RAJIV GANDHI NATIONAL UNIVERSITY OF LAW, PUNJAB

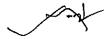


(Established under the Punjab Act No. 12 of 2006)
(Accredited with 'A' Grade by NAAC)

Minutes of the meeting of the General Council of the Rajiv Gandhi National University of Law, Punjab, held on 19th February, 2020 at 04:30 p.m. in the Committee Room of the Punjab & Haryana High Court, Chandigarh, under the Chairmanship of the Hon'ble Mr. Justice Ravi Shanker Jha, Chief Justice of Punjab & Haryana High Court, Chandigarh and Hon'ble Chancellor of RGNUL, Punjab.

The following were present:

(1)	HON'BLE MR. JUSTICE RAVI SHANKER JHA, Chief Justice, Punjab and Haryana High Court, Chandigarh and Hon'ble Chancellor, RGNUL, Punjab	CHAIRMAN
(2)	HON'BLE MR. JUSTICE RAJIV SHARMA Judge, Punjab & Haryana High Court, Chandigarh	MEMBER
(3)	HON'BLE MR. JUSTICE RAKESH KUMAR JAIN Judge, Punjab & Haryana High Court, Chandigarh	MEMBER
(4)	PROFESSOR (DR.) PARAMJIT S. JASWAL Vice-Chancellor, Rajiv Gandhi National University of Law, Punjab	MEMBER
(5)	MR. ANIRUDH TEWARI, IAS Principal Secretary to Govt. of Punjab, Department of Finance, Punjab, Chandigarh	MEMBER
(6)	MR. AMARJIT SINGH VIRK Additional Legal Remembrancer and Secretary to Govt. of Punjab Department of Legal and Legislative Affairs, Punjab, Chandigarh	MEMBER
(7)	MR. M.P. ARORA, IAS Special Secretary to Govt. of Punjab, Department of Higher Education & Languages, Chandigarh	MEMBER
(8)	MR. PARTAP SINGH ADVOCATE Nominee of the Chairman, Bar Council of India, New Delhi	MEMBER
(9)	MR. KARANJIT SINGH Chairman, State Bar Council of Punjab & Haryana, Chandigarh	MEMBER
(10)	PROFESSOR (DR.) R. VENKATA RAO Chairperson, Vivekananda Institute of Professional Studies New Delhi	MEMBER
(11)	PROFESSOR (DR.) RANBIR SINGH Vice Chancellor, National Law University, Dwarka, Delhi	MEMBER



PROFESSOR (DR.) SHERRY SABBARWAL (12)**MEMBER** Former Chairperson, Department of Sociology, Panjab University, Chandigarh PROFESSOR (DR.) JITENDRA MOHAN (13)**MEMBER** Professor Emeritus, Department of Psychology, Panjab University, Chandigarh PROFESSOR (DR.) ANAND PAWAR (14)MEMBER Professor of Law, Rajiv Gandhi National University of Law, Punjab, **SCRETARY** PROFESSOR (DR.) NARESH KUMAR VATS (15)

Hon'ble Chancellor welcomed all the Members of the General Council and asked Professor (Dr.) Paramjit S. Jaswal, Vice-Chancellor, RGNUL, to present the agenda items. Prof. Jaswal presented the agenda items as under:

ITEM (1) To confirm of the Minutes of the previous meeting of the General Council held on 31.07.2019. (Annexure-1)

The Vice-Chancellor read out the Minutes and Action Taken Report of the previous meeting of the General Council held on 31.07.2019.

Decision:

The Hon'ble Members of the General Council perused the Minutes and Action Taken Report of the previous meeting of the General Council held on 31.07.2019 (Annexure-1) and unanimously resolved to approve the same.

To consider the RGNUL Budget Estimates for the Financial Year 2020-21 as recommended by the Finance Committee and the Executive Council at their respective meetings held on 08.02.2020 (Annexure-2).

A Maintenance Grant:

Rajiv Gandhi National University of Law, Punjab.

Sr. No.	Particulars Particulars	Estimates for 2020-21 Amounts (Rs.)
A	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

(C) Say - 1,63,94,000.00

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B Capital Grant:

Sr. No.	Particulars	Estimates for 2020-21 Amounts (Rs.)
	Opening Balance	77,50,125.00
D	Receipts	
(i)	Estimated Net Capital Grants/Receipts for 2020- 21	11,02,30,000.00
	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
		12.02.80.000.00

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

The Vice-Chancellor read out that RGNUL Budget Estimates for the Financial Year 2020-21, which were placed before the Finance Committee in its meeting held on 08.02.2020 for consideration. The Finance Committee unanimously resolved to approve and recommended the Budget Estimates for approval of the Executive Council.

