

ENQUIRY REPORT

Regarding Observations Made In The Report Of The Judges' Committee Against The Professors Concerned For Misuse Of Vehicles, Favoritism Etc.,

Charge No. 1

When Prof. Vijender Kumar shifted his residence from NALSAR Shameerpet campus to Secunderabad, certain items of furniture were purchased from him by NALSAR, and payment was made vide voucher No. 530 dated 23.7.2009 for Rs. 32,000/-. No other instance of NALSAR having purchased second hand furniture from any of the other faculty members of NALSAR was brought to the notice of this Committee. Though the Finance Regulations prohibit the Vice-chancellor from incurring capital expenditure, without the previous sanction of the Executive Council, furniture belonging to Prof. Vijender Kumar was purchased without the prior sanction of the Executive Council though such purchase of furniture is capital expenditure.

I have called for the statement/explanation from the Prof. Vijender Kumar on the above said charge and he has submitted the following explanation:

That the University provides furnished accommodation to the Faculty members those who come to NALSAR from outside of Hyderabad. When I informed to the Vice-Chancellor, Prof. Veer Singh, that very soon I might be shifting to my own Flat in the city, he was of the opinion that leaves house hold items with the University, if I wanted to do so, and the University after making proper assessment by the concern departments would buy these house hold items, so that the same furnished house could be given to the Faculty members who would come and stay on Campus. On May 31, 2009 I have vacated the University house with the permission of the Vice-Chancellor of the University and shifted to my own Flat in Tirumalgi. On June 2, 2009 I have submitted a letter to the Vice-Chancellor with a request to dispose off the following household items which I was having in my House (A-1):



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|--------------------------------------|----------|
| (i) Iron Cot | : 2 Nos. |
| (ii) Wooden Cot | : 2 Nos. |
| (iii) Dining Table with 6 chairs | : 1 set |
| (iv) Cane Sofa double seater | : 1 No. |
| Single Seater | : 4 Nos. |
| Cane Diwan | : 1 No. |
| Cane Sofa table | : 2 Nos. |
| (v) Refrigerator (Whirlpool) 190 Lts | : 1 No. |
| (vi) Window A/C (LG) 1.5 Ton | : 1 No. |
| (vii) T.V. (Onida) with stand | : 1 No. |
| (viii) Power Inverter | : 1 No. |

On the basis of my letter as mentioned above the Vice-chancellor directed the Registrar to get assessment done by the concern department and accordingly the Registrar requested the Maintenance Engineer, Site engineer, Electrical Consultant to visit the House and assess these items.

Accordingly the assessment of these house hold was made and the estimated cost of Rs. 32,000/- (Rupees Thirty Two Thousand only) was submitted to the Registrar on June 29, 2009. After taking approval from the Vice-chancellor, the University paid me an amount of Rs. 32,000/-.

Hence, I feel that there was no mistake on my part in submission of a letter to the Vice-chancellor of the University through which I offered my house hold items to the University.

As seen from the record i.e. letter Dt. 02-06-2009 Prof. Vijender Kumar has requested Vice-Chancellor to dispose of the above mentioned house hold items on a reasonable cost as the same may be used by the University and he further requested the VC that the estimated cost for above items may be paid to him. It is evident from the letter Dt.

02-06-2009 that some endorsements were made on the letter to prepare an estimate for the house hold items by the concerned.

In this context I have summoned the presence of B.V. Suresh Kumar (Work Supervisor) and P. Kasi Viswanath (Asst. Engineer) and recorded their statements by way of sworn affidavit's. Both of them have deposed that they have prepared an estimate of the above said house hold items on instructions from the Registrar, Prof. K.V.S. Sharma. It is further deposed by them that in respect of furniture they have arrived an estimate by deducting depreciation value from the market rate prevalent as on the date. It is further deposed by them that insofar electronic items they have obtained the estimate from one N.G.K. Raju (Electrical Advisor) NALSAR and a total estimate was prepared for Rs.32,000/- accordingly.

After considering the explanation submitted by Prof. Vijender Kumar supported by the evidence of the work supervisor and Assistant Engineer of NALSAR University of Law, I am of the considered opinion that necessary precaution has been taken in preparing and arriving at an estimate of the house hold items purchased by NALSAR University of Law from Prof. Vijender Kumar. Hence the University has undertaken a proper exercise before arriving at an estimate of the house hold items purchase from Prof. Vijender Kumar so as to retain the furnished nature of the house which could be useful for the faculty in future. Hence the above charge against Prof. Vijender Kumar is not sustainable.

So far as other charge is concerned that though the Finance Regulations prohibit the Vice-chancellor from incurring capital expenditure, without the previous sanction of the Executive Council, furniture belonging to Prof. Vijender Kumar was purchased without the prior sanction of the Executive Council though such purchase of furniture is capital expenditure. According to me the Vice Chancellor should have obtained permission of Executive Committee before purchasing the furniture from Prof. Vijender Kumar. Atleast in future the Vice Chancellor of University shall take steps to see that any decision in this nature has to be placed before Executive Committee for necessary approval.

Charge No. 2

The Vice-Chancellor, vide proceedings dated 24.9.2009, accorded approval for sanction of duty leave to Prof. Vijender Kumar for six months from October 1, 2009, and he was paid full salary and allowances for the said period as per the University rules, as advised by the Joint Secretary, UGC in his letter dated 20.7.2009. During his Christmas holidays from December 2009 to January 2010, when Prof. Vijender Kumar was "on duty" leave in the United Kingdom on a Commonwealth Fellowship Programme, he was asked to come from Kings College to NALSAR. The ostensible purpose of his being called was for rendering assistance for the following:-

- (a) Final editing and finalization of NALSAR Annual Reports from 1999 to 2008 for publication;*
- (b) Designing and finalizing the NALSAR Prospectus for the year 2010;*
- (c) Review and updating of reading material in Family Law;*
- (d) Designing and finalizing the NALSAR Calendar 2010 for printing; and*
- (e) Designing and finalizing CLAT 2010 information brochure write-up on NALSAR.*

Prof. Vijender Kumar was paid flight charges, for his travel from London to Hyderabad and back, by NALSAR. Rs. 55,494/- was paid to M/s. International Travel House, Hyderabad in this regards vide Cheque No. 900488 dated 31.12.2009. It is not as if these matters could not have been entrusted to any other faculty members of NALSAR. No other instance of such benefits being extended to any of the other faculty members of NALSAR was brought to the notice of this Committee.

