

RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

(Established under Punjab Act No. 12 of 2006) (Accredited with 'A' Grade by NAAC)

PROCEEDINGS

Proceedings of the meeting of the Finance Committee held on <u>08th February</u>, <u>2020 at 09:30 a.m.</u> in the Conference Hall, Administrative Block of RGNUL campus, Patiala.

Note:- The Meeting of the Finance Committee was scheduled to be held on 25.01.2020, but it was postponed due to unavoidable circumstances and rescheduled to be held on 8th February, 2020 at 09.30 am.

Members were present:

1.	Professor (Dr.) Paramjit S. Jaswal	
	Vice-Chancellor,	
	RGNUL, Punjab	

Chairman

Professor (Dr.) Ranbir Singh
Vice-Chancellor,
National University of Law, New Delhi

Member

Professor (Dr.) Veer Singh
 Former Director (Academics),
 Chandigarh Judicial Academy, Chandigarh.

Member

4. Sh. Charanjit Shaunik Dy. Director, Local Audit, RGNUL, Punjab, Patiala Member

5. Professor (Dr.) Anand Pawar Professor of Law RGNUL, Punjab

Member

6. Professor (Dr.) Naresh Kumar Vats Registrar RGNUL, Punjab

Secretary

Professor (Dr.) Paramjit S. Jaswal, Vice-Chancellor (Chairperson) welcomed the members of the Finance Committee and thanked them for taking out valuable time from their busy schedule to attend the meeting for all-round growth and development of this University.

ITEM (1) To confirm of the proceedings of the previous meeting of the Finance Committee held on 08.06.2019. (Annexure-1)

The Vice-Chancellor read out that the proceedings and the action taken report of the previous meeting item wise of the Finance Committee which was held on 08.06.2019.



Decision:

The Hon'ble members of the Finance Committee perused the proceedings and the action taken report of the previous meeting of the Finance Committee held on 08.06.2019 (Annexure-1) and unanimously resolved to approve the same.

ITEM (2) To consider the Budget Estimates of Rajiv Gandhi National University of Law, Punjab, for the Financial Year 2020-21 (Annexure-2)

The Vice-Chancellor placed before the Hon'ble Members of the Finance Committee Budget Estimates 2020-21 of RGNUL reflecting Income and Expenditure and other details as per Annexure-2. Brief of the same is as under :

A Maintenance Grant:

Sr. No.	Particulars	Estimates for 2020-21 Amounts (Rs.)
Α	Receipts	
	Opening Fund Balance	21,72,23,411.70
	Estimated Net Revenue Receipts for Academic Session 2020-21	20,54,87,290.00
	Total Estimated Revenue Receipts	42,27,10,701.70
В	Expenditure	
	Total Revenue Expenditure	43,91,04,877.00
	Annual Revenue Budget Deficit (-) (A-B)	- 1,63,94,175.30
	(C) Say	- 1,63,94,000.00

B Capital Grant:

Sr. No.	Particulars Particulars	Estimates for 2020-21 Amounts (Rs.)
	Opening Balance	77,50,125.00
D	Receipts	
(i)	Estimated Net Capital Grants/Receipts for 2020-21	11,02,30,333.00
	Total Estimated Capital Receipts	11,79,80,125.00
E	Estimated Capital Expenditure on University Infrastructure Development/Building Repair & Maintenance/Construction Wing for the year 2020-21	23,82,50,000.00
***	Annual Capital Expenditure Deficit (D-E)	- 12,02,69,875.00

(F) Say - 12,02,70,000.00

The Hon'ble members of the Finance Committee perused the details of Income and Expenditure of the Budget both on Maintenance and Capital side. The Members also looked into the other details as reflected in Part-I and Part-II of the proposed budget. The budget proposals were discussed in detail at the meeting and it was unanimously resolved as under:

Decision:

After thoughtful consideration and detailed discussion the Hon'ble Members of the Finance Committee unanimously resolved to accept the budget proposal for 2020-21 as per enclosed Annexure-2



projections and further recommended it to the Executive Council for its approval. Further, the Hon'ble Members of the Finance Committee unanimously appreciated the Punjab Government for providing Maintenance Grant of Rs. 6,74,16,000/- to the University so far during the year 2019-20 and it is hoped that the Punjab Govt. will continue to support the University in future as well.