The Executive Council of the RGNUL considered Budget Estimates 2020-21 in its meeting held on 08.02.2020, as recommended by the Finance Committee and Hon'ble Members of the Executive Council unanimously resolved to approve the same and further recommended it to the General Council, for favour of consideration, approval and for its implementation w.e.f. 01.04.2020.

Decision:

After thoughtful consideration and detailed discussion, the Hon'ble members of the General Council unanimously resolved to approve budget estimates for the Financial Year 2020-21 as recommended by the Finance Committee and the Executive Council at their respective meetings held on 08.02.2020 (Annexure-2). This included the proposed Financial Grant from Government of Punjab of Rs. 03 crore on Capital Side and Rs. 15 crore on Maintenance Side.

To consider the Balance Sheet of Accounts of Rajiv Gandhi National University of Law, Punjab, for the Financial Year 2018-19, as recommended by the Finance Committee and the Executive Council at their respective meetings held on 08.02.2020 (Annexure-3).

The Vice-Chancellor read out that this University was established in May 2006 under *Punjab Act No.* 12 of 2006 and it has been functioning from its location Sidhuwal, Bhadson Road, Patiala.

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.

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Decision:

The Hon'ble Members perused the Balance Sheet of Accounts of Rajiv Gandhi National University of Law, Punjab for the Financial Year 2018-19 as recommended by the RGNUL Finance Committee and the Executive Council at their respective meetings held on 08.02.2020 respectively (Annexure-3) and unanimously approved the same.

ITEM (4) For perusal and approval of the Annual Report of Rajiv Gandhi National University of Law, Punjab, for the Academic Session 2019-20 (Annexure-4).

The Vice-Chancellor read out that RGNUL has been functioning since July 2006. Now, it is in its 13th Academic Session. In terms of Section 12(2) of RGNUL Act and Statute 3 the Annual Report for the Academic Session 2019-20 is placed before the General Council.

The Annual Report includes:

Part I — Report on the Working of the University

Section-A Academic Work

Section-B Administrative Work

Section-C Pending Work

Part II — Statement of Receipts and Expenditure and Balance Sheet

(Audited for 2018-19)

Part III — Financial Estimates of the University for 2020-21

Decision:

The Hon'ble Members of the General Council perused the RGNUL Annual Report for the Academic Session 2019-20 (Annexure-4) and unanimously approved the same and the members unanimously appreciated the university and its faculty for doing good work.

To consider the representation of Dr. Jasleen Kewlani, Assistant Professor of Sociology to the Hon'ble Chancellor, RGNUL, Punjab, for Counting of Previous Service Rendered as Asst. Professor at RGNUL, Punjab, as per University Grants Commission (UGC) rules, as recommended by the Executive Council in its meeting held on 08.02.2020 (Annexure-5).

The Vice-Chancellor read out that Dr. Jasleen Kewlani, Assistant Professor of Sociology, has submitted an application for counting of her Previous Service Rendered as Asstt. Professor at RGNUL, Punjab. She has submitted that as per University Grants Commission (UGC) rules, she is entitled to the benefit of her past service at RGNUL. The application was addressed to Hon'ble Chancellor through Proper Channel: Forwarded through the office of Vice-Chancellor, RGNUL, Punjab.

As per directions of the Hon'ble Chancellor, the matter was placed before the Executive Council in its meeting held on 08.02.2020 for consideration.



The Hon'ble Members of the Executive Council considered the item and resolved as under:

- (i) To approve the counting of past service of Dr. Jasleen Kewlani, Assistant Professor of Sociology, as requested in her representation and it was further decided to place the said decision of the Executive Council before the General Council in its forthcoming meeting.
- (ii) that similar benefit of counting past service be also given to other teaching employees of RGNUL, Punjab, w.e.f. the date they fulfilled eligibility criteria for appointment as Assistant Professor as per UGC norms without considering the salary they were getting before their regularization.

Discussion:

The Hon'ble Members of the General Council discussed the item in detail. On perusal of the application of Dr. Jasleen Kewlani, Assistant Professor of Sociology for counting her previous service as Assistant Professor at RGNUL, Punjab as per the UGC Rules, it was noted that the then Acting Chief Justice of Punjab and Haryana High Court and Chancellor RGNUL, Punjab had denied the said benefit in 2012 and passed the following orders:

"With regard to Para No. 10(ii) the candidate Dr. Jasleen Kewlani is entitled for protection of her pay, she is drawing as Assistant Professor in the Panjab University Regional Centre, Ludhiana. However, she will not be entitled for the benefit of any service rendered by her previously in Rajiv Gandhi National Law University and shall be treated as a fresh appointee from the date of joining in pursuance of present selection process."