I have called for the statement/explanation from Prof. Vijender Kumar on the above said charge and he has submitted the following explanation:

That in March 2008 I had applied for the Commonwealth Academic Staff Fellowships-2009 tenable at King's College London, UK through proper channel to the UGC. In the month of December 2008 interviews were conducted by the UGC in

its Office at Delhi where my name was recommended to the Commonwealth Scholarship Commission, UK for further approval of the Commission. In the month of April 2009 I had received a communication from the Commonwealth Scholarship Commission, UK that I have been finally selected for the Commonwealth Fellowship-2009 to be tenable at King's College London, UK. There was a letter from the UGC where it was mentioned clearly that I shall be given duty leave during my Commonwealth Fellowship with pay protection. Hence accordingly the University had provided me duty leave during this period and also provided me salary for this period with no break into my service.

After taking due permission from the University I left for the Commonwealth Fellowship on November 3, 2009 and continued until April 18, 2010.

On November 19, 2009 I have received a mail from the then Registrar of the University asking my availability during the Christmas vacation for which I had discussed with my Collaborative Faculty at Kings College London, Prof. John Phillips and also British Council about 'whether I could travel to my home country and work at my home University during Christmas vacation' for which I had received positive response. Then I had informed that Registrar that I shall be available during December 18, 2009 to January 20, 2010. Accordingly the University had arranged air tickets for me and on December 19, 2009 I had reached Hyderabad.

During my stay in Hyderabad from December 19, 2009 to January 20, 2010 I had attended the Office on all working days and did the following jobs:

- 1. Publication of NALSAR Annual Report for 10 Years (1998-2008) of 328 pages;*
- 2. Publication of NALSAR Prospectus 2010;*
- 3. Publication of NALSAR Calendars: Big (wall) and Table with Planners 2010;*

4. *Revised and updating of Reading Material for Family Law-I Course;*
5. *Given Project Topics to the students of Family law-I Course; and*
6. *Taken Classes from January 2, 2010 to January 18, 2010 for Family Law-I Course.*

For the abovementioned jobs, the University provided me air tickets to and fro (London to Hyderabad and back to London). However, I was not paid any remuneration for the jobs I have done during this period.

Hence, I feel that there was no mistake on my part for working for the University and following the instructions of the Registrar and/or Vice-Chancellor of the University.

In the process of enquiry I have summoned B. Naga Lakshmi (Asst. Registrar) NALSAR University of Law on 26-09-2012 and recorded her evidence by way of sworn statement. The Asst. Registrar in her statement with regard to the present charge as stated that:

I submit that Prof. Vijender Kumar was sanctioned a duty leave of 6 months with effect from 01-11-2009 to accept the common wealth academic staff fellowship at Kings College, U.K vide orders dated: 19-10-2009. I further submit that on my enquiry in the office of Registrar I found out that an e-mail was sent to Prof. Vijender Kumar from the Office of Registrar on 18-11-2009 requesting him to comeback during the Christmas holidays to Hyderabad to attend the following work

- a) *Final editing and finalization of NALSAR Annual reports from 1999 to 2008 for publication;*
- b) *Designing and finalization of NALSAR prospectus 2010;*
- c) *Review and updating of reading material in Family Law.*
- d) *Designing and finalization of NALSAR Calender 2010 for printing and*
- e) *Designing and finalization of CLAT-2010 information Brochure write-up on NALSAR.*

I further submit that in the above referred mail from the Registrar's Office it is also mention that air fare both ways will be paid by NALSAR. I submit that as Prof. Vijender Kumar was taking care of publications of the University from the beginning and the University has to print calendars, prospectus etc before January, he was requested to come back to attend the said works.

After considering the entire record I am of the considered view that Prof. Vijender Kumar had visited Hyderabad from London only to serve NALSAR University of Law and the same needs to be considered as a part of the official duty for the said period. It can be seen from the record that Prof. Vijender Kumar has also participated and attended the Office on several jobs which were required to be taken up without delay and the services of Prof. Vijender Kumar were crucial for the completion of the said jobs and also has taken up classes. It is in the interest of Institution that some works are allotted to the people who are used to attend such works even though some difficulties may arise or may be saddled with costs as with the present case and it is evident that Prof. Vijender Kumar has been attending and finalizing these works since the inception of the University and I consider the action of NALSAR University of Law in paying flight charges of Prof. Vijender Kumar, for his travel from London to Hyderabad and back, is only in the interest of Institution. Hence the above charge against Prof. Vijender Kumar is not sustainable.

Charge No. 3

For the efforts of the staff of NALSAR, in conducting CLAT 2009 honorarium was paid. Other than the Vice-Chancellor and the Registrar, the only faculty of NALSAR who was paid honorarium in this regard of Rs. 50,000/- was Prof. Vijender Kumar.

I have called for the statement/explanation from Prof. Vijender Kumar on the above said charge and he has submitted the following explanation:

That I had been co-opted as a member of the Implementation Committee of Common Law Admission Test – CLAT – 2009 by the Core Committee of the CLAT – 2009 which consisted of eleven Vice-Chancellors of the National Law Universities. Thereafter I was working for the CLAT – 2009 from September 2008 to August 2009, as CLAT – 2009 was conducted by the NALSAR, till the University had given charge to the new CLAT – 2010 Core Committee Chairman, viz., Prof. M.P. Singh, Vice-chancellor, WBNUJS, Kolkata as WBNUJS was to conduct the CLAT – 2010.

On Successful completion of the work of CLAT – 2009, the University had given remuneration to all the persons who worked for CLAT – 2009 and helped in smooth conducting of CLAT – 2009 including Prof. V. Vijay Kumar, Professor of Law, NLSIU, Bangalore (he was paid an amount of Rs. 25,000/- as remuneration) and hence, I was also paid an amount of Rs. 50,000.00 (Fifty Thousand Only) as remuneration for the work done by me during the period from September 2008 to August 2009. The amount which was paid to all members of the CLAT – 2009 team was from the from CLAT – 2009 account which the University had spared after making all necessary expenses towards conduct of CLAT – 2009 as the University was entitled to the extent of 50% (as the host University) of the total income from CLAT – 2009.

The above mentioned amount was paid to me by the University as was paid to other team members too after duly approved and sanctioned by the Vice-Chancellor of the University who was acting as Convener of CLAT – 2009 for which I did not request.

Hence, I feel that there is no mistake on my part when I have received an amount of Rs. 50,000.00 as remuneration from the University.