To consider Balance Sheet of Accounts of Rajiv Gandhi National University of Law, Punjab, for the Financial Year 2018-19 (Annexure-3).

The Vice-Chancellor read out the Figures reflected in the Balance Sheet as on 31st March, 2019 are as per schedule 1 to 24 attached with the Balance Sheet. The Figures reflected in Income and Expenditure Accounts as on 31st March 2019 are as per schedule 1 to 5 attached to the Income and Expenditure Account. Receipt and Payment Account as on 31st March, 2019 is as per Cash Book/Receipt and Expenditure Registers. Receipts and Payments Account of Building Fund Account for the year ending 31st March, 2019 is as per Actual Receipts and Payments as per Cash Book.

Decision:

The Hon'ble members of the Finance Committee perused the Audited Balance Sheet of RGNUL Accounts (Annexure-3) for the Financial Year 2018-19 and unanimously resolved to accept it and further recommended it to the Executive Council for its approval.

To consider the case of Mr. Sukhvir Singh, working against the post of Field Assistant/ Field Organiser and designated as Field Officer for allowing pay scale of Rs. 15600– 39100+GP 5400.

The Vice-Chancellor read out that:

- Mr. Sukhvir Singh is working on Regular basis against the post of Field Assistant/Field Organiser in the pay scale of Rs. 10300-34800+GP 4400.
- Keeping in view the nature of his duties, qualification and experience, the Executive Council at its
 meeting held on 09.02.2017, allowed him the designation of Field Officer and also a special allowance of
 Rs. 2000/- per month.
- There is a request from Mr. Sukhvir Singh to allow him the pay scale of Rs. 15600-39100+GP 5400
 which is applicable to Office Superintendent.

Decision:

The Hon'ble Members of the Finance Committee considered the case of Mr. Sukhvir Singh, working against the post of Field Assistant/ Field Organiser and designated as Field Officer working in the pay scale of 10300-34800+GP 4400 for considering in the pay scale of Rs. 15600–39100+GP 5400 after thoughtful consideration it was unanimously resolved to reject it and further recommended it to the Executive Council for its approval.

To consider the payment of GST at the rate applicable to Eastern Book Company Publishing Pvt. Ltd (Annexure-4).

The Vice-Chancellor read out that RGNUL has entered two Agreements with Eastern Book Company Publishing Pvt. Ltd. The first one relates to the publication of RGNUL Student Research Review (RSRR) with an effective signing date of April 10, 2017 and the second relates to the publication of the RGNUL Law Review (RLR) with an



effective signing date of September 2, 2019. At the time of signing the Agreement, the Clause relating to payment of GST was inadvertently not incorporated.

However, now the publisher has pointed out that under GST Law, it is classified as supply of Publishing Services and attracts 18% GST. Thus, in order to meet RGNUL's audit requirements and EBC's compliance with the GST Law, GST as applicable from time to time shall have to be paid by the university from the effectuated date.

Decision:

The Hon'ble Members of the Finance Committee considered the payment of GST as given above at the rate applicable to Eastern Book Company Publishing Pvt. Ltd (Annexure-4) and unanimously resolved to approve the same and further recommended it to the Executive Council for its approval.

To confirm of the orders of the Vice-Chancellor, made in anticipation of the approval of the Finance Committee, regarding Construction of Shed for Buses, Tractor & Trolley in RGNUL Campus, Sidhuwal, Patiala.

The Vice-Chancellor read out that University is possessing one Bus, one mini bus, Tractor & Trolley. At present there is no proper covered parking space for these vehicles. Condition of the vehicles are deteriorating day by day due to non—availability of the covered space. In the larger interest of the university to prevent further deteriorations of the vehicles, Technical Advisor (Arch) has suggested to provide shed of 46 ft. x 45 ft. size having M.S tubular frame with corrugated G.S sheet roofing. Since 2nd block of E type residences is not required, so it is recommended by the Advisor that, this place is suitable for the proposed shed. The Hon'ble Vice-Chancellor has approved for the execution of this work as per RGNUL Regulations.

Decision:

The Hon'ble Members of the Finance Committee unanimously resolved to confirm and approve the orders of the Vice-Chancellor, for Construction of Shed for Buses, Tractor & Trolley in RGNUL Campus, Sidhuwal, Patiala as given above, and further recommended it to the Executive Council for its kind approval.