Accordingly, in the appointment letter issued to her vide letter No. 1154/RGNUL/201 dated 18.05.2012, it was clearly stated as under:

"This is your fresh appointment at RGNUL and you are not entitled to any benefit of your previous service at this University."

Dr. Jasleen Kewlani accepted, *inter-alia*, the above mentioned condition and joined the University as Assistant Professor in Sociology in terms of the appointment letter referred to above.

In view of the above stated orders and facts, it was enquired from the Vice-Chancellor that why this matter was placed before the Executive Council in its meeting held on 08.02.2020. To this, the Vice-Chancellor replied that the then Hon'ble Chief Justice of Punjab & Haryana High Court and Chancellor RGNUL, Punjab had vide his order dated 20-09-2019 desired to place the representation of Dr. Jasleen Kewlani for counting her past service before the Executive Council of RGNUL.

The Hon'ble Members also noted that Dr. Jasleen Kewlani has requested to count her previous service rendered as Assistant Professor at RGNUL, Punjab as per UGC Rules. On perusal of the UGC Rules, it was pointed out that the relevant provision for counting past service for direct recruitment/promotion under CAS is Regulation 10(f) which is reproduced as under:

- 10 (f) The previous Ad-hoc or Temporary or Contractual Service (by whatever nomenclature it may be called) shall be counted for direct recruitment and for promotion, provided that:
 - (i) 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;



- (ii) the incumbent was appointed on the recommendation of a duly constituted Selection Committee/Selection Committee constituted as per the rules of the respective university;
- (iii) the incumbent was drawing total gross emoluments not less than the monthly gross salary of a regularly appointed Assistant, Associate Professor and Professor, as the case may be;

Dr. Jasleen Kewlani fulfilled only two out of three requirements mentioned above, i.e., under Regulation 10(f)(i) and (ii) but did not meet the requirement under 10(f)(iii). As per her appointment w.e.f. 02-07-2007 as Lecturer of Sociology at RGNUL, she was offered fixed salary of Rs. 16,000/- per month, which was less than the total monthly gross salary of regularly appointed Assistant Professor. Whereas, as per Regulation 10(f), for counting the previous service of whatever nature it may be, it is mandatory to fulfil all the three requirements mentioned under Regulation 10(f) (i), (ii) and (iii).

The Hon'ble Members of the General Council were also of the view that the Executive Council of the University has no powers to nullify the orders passed by the Chancellor of the University or to bypass the UGC Regulations. Thus, the resolution passed by the Executive Council in its meeting held on 08th February, 2020 regarding the item under discussion cannot be agreed to as it is against the law and hence illegal.

On the same analogy, the recommendation of the Executive Council in its meeting held on 8th February, 2020, in the resolved part (ii) "that similar benefit of counting past service be also given to other teaching employees of RGNUL, Punjab, w.e.f. the date they fulfilled eligibility criteria for appointment as Assistant Professor as per UGC norms without considering the salary they were getting before their regularization" is also contrary to the UGC Regulations and thus being illegal cannot be sustained.

While concluding the discussion on the item it was observed that in view of the orders of the then Hon'ble Chief Justice of Punjab & Haryana High Court and Chancellor RGNUL, Punjab not allowing her to have the benefit of previous service and fact that she did not qualify for counting of previous service, as per UGC Regulations, the Hon'ble Members were of the view that the orders passed by the then Chancellor should stay as such and the decision of the EC in its meeting held on 08-02-2020 should not be approved.

Decision:

The Hon'ble Members of the General Council considered the representation of Dr. Jasleen Kewlani, Assistant Professor of Sociology to the Hon'ble Chancellor, RGNUL, Punjab, for Counting of Previous Service Rendered as Asst. Professor at RGNUL, Punjab, as per University Grants Commission (UGC) rules, as recommended by the Executive Council in its meeting held on 08.02.2020 as per Annexure-5. After thoughtful consideration and detailed discussion the Hon'ble Members unanimously resolved not to approve the decision of the Executive Council referred to above. It was further resolved that the earlier orders of the then Chancellor as referred to above shall stay as such and there is no need to review the said decision.

ITEM (6) To consider the letter received from O.B.C. Welfare Front Punjab vide Letter No. 2280/19 dated 25.12.2019, and DO No. 1/35/2019-RC1/124 dated 04.02.2020 respectively, regarding implementation of Punjab Govt.