With regard to the above charge the Asst. Registrar, NALSAR University of Law in her sworn statement, Dt. 26-09-2012 stated that:

I submit that The NLSIU, Bangalore conducted CLAT-2008 and handed over charge to NALSAR in September, 2008 for conduct of CLAT-2009. CLAT-2009 was conducted by NALSAR, Hyderabad and charge was given to NLIU, Bhopal for conduct of CLAT-2010 in September, 2009. In addition to the non-teaching staff members, Prof. Vijender Kumar was requested by the Vice-Chancellor to co-ordinate the work relating to CLAT – 2009 at NALSAR. Prof. Vijender Kumar supervised and coordinated the works relating to CLAT-2009 which includes preparation of Agenda and Minutes for the Core Committee and Implementation Committee Meetings, printing of the information brochure, application forms and the admit cards etc, liasoning with various centers all over India for conduct of admission test, guiding the service providers in generating date, results and other incidental works. I further submit that consolidated amount of Rs.50,000/- was paid as honorarium for the additional duties assigned to him from September, 2009 till September, 2009 from out of CLAT funds. Honorarium was also paid to other staff members who assisted for CLAT-2009.

After going through the record placed before me, I am of the considered view that honorarium was paid by NALSAR University of Law to all the persons who have work towards successful conduct of CLAT-2009 by working even on holidays and during vacation time. It is evident from the note dated: 23-09-2009, which is a list consisting of staff who were paid honorarium and it included Director, Registrar and Professor from National Law School of India University, Bangalore apart from Professor Vijender Kumar. It is not denied nor there is any record to show that Prof. Vijender Kumar has not rendered his services by putting in extra efforts for the successful conduct of CLAT-2009. Hence I feel it is justified in NALSAR University of Law paying Prof. Vijender Kumar a honorarium towards his role and service rendered to the conduct of CLAT-2009 along with others. Hence the above charge against Prof. Vijender Kumar is not sustainable.

Charge No. 4

Prof. Vijender Kumar has, ever since 1997, been continuously paid Rs. 4000/- per month for discharge the duties of a Deputy Registrar. In addition he is being paid Rs. 4000/- per

month as Proctor. Curiously, even after the new Regulations were made on 8.8.2008 creating the post of Dy. Registrar, Vijender Kumar, a Senior Faculty Member, is still asked to discharge the functions of a Deputy Registrar.

I have called for the statement/explanation from Prof. Vijender Kumar on the above said charge and he has submitted the following explanation:

That on January 27, 2012 I have submitted a letter to the Vice-Chancellor requesting him that I may be relieved from the additional charge of Deputy Registrar and/or Assistant Registrar with reasons. The imprint of the same is as follows:

"This is to bring to your kind notice that I was asked to supervise the work of the Office Assistant Registrar as she had proceeded on extra-ordinary leave for two months vide Vice-Chancellor's Office Order dated 25.07.2007. Again as the Office of the Deputy Registrar was vacant, I was asked to look after day to day administration work like conducting of University body meeting; preparation of agenda; minutes etc., attend on visitors in the Campus; and other Office works vide Vice-chancellor's Office Order dated 30.08.2008. For these duties, the University is paying me an amount of Rs. 4000/- per month in addition to my regular salary.

I thank your good-self for reposing faith and confidence in me while giving me an opportunity to serve the University in different administrative capacities. As you are aware about the fact that last one year I am working along with four senior students of NALSAR and with Prof. Mark Perry, Professor of Law, School of Law, University of Western Ontario, Canada on a Two-years Collaborative Research Project titled "Non-Resident Indians (NRI) Marriages: Need for a New Legal Regime". In the month of March 2012, I am required to submit year report on the development of the Project to the Shastri Indo-Canadian Institute, New Delhi. This project is being funded by the Shastri Indo-Canadian Institute with funding support from the

Department of Education, Ministry of Human Resource Development, Government of India for two years (2011-2014). The yearly report on the project needs more serious efforts from me which eats away my lot of energy apart from my regular teaching at NALSAR and consequently I am not in position to pay proper attention to my additional works in the Deputy Registrar and/or Assistant Registrar Office.

Therefore, I humbly request you to relieve me from the additional work of the Deputy Registrar and/or Assistant Registrar Office so that I shall be more comfortable in my regular teaching and I shall also be paying more attention to my research and teaching activities at NALSAR."

I was relieved by the Vice-Chancellor on the above mentioned request with immediate effect.

It is pertinent mentioned here that to assign me additional charge of Deputy Registrar and/or Assistant Registrar was the decision and order of the Executive head of the University, i.e., Vice Chancellor where I had no option but to follow his order. I am confident that the founder Vice-Chancellor and his successor must have assigned me these additional works based on my working abilities.

Honestly speaking these addition works are below the dignity and position of a Professor to accept and serve but I have done these works for the University without bothering what am I or my designation in the University. For these additional works the University had paid me an amount of Rs. 4000/- per month inn additional to my regular Salary. If the University had appointed a person as Deputy Registrar and/or Assistant Registrar on regular Pay Scale that would have been much higher than Rs. 4000/- what the University had paid me. Hence, the University saved a lot of money in this regard but I personally fell that my research had suffered a lot during this period.

Hence, I feel that there is no mistake on my part when I had followed the Order of the Vice-Chancellors of the University and served the university with designations and works which are below the dignity of a Professor.

With regard to the above charge the Asst. Registrar, NALSAR University of Law in her sworn statement, Dt.26-09-2012 stated that:

I submit that the Deputy Registrar was relieved from his duties with effect from January 31, 2007. The Assistant Registrar was looking after the administration in the absence of Deputy Registrar. The Assistant Registrar requested for two months leave effective from July 26, 2007. She was sanctioned Earned Leave from July 26, 2007 till August 16, 2007 and the remaining period as extra ordinary leave. As there was no other senior person to take care of the administration, the Vice-Chancellor requested Prof. Vijender Kumar to supervise the works relating to administration and an amount of Rs.4,000/- per month was paid for the extra work.

I submit that the Assistant Registrar rejoined on February 1, 2008. In view of the work load and as no senior person was appointed as Deputy Registrar in administration Prof. Vijender Kumar was requested to continue to supervise the administration works and accordingly the said amount was paid to him.

I submit that the Executive Council at its meeting held on March 8, 2008 approved the category of posts, scales of pay and qualifications applicable to non-teaching staff but, no person was appointed as Deputy Registrar since February, 2007.

I submit that the Executive Council at its meeting held on January 22, 2006 created the post of Proctor, Chief Warden and Wardens and authorized the Vice-Chancellor to fix a reasonable remuneration for the above posts. The Vice-Chancellor has fixed the following remuneration for the said posts:

1. Proctor : Rs. 4,000/- per month
2. Chief Warden : Rs. 4,000/- per month
3. Wardens : Rs. 2,000/- per month

I submit that the same was reported and approved by the Executive Council at its meeting held on February 10, 2006. Accordingly, Prof. Vijender Kumar was appointed as Chief Warden and proctor in place of Prof. Ghanshyam Singh who was shifted to NLU, Delhi vide order dated June 23, 2008. As per the Regulations, an amount of Rs.4,000/- per month was paid to him for his additional charge.

