held on 09.11.2019:

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 finance wing of the University has remarked that the Finance Committee had merged the different heads of fee in four in order to deal with different types

of queries raised by the students, stakeholders who are often asking the actual expenses by the University in respect to each head of the fee.

In the light of the above facts, the Executive Council was requested to consider and pass the necessary directions in the matter. The Executive Council resolved to defer the matter for its next meeting.

Accordingly, the matter is put-up again before the Executive Council for necessary directions in the matter.

Resolved:

The Executive Council resolved that the issue will be addressed/ revisited by the committee to be constituted in accordance with resolution at agenda item no. 10. The recommendations of the committee shall be placed before the Executive Council.

Agenda Item No. 8

Empanelling of experts for reviewing and advising on proposals/ work relating to IT/Civil/ electrical etc.

The University as per its requirement prepares/ receives proposals for various technical work relating to IT/ Civil/ electrical/ mechanical and other technical matter. As there are no dedicated technical persons available in the University to review the technical aspects of the proposals/ work in accordance with the prevailing technologies, therefore, empanelment of a few expert members is required.

The Executive Council, was therefore, requested to authorize the Vice Chancellor for nominations of experts as per the requirements of the University, and, accordingly, make payment of remuneration etc. to them.

Resolved:

The Executive Council authorized the Vice-Chancellor to empanel the experts as per the requirements of the University and also to decide the remuneration to the expert members.

Agenda Item No. 9

Appointment of Warden/ Associate Warden of Girls Hostel:

Dr. Aparna Singh, Warden, Girls Hostel had expressed her willingness to demit the charge of warden, Girls Hostel prior to going on maternity leave. Consequently, Dr. Samreen Hussain, Assistant Professor has been appointed as the Warden of the Girls Hostel vide Office Memorandum No.636/RMLNLU/VCO/P-1/2020 dated 04.01.2020

and Ms. Isha Yadav, Assistant Professor is appointed as Associate Warden, Girls Hostel vide Office Memorandum No.638/RMLNLU/VCO/P-1/2020 dated 10.01.2020.

The Executive Council was apprised of the changes to consider it.

Resolved:

The Executive Council noted the actions taken by the Vice-Chancellor.

Agenda Item No. 10

Reconsideration of the Revised Fee structure as approved in the 35th meeting of the E.C.:

The Executive Council had accorded its approval to charge rupees Twenty Five thousand (Rs. 25,000) as Development Fee from the newly admitted students from the session 2020-21 in its 35th meeting held on 9.11.2019 vide agenda item no. 9. The same has been included in the Admission Brochure- 2020. Now, some concerns have been expressed in certain quarters over this fee hike.

The Executive Council is requested to reconsider its decision in the light of the latest developments.

Resolved:

During deliberation on the issue, the Vice-Chancellor apprised the Executive Council that he has been approached by some persons against the increase in fee.

The Executive Council authorized the Vice-Chancellor to constitute a committee of internal and external members to review the fee structure of the University. The recommendations of the committee so constituted shall be placed before the Executive Council. Till then, the fee for session 2020-21 will not be increased as decided in its 35th meeting held on 9.11.2019.

Agenda Item No. 11

Any other matter with the permission of Chair

1. Acceptance of the resignation letter tendered by Shri Mahendra Singh Paswan, Assistant Professor:

On the recommendation of the Selection Committee, Shri Mahendra Singh Paswan was appointed by the University Executive Council (in its meeting held on 30.09.2013) on the post of Assistant Professor, Law. Shri Paswan joined his duty on 04.10.2013. Due to his selection as Civil Judge by the Hon'ble High Court, Allahabad,

Shri Mahendra Singh Paswan was relieved from the duties on 08.02.2017 on lien basis.

Dr. Mahendra Singh Paswan vide his letter dated 21.01.2020 has tendered his resignation from the post of Assistant Professor of the University which has been approved by the Vice-Chancellor. Mr. Paswan has been also informed vide office letter dated 07.02.2020 about acceptance of his resignation w.e.f. 25.01.2020.

The Executive Council was apprised of the above.

Resolved:

The Executive Council took note of the above.

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


(Anil Kumar Mishra)

Registrar

Secretary, Executive Council

Minutes approved.


(Prof. (Dr.) S.K. Bhatnagar)

Vice-Chancellor/
Chairman, Executive Council