To confirm of the orders of the Vice-Chancellor, made in anticipation of the approval of the Finance Committee for transfer of funds (Annexure-5), as given below:

- (i) For the transfer of Rs. 1,00,00,000/- out of University Fee A/c No. 33006720097 to Building Fund A/c No. 30357813053 to make pending payments of contractors/suppliers.
- (ii) Re-appropriation of Rs. 35,00,000/- from following Budget Heads to Budget Head "Maintenance of Building Works Furniture & Other Equipment" during the Financial Year 2019-20.
 - 1) Sewage Treatment Plants (STP) Rs. 2

Rs. 2,00,000/-

2) Purchase of Electrical Equipment

Rs. 10,00,000/-

3) Over Head Service Reservoir(OHSR)

Rs. 3,00,000/-

4) Running & Maintenance of D.G. Sets

Rs. 5,00,000/-

5) Purchase of Gen. Set

Rs.15,00,000/-

(iii) Re-appropriation of Rs. 3.00 Lac from Budget Head "Library – Purchase of Books" to Budget Head "Library – Membership of Fee of Institutions" during the Financial Year 2019-20.

Decision:

The Hon'ble Members of the Finance Committee unanimously resolved to confirm and approve the orders of the Vice-Chancellor, for



the above said items (i) to (iii), and further recommended it to the Executive Council for its kind approval.

(8) TEM

To note the First International Conference, on Legal Risks of Artificial Intelligence held on 22nd November 2019 at Asia University, Taiwan, in collaboration with Rajiv Gandhi National University of Law, Punjab (Annexure-6), and Travel Expenditure of Rs. 85,000/-approx. and DA of Rs. 40,000/- for 02 faculty members who participated in the Conference.

The Vice-Chancellor read out that Prof. (Dr.) Anand Pawar and Dr. Manoj Kumar Sharma of RGNUL had correspondence with the Department of Financial and Economic Law, Asia University, Taiwan for co-hosting International Conferences so as to take RGNUL to various International fora and to promote academic and cultural exchange. In this context, department of Financial and Economics Law, Asia University, Taiwan, agreed to organize exchange conference on Legal Risks of Artificial Intelligence on 22nd November, 2019 in collaboration with RGNUL. The event was organized at Taipei, Taiwan. The brochure of the event is enclosed herewith. This provided an important opportunity for ensuring organizational participation and presence of RGNUL at International fora.

Further, the faculty representatives convinced Asia University to collaborate with RGNUL without any financial obligation of this University. RGNUL as the co-organizer of the event at Taiwan, did not incur any expenditure on the conference. This apart, Prof. Anand Pawar was moderator and speaker in one session and Dr. Manoj Sharma was speaker in another session.

Conference was organized by RGNUL in collaboration with Asia University at Tarchug, Taiwan. This was first such event which was organized by RGNUL at International Venue.

Prof. Anand Pawar and Dr. Manoj Sharma had represented RGNUL at International forum as hosts, organizers and experts, for this they incurred Travelling Expenses Approx., Rs. 85,000/- (For 02 persons) DA Rs. 10,000/- per day for 4 days Rs. 40,000/- (For 02 persons) as submitted by them. Being a party to the MoU the both faculty members also explored the future possibilities for other academic events which would be organized either at RGNUL, Punjab or ASIA University, Taipei.

University Authorities at RGNUL, Punjab, has received certain funds from CLAT consortium for Faculty Development Programmes. This event fits into the same criteria of Faculty Development Programme.

The matter is placed before the Finance Committee for approval of payment of the above mentioned amount to Prof. (Dr.) Anand Pawar and Dr. Manoj Kumar Sharma.

Note: When this item was taken up Prof. Anand Pawar who is a member of Finance Committee recused himself from the discussion and decision.

Decision:

The Hon'ble Members of the Finance Committee unanimously resolved to note and approve the collaboration in the First International Conference, on Legal Risks of Artificial Intelligence held on 22nd November 2019 at Asia University, Taiwan, in collaboration with Rajiv Gandhi National University of Law, Punjab (Annexure-6), and allowed Travel Expenditure of Rs. 85,000/- approx. and DA of Rs. 40,000/- for 02 faculty members Prof. (Dr.) Anand Pawar and Dr. Manoj Kumar Sharma who participated in the Conference. It was, further, resolved that the above said amount shall be paid out of the Faculty Development Grant received from the consortium of the NLU's. The Vice-Chancellor is also authorized to spend such fund for the Faculty Development in future and report to the University Bodies in subsequent meetings. It was further recommended it to the Executive Council for its kind approval.