It is seen from the record that an office order Dt. 25-07-2007 was issued wherein it is stated that Vijender Kumar will supervise the work of Asst. Registrar and will get the remuneration of Rs.4,000/- per month for the said work. It can also be seen from the record that an office order Dt. 23-06-2008 was issued by appointing Prof. Vijender Kumar as chief warden and proctor in place of Prof. Ghanshyam Singh and that he will be paid an amount of Rs.4,000/- per month for the same.

It can also be seen from the sworn affidavit of Asst. Registrar that the Deputy Registrar, NALSAR University of Law was relieved from his duties with effect from January 31, 2007 and Asst. Registrar was looking after the administration in the absence of Deputy Registrar. In other words duties of both offices i.e. Office of Deputy Registrar and Asst. Registrar were undertaken by the Asst. Registrar. As seen from the record the Asst. Registrar made an application requesting for two months leave effectively from July 26, 2007 and for the said time Prof. Vijender Kumar was directed to supervise the office. It is pertinent to note that Asst. Registrar rejoined only in the month of 1st February, 2008. It is also important note to the fact that Prof. Vijender Kumar continued to look after day to day administrative work such as conducting all University body meeting, preparation of agenda, preparing minutes and also looking after visitors on campus etc. On a perusal of an office order Dt. 30-08-2008, which is issued in continuation of the office order Dt. 25-07-2007, issued by the Vice-Chancellor of NALSAR University of Law it can be seen that Prof. Vijender Kumar was directed look after the office of Deputy Registrar as the same is vacant

and Rs.4,000/- per month fixed as his remuneration for his extra work. Hence the above charge against Prof. Vijender Kumar is not sustainable.

Charge No. 5

By proceedings dated 2.6.2009, Prof. Vijender Kumar was permitted to occupy a bed room in Quarters No. A-1 (the very same quarters which Prof. Vijender Kumar had vacated just a day before). While officially Prof. Vijender Kumar has been allotted just one room he is, in fact, occupying the entire A-1 quarter which consists of three bed rooms. Inspection by the Member Secretary of this committee on 8.9.2011 revealed that Quarter No. A-1 has only one door at the entrance; and there is no separate entrance or exit for any particular room therein. Our enquiries reveals that every week end Prof. Vijender Kumar stays in the said quarters, along with his family members; and he has neither paid rent nor he foregone his HRA for such occupation.

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Charge No. 7

As noted at (i) above, NALSAR purchased furniture from Prof. Vijender Kumar, vide Voucher No. 530 dated 23.7.2009, for Rs. 32,000/- when he shifted from Quarter no. A-1 to his own flat at Secunderabad. That Quarter no. A-1 has again been provided for his use, from the very next day of his vacating the said quarter, means that the furniture purchased from him is still being made available for his exclusive use at Quarter No. A-1.

I have called for the statement/explanation from Prof. Vijender Kumar on the above said charges and he has submitted the following explanation:

That since the time of my joining of this University on November 9, 1998 I had been given an additional charge of Warden until 2005. To discharge my duties sincerely I had lived with the students in the Hostel along with my family in one bedroom set in Chikadpally locality close to old City Office of the University until December 2000 and thereafter I had shifted on Campus into a two bedroom set. From December

2000 to December 2005, I along with my family and some times along with my parents had lived in a two bedroom set (B-1) provide by the University and in January 2006 a three bedroom set (A-1) was allotted to me. Since then I was living in this house which I have vacated with the approval of the Vice-Chancellor on May 31, 2009.

During my stay on NALSAR Campus, my daughter who was admitted in Srinivashva Memorial School (Telugu Medium) where she continued up to II Class/standard as at that time there was no other School nearby and for me it was necessary to stay on Campus being Warden. It was in 2005 when St. Paul's Day cum Residential School (English medium) opened where my daughter was admitted in III class and continued there up to VII class/standard (2009). In 2009 she was admitted in Delhi Public School, Diamond-point Secunderabad in the same class, i.e., VII as her education in St. Paul's School was not as good as DPS standard, hence my daughter lost one academic year in her career only because of my as I was staying on NALSAR Campus and looking after the Hostels. Initially my son was admitted into Model Mission School, Mazidpur where he had completed up to I class/standard and then in 2009 he was admitted in Delhi Public School in the II class with a written undertaking from me that if my son does not do well in the half-yearly exam he would revert back to I class as his earlier education in Model Mission School was not up to mark. Loosing one academic year of my daughter and poor academic performance of my son made me to realize to shift to the City and provide proper education to my own children. Hence on May 31, 2009 I had submitted written request to the Vice-Chancellor requested him that I may be allowed to shift to the city which he permitted accordingly.

Hence from June 1, 2009 I am along with my family living in my own flat in Tirumalgiri.

During these years I have been appointed as Warden, Chief-Warden and Proctor. When I had shifted from Campus to my own Flat I was Proctor of the University.

In 2009 the University had organized CLAT – 2009 admission for the Eleven National Law Universities. Till May 30, 2009, I was staying on Campus so there was no problem while working for CLAT – 2009 even in the late nights but when I shifted from Campus to my own Flat at that time admission process was at its peak and many software experts, non-teaching staff members and Members of the CLAT Core Committee and implementation Committee were living on Campus in the University Main guest House and Faculty Guest House. As I was also working in the Team of CLAT – 2009 as co-opted member, hence some time I was also required to stay on Campus. With this purpose and also following month, i.e., July 2009 I was required to stay on Campus as Proctor to curb and control the possibility of Ragging on Campus, hence I made a written request to the Vice-Chancellor to allot me a room in the same house (A-1) as it was empty and the University was/is charging Rs. 2000/- per day as rent for a room in its Main Guest House, so the Vice-Chancellor allotted me one room in A-1 house to avoid inconvenience to the University guests in the Main Guest house.

As I was having the charge of Proctor and permission to stay in A-1 house from the Vice-Chancellor, hence I did stay in one room of this house during CLAT – 2009; July 2009 during risk of ragging period; on evening events organized by the students; seminar, conference, debates organized by the University and as and when my presence was required by the University; like whenever the Vice-Chancellor and Registrar were not available on the Campus I was required to stay on Campus being the Proctor of the University. Whenever my family joined me on Campus, we did stay in the same room where one extra cot was arranged for my children but I did not use other rooms of the house as I was allotted only one room in this house. I had paid for my food to the Mess Contractor who provided me food during my stay on Campus for this purpose the University did not pay any amount towards my food. It is pertinent to mention here that I did not stay continuously in this room (A-1). My stay was occasionally and/or as per the need of the University.