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Notification No. 1/12/17-RCI/96 dated 12.04.2017 to increase the reservation quota for backward class from 5% to 10% for admission purpose as recommended by the Executive Council in its meeting held on 08.02.2020 (Annexure-6).

The Vice-Chancellor read out that:

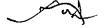
- 1. The Rajiv Gandhi National University of Law, Punjab is running B.A.LL.B. (Hons.) FYIC and LL.M. (OYC) and also Ph.D. Programme. The University has provision of reservation for SC and ST categories as 15% and 7.5% respectively as approved by RGNUL Statutory Bodies. The permissible scholarship scheme under the reservation categories is also being provided to eligible students of SC/ST categories. At present, there is no provision of reservation for admission to OBC in RGNUL Statutes/Regulations.
- As per Punjab Govt. Notification received from the Department of Welfare (Reservation Cell) No. 1/12/17-RCI/96 dated 12th April 2017. The Governor of Punjab is pleased to increase reservation quota from 5% to 10% for admissions in Educational, Technical and Professional Institutions in the State of Punjab in Para No. 3.
- 3. As per the decision of the Executive Council vide its meeting held on 27.09.2017 (Para-3), the Executive Council unanimously resolved to continue with the prevalent quota of reservation in admission to under-graduate and post-graduate courses at RGNUL, as 15% for SC and 7½ for ST candidate (total 22.5% for SC & ST). Because RGNUL has not reserved any seat in its courses for backward classes, therefore, reservation/increase in this category was not adopted.
- 4. As per Letter received from National Commission for Backward Classes vide No. NCBC/Member-AT/D.O. File No. 05/2019 dated 28.11.2019 (Annexure-7), regarding non-implementation of Rule of Reservation with respect to OBC/BC category in admissions of National Law Colleges/Schools, the Commission had asked all the NLUs to reply on the subject and present in person before the Commission on 20.01.2020 so as to reply in the case filed in Supreme Court of India. However, Andhra Pradesh High Court in writ appeal 832 of 2009 in Trishla Kaviti minor represented through her father Murali Kaviti Krishna Vs Convener of CLAT NALSAR had dismissed the related appeal on the ground that "There is no provision for reservation as per admission rules in respondent University (NLUs) unless Govt. make special provision for reservation to OBC/BC" and the Apex Court in Special Leave Appeal 15015/2009 held that "we don't find any ground to interfere and SLP is accordingly dismissed".

The National Commission for Backward Classes, on 20.01.2020, desired orally all the National Law University's to provide for reservation to BC/OBC. The University has also received a DO No. 1/35/2019-RC1/124 dated 04.02.2020 (Annexure-8) from the Principal Secretary to Govt. of Punjab, Department of Social Justice, Empowerment & Minorities in which it is desired to implement the policy dated 14.04.2017 of the State Govt. while making admission `in the Rajiv Gandhi National University of Law.

The matter was placed before the Executive Council in its meeting held on 08.02.2020 as the Executive Council is empowered to make Regulations for reservation policy regarding Under-Graduate and Post-Graduate Courses vide Statute 17 of RGNUL.

The Hon'ble Members of the Executive Council considered the item and resolved as under:

The Hon'ble Members of the Executive Council considered the letter received from O.B.C. Welfare Front Punjab vide Letter No. 2280/19 dated 25.12.2019, as also letter DO No. 1/35/2019-RC1/124 dated 04.02.2020 from the Principal Secretary to Goyt. of Punjab, Department of Social Justice, Empowerment & Minorities regarding implementation of Punjab Goyt. Notification No. 1/12/17-RC1/96 dated 12.04.2017 to increase the reservation quota for backward class from 5% to 10% for admission purpose. After thoughtful consideration and detailed discussion the Hon'ble Members unanimously resolved to provide 10% additional seats



for BC/OBC on all India basis in Under-Graduate as well as Post-Graduate Courses and resolved to refer it to the General Council for appropriate decision.

Discussion:

The Hon'ble Members noted that at present there is no provision in the Act, Statutes and Regulations of RGNUL which provide for reservation for BC/OBC at Undergraduate/Post-graduate level. While considering the above, the Hon'ble Members of the General Council also noted that if 18 (Eighteen) seats are added as supernumeracy seats in addition to the existing 180 (One Hundred Eighty Seats) then the total number of seats shall exceed the strength as sanctioned by BCI. Therefore, the Hon'ble Members were of the view that we should first seek the permission of the BCI in this regard and reservation for BC/OBC should be made only after approval in this regard is received from the Bar Council of India.