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CURRENT AGENDA

ITEM (9) To consider the continuation of Counselling Service provided by YourDOST to the students and employees of RGNUL, Punjab.

The Vice-Chancellor read out that RGNUL, Punjab, has entered into MoU with YourDOST for providing Online Counselling to the students and employees of the University. Under the MoU, YourDOST is providing online counselling and is also holding Workshops for the benefit of students and the employees from time to time. As per the report submitted by YourDOST, the response is very positive and it has benefitted large number of students/employees.

It is proposed to consider the continuation of counselling of YourDOST further on the same terms and conditions.

Decision:

The Hon'ble Members of the Finance Committee considered the continuation of Counselling Service provided by YourDOST Online Counselling and also holding Workshops for the benefit of students and the employees of the RGNUL, Punjab, from time to time and unanimously resolved to approve the same and further recommended it to the Executive Council for its kind approval.

ITEM (10)

To consider the RGNUL Faculty representation (Annexure-7), in respect of Rural Area Allowance @ 6% from July, 2013 in place of July, 2017, keeping in view, the date of the actual shifting of the University and commencement of classes at new campus.

The Vice-Chancellor read out that the faculty of RGNUL has submitted an application and expressed that Government of Punjab had revised Rural Ara Allowance (RAA) norms from 01.09.1997 granting RAA @ 6% to employees who are posted in Rural Areas (i.e. in villages and not in cites and towns). The revision of RAA was made with retrospective effect from 01.05.1988. The revision also removed the condition of having place of residence in rural area for the grant of RAA

RGNUL is located in village Sidhuwal, Bhadson Road, Patiala. RGNUL was established in the year 2006 at Mahindra Kothi, Patiala and University started shifting activities from Mahindra Kothi Campus to the present campus in the year 2011. In 2013 the academic activities were completely shifted to Sidhuwal Campus and as such classes were conducted in the new campus from July, 2013 onwards. It was followed by shifting of offices in the same year. Accordingly, academic as well as administrative and managerial functions of the Universities were completely shifted from the city campus to the present campus at Village Sidhuwal in 2013 itself.

Since, the University physically and actually shifted to Village Sidhuwal for all practical purposes in 2013 itself, accordingly, RGNUL employees are eligible for RAA @ 6% from July 2013 whereas RGNUL Executive Council vide its meeting in June 2019 (Annexure-8) has allowed RAA @ 6% from July 2017. It is most respectfully prayed that the decision of EC pleased be reconsidered in the light of apparent facts. It is further prayed that RAA @ 6% be granted from July 2013 onwards. Keeping in view, the fact that the actual working of the University shifted in July 2013 as all classes and decision making was shifted to the Sidhuwal Campus.

The Vice-Chancellor further informed the Hon'ble members that the said representation has been withdrawn (Annexure-9).

Decision:

The Hon'ble Members of the Finance Committee considered the withdrawal of representation and unanimously resolved that the item be allowed to be withdrawn and no further action is required in this matter and further recommended it to the Executive Council for its kind approval.

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ITEM (11)

To consider the Representation of some RGNUL Employees regarding recovery of HRA already paid and its recovery after reduction of House Rent Allowance from 20% to 10% paid before 08.11.2017 (Annexure-10). The employees of the RGNUL were given the benefit of House Rent Allowance (HRA) @ of 20% being RGNUL Punjab situated at Patiala, and there was reduction in HRA from 20% to 10%, in view of shifting the University from Patiala to new campus, village Sidhuwal which is situated in Rural Area as per notification of Govt. of Punjab, Department of Finance vide No. 4/7/09-2FPI/375 dated 12.08.2009, which was adopted by the Finance Committee/Executive Council of RGNUL in its meeting held on 08.06.2019, Para-3(3) (Annexure-11).