Hence, I feel that there is no mistake on my part when I had stayed in the University house (A-1) with the permission of the Vice-Chancellors of the University and served the University.

It can be seen from explanation of Prof. Vijender Kumar that he was allotted a room in quarter A1 vide proceedings dt: 02-06-2009. It is explained by Prof. Vijender Kumar that the said room in quarter A1 was allotted to him by the Vice Chancellor of the University in order to facilitate his stay on campus to attend certain additional jobs allotted to him. In his explanation it is further stated that he was part of the organizing team of CLAT-2009 and he was even required to work in the nights for the successful conduct on CLAT-2009. It is also stated by Prof. Vijender Kumar that he was appointed as Proctor of campus and being a proctor he had to curb and control the possible ragging activity in university campus and for reasons stated such as above a room was allotted to Prof. Vijender Kumar to facilitate his stay in campus whenever required. It is stated in the explanation that whenever his family visited him, they were staying in the room allotted to Prof. Vijender Kumar by arranging an Additional Cot in the same room for his children and has never used any other room but for the room allotted in Quarter A1. It is even stated in the explanation that whenever the family was staying with him in the campus, there was arrangement with the Mess contractor wherein food would be provided to his family on payment of amount.

It is my considered view that a room in Quarter A1 was allotted to Prof. Vijender Kumar only to facilitate him to complete the additional jobs allotted by the Vice Chancellor of the University. It is not the case as though Prof. Vijender Kumar is permanently staying in campus. It is noted that whenever the faculty or staff is required to stay back in campus the said quarters were allotted to them. In the present case, a room in Quarter A1 was allotted to Prof. Vijender Kumar only for the reason that he was required to stay back in campus for attending the jobs allotted to him by the Vice Chancellor of the University and it is just a coincidence that a room in Quarter A1 was allotted to him. As such no malafides can be attributed to Prof. Vijender Kumar nor the Vice Chancellor of the University in this regard. Hence the above charge against Prof. Vijender Kumar is not sustainable.

Charge No. 6

During the period from the year 2007 till 2011 Prof. Vijender Kumar has utilized vehicles of NALSAR for his private use travelling 7852 KM (approx). He has not paid a single rupee for such travel though he is not entitled to utilize NALSAR vehicles for his personal use.

I have called for the statement/explanation from Prof. Vijender Kumar on the above said charge and he has submitted the following explanation:

That the observation of the Committee is true to the extent that I have used the University Vehicles during the period mention in the Report but it is not true that I have used the University vehicles for my personal use. During this period I have worked for the Univeristy in different capacities like: (i) Co-opted Member of CLAT Committee; (ii) In-charge University Publications; and (iii) Looked after the works of Deputy Registrar and/or Assistant registrar. Therefore I travelled from Campus to City fro many works of the University as I was staying on the Campus till may 31, 2009 after May 31, 2009 I was provided with the University Vehicle from my residence in Tirumalagiri with the prior permission of the Vice-Chancellor and in his absence with the permission of the Registrar for the University works.

During this period I also edited and printed a lot of documents of the University since inception of this University (November 1998) for which I was required to travel to different part of the City for which I have used the University Vehicles with the prior permission of the Vice-chancellor and in his absence with the permission of the Registrar. In June 2011, when I refused to work on University publication due to my busy academic schedule but I was requested by the Administration to continue for some more time and again I was appointed as In-charge of University Publications for the Academic year 2011-2012, hence, I continued working for the University publications.

During the period from September 2008 to July 2009, I have travelled many places in the City with the Vice-Chancellor, the Registrar and some time alone for purchase

of many items for the CLAT – 2009 in different parts of the city in the University Vehicles.

Every year during May-June Semester break and also during November-December Semester break, I was asked by the Vice-Chancellor of the University to come and look after the Official works of the University for which I have travelled from my residence in Tirumalagiri to Campus with Prof. K.V.S. Sarma, the then Registrar of NALSAR, in his official Car as I was looked after the Deputy Registrar and/or Assistant Registrar Office works too. On January 27, 2012 I have been relieved from the additional works of the deputy Registrar and/or Assistant Registrar by the Vice-Chancellor.

I do not know the way entries have been made by the drivers into the Univeristy Vehicle's Register as till now no driver has taken my signature against any entry. I also do not know whether drivers have made entry for the University works for my personal use.

Hence, the above-mentioned facts show that I have not used the University Vehicles' for my personal use. As the University is far away from the city and all publication works has taken place in the city, and also I worked for publications of the University either in the late evening hours or on holidays, hence the meter reading of the University Vehicles must have gone up accordingly. It is pertinent to bring to your kind notice that I have not been paid any remuneration for the editing/proofreading and printing works I have done for the University since 1998 but the previous Vice-Chancellors and Registrars have gracefully provided me the University Vehicles to commute different places in the city for the University works.

It is also necessary to mentioned here that I have served the University as Chief Warden, Proctor, Deputy and/or Assistant Registrar for many years for all these kinds of responsibilities other Universities in the country are providing official vehicles to their Proctor and/or Deputy Registrar.

During the period from November 1998 until September 2011 following publications of the University were edited, designed and published on behalf of the University by me:

| NALSAR Publication (s) | Year (s) | Volume (s) / Issue (s) |
|-------------------------------------------------------------------------------------------|-----------------------------|------------------------------------------------------------------------------|
| Editor, NALSAR News Letter | 1998 | 1 – General Newsletter |
| | 1999 | 2 – General Newsletter |
| | 2000 | 3 – General Newsletter |
| | 2001 | 4 – General Newsletter |
| | 2002 | 5 – General Newsletter |
| | 2003 | 6 – General Newsletter |
| | 2004 | 7 – General Newsletter |
| | 2005 | 8 – General Newsletter *Architecture Special-I |
| | 2006 | 9 – General Newsletter |
| | 2007 | 10 – * Moot Court Special-I General Newsletter |
| | July 2008 | 11 – General Newsletter |
| | July 2009 | * Moot Court Special-II * General Newsletter * Architecture Special-II |
| | July 2010 | 13 – General Newsletter |
| | January 2011 | 14 – * Hand Book on Moot Court |
| Co-editor, GREEN News & View | July 2006 | 1 |
| | July 2007 | 2 |
| | July 2008 | 3 |
| | July 2009 | 4 |
| | July 2010 | 5 |
| Co-editor, Legal Aid News Letter | July 2009 | 1 |
| | July 2010 | 2 |
| | September 2011 | 3 |
| Editor, Library Information Brochure | July 2008 | 1 |
| | July 2009 | 2 |
| Editor, Endowment Brochure | July 2006 | 1 |
| | August 2008 | 2 |
| Editor, Examination Rules Book | July 2006 | 1 |
| Editor, CLAT-2009 Information Brochure (11 National Law Universities' information) | November 2009 | 1 |
| Editor, NALSAR Annual Report (10 years report) | 1998-2008 (January 2010) | 1 |
| Editor, NALSAR Prospectus | March 2006 | 1 |
| | March 2007 | 2 |
| | March 2008 | 3 |
| | March 2009 | 4 |
| | March 2010 | 5 |