Decision:

The Hon'ble Members of the General Council considered the letter received from O.B.C. Welfare Front Punjab vide Letter No. 2280/19 dated 25.12.2019, and DO No. 1/35/2019-RC1/124 dated 04.02.2020 respectively, regarding implementation of Punjab Govt. Notification No. 1/12/17-RCI/96 dated 12.04.2017 to increase the reservation quota for backward class from 5% to 10% for admission purpose as recommended by the Executive Council in its meeting held on 08.02.2020 as per Annexure-6. After thoughtful consideration and detailed discussion the Hon'ble Members unanimously resolved to write to the BCI for sanction of 18 (Eighteen) additional seats, i.e., 10% of the total existing seats (180) for admission to under-graduate course, i.e., B.A.LL.B.(Hons.) Five Year Integrated Course. It was further resolved that reservation for BC/OBC shall be implemented only after the due approval is received from the Bar Council of India.

To consider the representation of Dr. Manoj Kumar Sharma, Assistant Professor of Law, regarding counting of past service for promotion (Annexure-9).

The Vice-Chancellor read out that the Executive Council of RGNUL, Punjab in its meeting held on 08.02.2020 decided as under:

- (i) to approve the counting of past service of Dr. Jasleen Kewlani, Assistant Professor of Sociology, as requested in her representation and it was further decided to place the said decision of the Executive Council before the General Council in its forthcoming meeting.
- (ii) that similar benefit of counting past service be also given to other teaching employees of RGNUL, Punjab, w.e.f. the date they fulfilled eligibility criteria for appointment as Assistant Professor as per UGC norms without considering the salary they were getting before their regularization.

As a sequel to the decision of the Executive Council referred to above, Dr. Manoj Kumar Sharma, Assistant Professor of Law has submitted his representation regarding the counting of his past service rendered outside RGNUL, for promotion as per Annexure-9. The said representation is addressed to the Hon'ble Chancellor through Vice-Chancellor, RGNUL, Punjab, with the request that the same may be placed before the General Council along-with Item No. 5 of the Agenda. Whereas, the recommendations of the Executive Council with

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regard to item No. 5 of the Agenda was not approved by the Hon'ble Members of the General Council.

Decision:

The Hon'ble Members of the General Council considered the representation of Dr. Manoj Kumar Sharma, Assistant Professor of Law, regarding counting of his past service for promotion as per Annexure-9. The Hon'ble Members of the General Council unanimously resolved that as a sequel to the decision of General Council in regard to item No. 5, the request for consideration of counting the past service benefit in respect of Dr. Manoj Sharma, Assistant Professor of Law has become infructuous.

ITEM (8) To consider letter Memo No. 8/01/2020-2Edu-1/421 dated 11.02.2020 received from Government of Punjab, Department of Higher Education regarding opening of Regional Centre of Rajiv Gandhi National University of Law at Patti (Annexure 10).

The Vice-Chancellor read out that the Government of Punjab established Rajiv Gandhi National University of Law, Punjab vide Punjab Act No. 12 of 2006 with the objective to establish and incorporate a university for the development and advancement of legal education and for the purpose of imparting specialized and systematic instructions, training and research in systems of law and for the matters connected therewith or incidental thereto.

At present there are 23 National Law Universities functioning in different states of India. These Universities were established by the respective states on the pattern of IIM's (Indian Institute of Management) and IIT's (Indian Institute of Technology) to promote excellence in legal education. All the National Law Universities are subject specific and impart quality legal education. All the National Law Universities are non-affiliating Universities. They are autonomous in functioning and none of the University is having any regional centre within or outside the respective state.

The Rajiv Gandhi National University of Law has received letter Memo No. 8/01/2020-2Edu-1/421 dated 11.02.2020 referred to above in which it has been desired that "Rajiv Gandhi National University of Law, Patiala may consider to open its Regional Centre at Patti" and if found feasible, requisite budget provision may be made in the next year's budget.

Decision:

The Hon'ble Members of the General Council considered the Letter Memo No. 8/01/2020-2Edu-1/421 dated 11.02.2020 received from Government of Punjab, Department of Higher Education regarding opening of Regional Centre of Rajiv Gandhi National University of Law at Patti as per Annexure-10. After thoughtful consideration and detailed discussion the Hon'ble Members unanimously resolved to reject the idea of opening of a regional centre of RGNUL at Patti.

The Meeting concluded with vote of thanks to the Hon'ble Chairman.

Vice-Chancellor

Approved By

Hon'ble the Chancellor RGNUL Registrar