The Vice-Chancellor read out that the RGNUL employees have submitted representation application and stated that :

- 1. We are part of this esteemed institution since it was established.
- 2. It would be pertinent to mention over here that when the salary for the month of July was credited in our account, it transpired that less salary was credited and recovery of amount was effected from our salary. Owing to this sudden reduction in our salary, we immediately contacted the concerned department of the University and came to know that House Rent Allowance has been reduced and deductions are being made in the amount of total pay of the applicants for the excess payment of HRA amount to us. We also came to know the sudden reduction in the HRA and erroneous coercive recovery from our salary is in pursuance to an audit objection, on the basis of which the Executive Council of the University in its meeting dated 08.06.2016 had ordered for reduction of HRA from 20% to 10%. Further, vide the resolution passed in the meeting of the Executive Council dated 08.06.2019, it was ordered that the employees who have been already paid excess amount of HRA w.e.f. 08.11.2016 would be liable for recovery of the said amount of HRA paid in excess.
- Respected Sir, we most humbly submit that the actions of the University Authorities in arbitrarily reducing the HRA and effecting forceful recovery from the employees is arbitrary and against the principles of the equity and natural justice. In this regard, we most humbly submit as under:
 - a) The action on the part of the University Authorities in reducing the HRA and effecting forceful recovery from our salary on monthly basis is a clear cut violation of principle of natural justice. The Hon'ble Punjab & Haryana High Court in the case of Jalandhar Central Cooperative Bank Employees vs. State of Punjab & Others, 1994(2) RSJ 739 and in the case of Jaspal Singh vs. Director, PGI, Chandigarh, 1994(3) RSJ 659 has categorically held that before withdrawal/reduction in the pay, the authorities are bound to give a prior notice and opportunity to the aggrieved employees. In the present case, before reducing the HRA and before passing order of recovery, neither any prior notice was given to us nor an opportunity of hearing was afforded to us as a result of which the University Authorities have violated the principles of Natural justice and the law as culled out by the Hon'ble Punjab & Haryana High Court as well as the Hon'ble Supreme Court of India.
- The documents and the objections raised by the audit department have not been disclosed by the University Authorities to any of its employees (teaching or non-teaching). If the audit department had raised an objection, then prior to moving a resolution in this regard, prior notice should have been given to the adversely affected employees (teaching/non-teaching) so as to inform them that their HRA is being reduced and recovery is going to be effected from their salaries. It is astonishing that the entire exercise has been kept a close guarded secret and the employees have been kept in dark.
- 5. Sir, the University came into existence with the passing of the Rajiv Gandhi National University of Law, Punjab Act, 2006. Section 3 of the Act states about establishment of the University and also states about its headquarters i.e., Patiala. Till date the Government of Punjab has not notified any other place of headquarters of this University so it is not wrong in saying that University is still in Patiala though the campus is in village Sidhuwal. Further, Patiala is still an urban area of class-society as such the applicants are entitled for HRA prevalent or existing as earlier. The relevant portion of section 3 is being reproduced herein as under:

Establishment of the University:



(3) The headquarters of the University shall be at Patiala or at such place, as may be specified by the State Government by notification in the Official Gazette.

A literal interpretation would mean and interpret that even if the campus at Sidhuwal is considered then in that case also the University cannot deny HRA amount now or in future as earlier paid to the applicant because the university is developed in the form of a township as it got its site plan sanctioned from Town Planning Department of Punjab Government for conversion of agricultural land. So the University though situated in a village even then the University is considered as a town in its own. Hence, the HRA cannot be reduced by holding that as the University is situated in rural area, hence its employees are not entitled to any increased HRA as applicable to urban area.