| | | |
|---------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------------------------|
| | <i>March 2011</i> | <i>6</i> |
| <i>Member, Editorial Committee, NALSAR Law Review (University Journal)</i> | <i>July 2003</i> | <i>1</i> |
| | <i>July 2005</i> | <i>2</i> |
| | <i>July 2008</i> | <i>3</i> |
| <i>Editor, NALSAR Law Review (University Journal)</i> | <i>July 2009</i> | <i>4</i> |
| | <i>July 2010</i> | <i>5</i> |
| | <i>September 2011</i> | <i>6</i> |
| | <i>September 2010</i> | <i>1</i> |
| <i>Executive Board Member- 'Environmental Law & Practice Review' (University Journal)</i> | | |
| <i>Faculty Advisor, NALSAR Student Law Review (University Journal)</i> | <i>July 2010</i> | <i>5</i> |
| <i>Editor, NALSARites (Convocation Souvenir)</i> | <i>July 2006</i> | <i>1</i> |
| | <i>July 2007</i> | <i>2</i> |
| | <i>July 2008</i> | <i>3</i> |
| | <i>July 2009</i> | <i>4</i> |
| | <i>July 2010</i> | <i>5</i> |
| | <i>September 2011</i> | <i>6</i> |
| | <i>Editor, NALSAR Calendar Wall & Table-with planner (2011 only Table-with planner)</i> | <i>December 2006</i> |
| <i>December 2007</i> | | <i>2</i> |
| <i>December 2008</i> | | <i>3</i> |
| <i>December 2009</i> | | <i>4</i> |
| <i>January 2010</i> | | <i>5</i> |
| <i>January 2011</i> | | <i>6</i> |
| <i>Editor, 6 Folder (University information brochure)</i> | <i>July 2006</i> | <i>1</i> |
| | <i>August 2008</i> | <i>2</i> |
| | <i>July 2009</i> | <i>3</i> |
| | <i>August 2011</i> | <i>4</i> |
| <i>University Website updates</i> | <i>2008-2011</i> | <i>On regularly basis</i> |
| <i>Co-Editor, Conference Souvenir Human Rights Education, Law and Society</i> | <i>Conference held on December 9-10, 2001</i> | <i>1</i> |
| <i>Co-Editor, Conference Souvenir Cyber Law and Legal Education</i> | <i>Conference held on December 22-24, 2001</i> | <i>1</i> |
| <i>Co-Editor, Conference Souvenir Impact of New Biology on Justice Delivery System : Issues Relating to DNA....</i> | <i>Conference held on October 3-5, 2001</i> | <i>1</i> |
| <i>Co-Editor, Book titled Global Perspectives in Consumer Law - 2010</i> | <i>Conference held on February 25-27, 2001</i> | <i>1</i> |

Hence, I feel that there is no mistake on my part when I had worked for the University that too with the permission of the Vice-Chancellors of the University and served the University where I had forgotten my academic works while working in the late evening and/or during University holidays for the publication of the University where my other colleagues had enjoyed their vacations.

It is not possible to charge Prof. Vijender Kumar for using vehicles of NALSAR for his private use unless there is signature obtained from him in the vehicle movement register if at all one is maintained by NALSAR to prove that he has used the vehicles for his private or personal use. It is also not legitimate to ask Prof. Vijender Kumar to pay for travel whenever he has utilized the Vehicles of University for the purpose of work entrusted to him by the University more so keeping in view the distance between in the city and campus . It can be seen from the record that since 2007 to 2011 he was entrusted with several jobs such as 1) Editor, NALSAR 2) Co-Editor, Green News and View 3) Editor, Library Information Brochure 4) Editor, Endowment Brochure 5) Editor, Examination Rules Book 6) Editor, CLAT-2009 Information Brochure (11 National Law Universities' Information) 7) Editor, NALSAR Annual Report (10 years report) 8) Editor, NALSAR Prospectus 9) Member, editorial Committee, NALSAR Law Review (University Journal) 10) Executive Board Member 'Environmental Law & Practice Review' (University Journal) 11) Faculty Advisor, NALSAR Student Law Review (University Journal) 12) Editor, NALSAR Rites (Convocation Sourvenir) 13) Editor, NALSAR Calender Wall & Table-with planner (2011 only Table-with planner) 14) Editor, 6 Folder (University Information brochure) and 15) University website updates. Hence it is not required for Prof. Vijender Kumar to pay any money to NALSAR for the utilization of vehicle to complete the works entrusted to him more so when the said utilization is with the consent of Vice-Chancellor in the interest of University. Hence the above charge against Prof. Vijender Kumar is not sustainable.

Charge No. 8

In addition to being the Proctor, and discharging the duties of a Deputy Registrar, Prof. Vijender Kumar is also a Convener/Member of the following committees constituted by

NALSAR (1) Library Committee; (2) P.G. Diploma Academic Committee, (3) Scholarship/ fee concession committee; (4) Proctor Board; (5) Convener of the Moot Court committee; and (6) IT Committee. He is the Chief-Editor of NALSAR Law Review, and is in the Editorial Board of all other NALSAR publications (journals). No other members of the faculty is a member of so many committees.

I have called for the statement/explanation from Prof. Vijender Kumar on the above said charge and he has submitted the following explanation:

That selection to various Faculty Committees is made in the open house Meeting of the Faculty where all Faculty Members are free to opt in any of the Committee and once this exercise is done and a formal approval is given by the Vice-Chancellor who also is present at this time in the Faculty Meeting. An Official notification is issued by the Vice-Chancellor through which all concern including the students come to know about the formation of the Faculty Committees. As such there is no limit on how many members shall be in a particular committee but always it is in odd number and among the Member of each Committee there is one Convener to it which is also being decided in the open house Meeting of the Faculty. Therefore, it is possible that one Faculty Member is a Member in more than one Committee and also is a Convenor. This process of nomination/selection of Faculty Committees is made only for one Academic Year and generally this process takes place in the first month of an academic year so that the Committees look into their affairs and prepare an agenda of events for the academic year in hand.