- 6. We wish to further submit that there was never a fault in the calculation of HRA. Hence, merely because an objection was raised by the audit department could not have been made the sole basis for reduction in HRA. Being an autonomous institution, the University was well within its rights to seek opinion on this issue and then appropriate decision could have been taken by taking into consideration the fact that the University employees could not be deprived of HRA applicable to employees in urban area merely because the University was set up in a village. It would be pertinent to mention over here that HRA constitute a crucial component in the salary and is defined as the total amount allotted by employer towards the employees accommodation as rent. Admittedly there is no accommodation in the vicinity of the University campus and there is no such accommodation available outside the campus further even the University campus is just 5 kms away from the municipal limits of city Patiala. Accordingly, we are entitled to receive HRA for urban area and not for rural area.
- 7. It would be further in context to highlight the fact that the recovery being effected from our salary is also arbitrary and an erroneous exercise being undertaken by the University. It is now a well settled law as laid down by the Hon'ble Supreme Court of India in the case of State of Punjab and others v. Rafiq Masih, rendered in 2015(1) S.C.T. 195: Civil Appeal No. 11527 of 2014, that in case on account of an error on the part of the department, any excess amount is paid to an employee, then if it is established that the said benefit so given to the said employee is not on account of any fraud or misrepresentation on the part of an employee, then in such an eventuality, the benefit so granted to an employee cannot be recovered.
- Accordingly, it is most humbly submitted that in terms of the ratio laid down by the Hon'ble Supreme
 Court of India in the case of Rafiq Masih (supra), the orders passed for recovery of excess amount
 of HRA may kindly be recalled. The amount recovered may be returned.
- We wish to further highlight the fact that the actions of the University in effecting the recovery is also an apparent haste decision as the excess amount of HRA which is being recovered from our salary does not take into consideration the fact that the period for which the said amount was paid was included in the total salary for the said period for which the University had already deducted tax on the basis of the total salary. Hence, in case any excess amount is now being recovered for the said period, then we should be compensated for the excess tax paid during that period. Further, the recovery amount so calculated does not take into consideration the income tax paid to the Government for the said period. Hence, the amount of recovery so calculated is also erroneous and apparently incorrect.

Therefore, through this representation of ours, we most humbly submit that the representation be considered in its right earnest and the HRA which was being received by us prior to its reduction in pursuance to the resolution passed by the Executive Council of the University, may kindly be restored. It is further prayed that the erroneous orders of recovery recalled and the recovery so affected from our salary may kindly be refunded back in respective accounts of employees our account. Sir, we are hopeful that the issues highlighted by through our representation are considered at the earliest.

It is stated that the reduction of House Rent Allowance from 20% to 10% after 08-11-2017 was given to effect as per the decision of FC/EC in their meeting held on 08-06-2019 vide Para 3(iii). Copy enclosed as per Annexure 'A'. It is further stated that after the above mentioned decision of FC/EC, a Notice No. RGNUL/Accounts/165 dated 20-06-2019 (copy enclosed as Annexure-12) containing the decision of FC/EC was circulated for information to all concerned. It is pertinent to mention here that the date 08-11-2017 was kept as the date of recovery because of the fact that vide Notification No. 08/03/14-4 Edu.1 dated 08-11-2017 (Copy enclosed as Annexure-13). The location and address of Rajiv Gandhi National University of Law was described as under:

Rajiv Gandhi National University of Law, Punjab Sidhuwal Campus, Bhadson Raod, Patiala-147006



Decision:

RGNUL, Punjab, Patiala

The Hon'ble Members of the Finance Committee considered the Representation of some RGNUL Employees regarding recovery of HRA aiready paid and its recovery after reduction of House Rent Allowance from 20% to 10% paid before 08.11.2017 (Annexure-9). The employees of the RGNUL were given the benefit of House Rent Allowance (HRA) @ of 20% being RGNUL Punjab situated at Patiala, and there was reduction in HRA from 20% to 10%, in view of shifting the University from Patiala to new campus, village Sidhuwal which is situated in Rural Area as per notification of Govt. of Punjab, Department of Finance vide No. 4/7/09-2FPI/375 dated 12.08.2009, which was adopted by the Finance Committee/Executive Council of RGNUL in its meeting held on 08.06.2019, Para-3(3) (Annexure-11), after thoughtful consideration and detailed discussion it was unanimously resolved that since the above action was taken by the University to comply with the audit objection and the recovery was ordered after giving due notice to the employees, there is no merit in the representation and the same be rejected and further recommended it to the Executive Council for its kind approval.

The meeting was concluded with thanks to the Hon'ble Members of the Finance Committee and with a Resolution to vote of thanks.

Professor (Dr.) Paramjit S. Jaswal Professor (Dr.) Ranbir Singh Vice-Chancellor, RGNUL Professor (Dr.) NLU Former Director (Academics), CJA

Sh. Charanjit Shaurlik Professor (Dr.) Anand Pawar Professor (Dr.) Naresh Kumar Vats Registrar, RGNUL Registrar, RGNUL