All the above mentioned members, convenors etc. were decided in the open faculty meetings after detailed discussions among the faculty members and the same were approved by the Vice-Chancellor.

The University Journal was registered temporarily in 1999 and the Editorial Board was constituted by the then Vice-Chancellor immediately on the registration of the Journal known as "NALSAR law Review". Prof. Amita Dhanda was the Chief-editor

of the First Issue of the Journal where here Editorial Board took around 3 years to come out with its First Edition. Thereafter the Journal Editorial Board was headed by Prof. Ghanshyam Singh who did not publish any edition of the Journal until he left the University in May 2008. It was in May 2008 when Prof. Ranbir Singh, the then Vice-Chancellor asked to edit the Journal and publish it soon rather before he leaves the University in July 2008. On his oral order, I along with Prof. Vidyullatha Reddy and Prof. Aruna, B. Venkat worked on the editing of the Journal and the same was published and released on NALSAR Annual convocation held on July 18, 2008 with the Chief-Editor being Prof. Ghanshyam Singh and we being co-editors of the Journal. Since then we three Faculty Members, viz., Prof. Vidyullatha Reddy, Prof. Aruna, B. Venkat and me (Editorial Board) are taking care of publication of the Journal and publishing it on every NALSAR Annual Convocation, hence, there is no back log of the Journal. It is running on time, annually.

In 2010 Prof. Vidyullatha Reddy and me started working on the 'Environmental Law Policy and Review' (ELPR) Journal as annual and first volume of the same was published and released on NALSAR Annual convocation held in August 2011.

Hence, I feel that there is no mistake on my part when I had worked for the University that too with the permission of the Vice-Chancellors of the University and served the University. Honestly speaking working in more than one Committee eats away one's lot of time and energy.

There cannot be any charge against a faculty member for being convener/member of many committees unless there is a bar or restriction that a faculty member can only become convener/member to only a certain number of committees which is not the case at hand. Hence Prof. Vijender Kumar can be convener/member of as many committees as decided in open house meeting of faculty where faculty members are free to opt any of the committees ending in the formal approval by Vice-Chancellor. Hence the above charge against Prof. Vijender Kumar is not sustainable.

Charge No. 9

Except for the year 2010, Prof. Vijender Kumar has continued to be a member of the committee, to finalize the award of gold medals to students, from the 3rd batch students in 2005 onwards till the present batch.

I have called for the statement/explanation from Prof. Vijender Kumar on the above said charge and he has submitted the following explanation:

That it is evident from the Faculty committees list that how many times I have been in the Gold Medal Committee as its member in the capacity of a Warden, Chief-Warden, Proctor and Convener Examination Committee. It is necessary to have a member of this Committee who assess the students from the Hostel and/or General Discipline and academic performance including his/her behavior during the Examinations and the conduct of the students and represent to other members of the Committee while deciding on the allotment of Gold Medals. Therefore I have been the Member of this Committee many a times but in different capacities.

During 2010, I was pursuing my Commonwealth Fellowship at King's College London, UK, hence, I was not a Member of this Committee. In my place, Prof. Balakista Reddy being Proctor represented in this Committee as its Member.

According to the University Regulation for the Award of the Gold Medals, in respect of the specific subject as indicated by the Donor, the performance of the student obtaining the highest Grade and the highest Mark is the sole criterion of awarding the Medal. Whereas in respect of the Gold Medal to be awarded to the 1st Position in the annual examination/best Student for overall excellence/Best Woman student for overall excellence/1st Rank in the final examination/Best all round student of final year/best all round Boy student and Best all round Girl Student, a list of top five students among the eligible candidates who have secured the highest CGPA shall be furnished to the Committee. From out of the short listed five students the Committee

shall collectively recommended the best student who deserves the award of the concerned Gold Medal. The decision of the Vice-Chancellor is the final. The norms on which the selection is finally made is to be determined by the Committee itself. However, all round involvement in academic, co-curricular, SBC, Hostel and related activities and the time devoted thereon shall be a legitimate consideration if that student comes in the five selected candidates on CGPA basis. Conduct, character and discipline behaviour will also govern the final choice. Therefore, it becomes mandatory for the University to have Chief-Warden, Proctor and Convener of Examination Committee as one of the members of the Committee. Hence, I was a member of this Committee.

Hence I feel that there is no mistake on my part when I had worked for the University being a member of the Committee with the permission of the Vice-Chancellors of the University and served the University.

It can be seen from the record that Prof. Vijender Kumar was member of the Committee constituted to finalize the award of gold medals to students from the year 2005 except in the year 2010 when he was pursuing his commonwealth fellowship at Kings College, London during which time Prof. Balakista Reddy being proctor of the University was the member of the Committee.

As stated earlier there is no restriction that particular faculty member cannot be a part of a particular committee continuously especially when a committee is constituted to finalize the award of gold medals to students which involved several categories and some categories such as over all excellence and the best over all student requires the presence of faculty who was chief warden and proctor of the NALSAR University. It is not as though Prof. Vijender Kumar is the final authority to finalize the award of gold medals to students in a committee of five and also keeping in view of the fact that the recommendation made by the committee needs to be approved by the Vice-Chancellor. Hence the above charge against Prof. Vijender Kumar is not sustainable.

Charge No. 10

Though the question paper set by Prof. Vijender Kumar is also said to have been leaked earlier, he was the only faculty members of NALSAR to be appointed as a member of the enquiry committee constituted to enquire into the examination paper leakage, of the final semester examination question paper, in April 2011.

I have called for the statement/explanation from Prof. Vijender Kumar on the above said charge and he has submitted the following explanation:

That it is not true that the question papers were leaked during my tenure as Member of the Examination Committee and also as Convener of the Examination Committee. I have been a member of this Committee since inception of this University, whereas I was Convener of this Committee for two years only and during my tenure all Examination Regulation passed by the University Bodies were consolidated and printed in booklet form. A copy of this booklet on Examination Rules and Regulations was circulated to all the students of this University and the same was uploaded on the University Website for general use. It was my tenure only that when with great difficulty and opposition from the students and from my own colleagues, the Examination Committee with prior approval of the then Vice-Chancellor introduced coding/decoding of End Semester Examination Answer sheets and accordingly the Answer Sheets were printed and preserved in safe custody of the Examinations Section, which was appreciated later by the students and Faculty Members. During my tenure I had personally set months together with the then Deputy Registrar, Mr. T.G. Subrahmanyam while we both had prepared a logbook where original marks of each students of this University were entered in the logbook with a vision that if in future Computer systems collapsed there would be a paper record of the examination and original Marks of the Students. Through my Committee I had tried my best to streamline things and put every Rule, Regulation on record so that every one can see these Rules.

I cannot comment on my nomination by the Vice-Chancellor as Member of the Enquiry Committee along with two eminent Professors from out side to enquire into the matter and submit factual report in to the paper leakage case which had happened in April 2010.

But within a week, this Committee had conducted its proceedings and submitted the final report to the then Vice-Chancellor.

Hence, I feel that there is no mistake on my part when I had worked for the University as member and/or Convener of Examination Committee and also member of Enquiry Committee with the permission of the Vice-Chancellors of the University and served the University.

With regard to the above charge the Asst. Registrar, NALSAR University of Law in her sworn statement, Dt.26-09-2012 stated that:

"I submit that the End-Semester Examination Papers of B.A., LL.B. (Hons.) held on April 26 and 27, 2011 were leaked and an Enquiry Committee consisting of the following Members was constituted by the Vice-Chancellor to enquire into the leakage of question papers;

1. *Prof. V. Ramakrishna
Former Professor of History, NALSAR University of Law*
2. *Prof. Sukhbir Singh
Former Professor of English, Osmania University*
3. *Prof. Vijender Kumar
Professor of Law, NALSAR Convenor*

I submit that the Examination of Family Law-I (I year, II Semester) taught by Prof. Vijender Kumar was conducted on April 28, 2011. On receipt of information with regard to leakage of papers on April 26 and 27, all the papers for the examinations

scheduled from April 28 to April 30, 2011 were changed and a fresh paper was set for conduct of Examinations. Accordingly, the Executive Council at its Meeting held on May 12, 2011 cancelled the Examinations held on April 26 and 27, 2011 except Law and Poverty, as the paper of Law and Poverty was replaced with a new paper immediately on April 27, 2011. I wish to add that this is the only incident when the Examination Papers of NALSAR were leaked at NALSAR and earlier there was no such incident happened.

It can be seen from the record that none of the question papers set/prepared by Prof. Vijender Kumar have been leaked on any occasion. Hence the charge of appointing Prof. Vijender Kumar as a member of the Enquiry Committee constituted to enquire into the examination paper leakage of the final semester of the examination in April, 2012 in spite of the question paper set by Prof. Vijender Kumar is leaked earlier cannot be sustainable.

Charge No. 11

As Convener of the Moot Court Committee, he identifies and selects students for participation in moot court competitions, both within the country and abroad. The travel expenditure of students, participating in moot court competitions, is partly borne by NALSAR. There is intense competition among students to participate in moot courts. Several students have expressed their reservation on the manner of selection, for participation in moot courts, by the Moot Court Committee. Allegation of favouritism, in selecting students for participation in moot courts, have also been leveled against Prof. Vijender Kumar.

I have called for the statement/explanation from Prof. Vijender Kumar on the above said charge and he has submitted the following explanation:

That since the inception of this University numerous Moot Court activities have taken place and all these activities have been organized by the students under the supervision of the Faculty Advisor. Since July 2000 the University has also allowed

having a Moot Court Committee which looks after all affairs of the Moot Court activities at NALSAR. The Moot Court Committee is a part of the Student Bar Council which consists of a Convener and four Members. They are elected through SBC election in the Month of July every year and they represent all five classes of B.A., LL.B. (Hons.) Degree Programme (one representative of each year/class). Following is the list of Convenors and Faculty Advisor of the Moot Court Committee:

| Academic year | Faculty Advisor | Moot Court Convener |
|----------------------|---------------------------------------------|----------------------------|
| 2000-2002 | Prof. V. Balakista Reddy | Mr. Mathew M. Chacko |
| 2002-2003 | Prof. K.V.S. Sarma & Prof. Vepa P. Sarathis | Mr. C. Aditya Krishna |
| 2003-2004 | Prof. K.V.S. Sarma | Mr. Ajit Sharma |
| 2004-2005 | Prof. Ghanshyam Singh | Ms. Neela Badami |
| 2005-2006 | Prof. Ghanshyam Singh | Mr. Santosh K. |
| 2006-2007 | Prof. K.V.S. Sarma | Mr. Sandeep Challa |
| 2007-2008 | Prof. V. Balakista Reddy & Prof. V.K. Unni | Ms. Hina Doon |
| 2008-2009 | Prof. V. Balakista Reddy | Mr. Dhananjya Mishra |
| 2009-2010 | Prof. V. Balakista Reddy | Mr. Naveene Rana |
| 2009-2010 | Prof. Vijender Kumar | Ms. Bhargavi Kannan |
| 2010-2011 | Prof. Amita Dhandra | Ms. Chand Chopra |

As mentioned above, the Moot court Committee conducts the selection Moot Court Competition among the students of NALSAR and through this Competition a pool of Mooters is created for one academic year. Thereafter the Moot court Committee through open challenge conducts in-house Competition for a particular Moot and whosoever as team wins this Competition is allowed to represent NALSAR University into that particular Moot Court Competition whether it is National/Domestic or International/regional round of International Moot court Competition. The Moot Court Committee approaches the Alumni of the University to design a Moot Problem and this job is done by the Moot Court Committee only. The judges for the selection as well in-house Moot court competitions are selected and invited directly with the approval of the Vice-Chancellor by the Moot court Committee and the Faculty Advisors have no role to play in this regard. It is impossible for the Faculty Advisor

to identify and/or select some of the students for any National/Domestic or International / regional round of International Moot court Competition, as he has no role in this regard to play.

With regards to the expenditures, the University as a matter of Policy funds all domestic Moot Court Competitions and provides to and fro train fare to the Moot Team as per the University Rules. The University provides all expenses of The Philip c. Jessup International Moot Court Competition since 2006. The University also funds partly other International Moot court competitions which includes Registration Fee and if funds are available with the University the to and fro Airfare to the team members. The Faculty Advisor comes no where in between the Moot Court Committee, Moot Team and the Administration as providing funding support is purely an administrative matter.

The main job of the Faculty Advisor to the Moot Court Committee is to monitor academic leave of the students who participate in these activities and make sure that there is no misuse of academic leave in this regards and also sign the Academic Leave Form of the students which provides them once approved by the Vice-Chancellor an academic leave.

Hence, I feel that there is no mistake on my part when I had worked for the University as Faculty Advisor of Moot court Committee with the permission of the vice-Chancellors of the University and served the University.

It can be seen from the record that Prof. Vijender Kumar is a faculty advisor and the role of a faculty advisor is very limited such as making sure the students who participate in moot court activities shall be provided with academic leave with the approval of vice-chancellor. At no point of time does a faculty advisor acts as a Judge in the moot court competition to select students in order to show favoritism. The entire process of organizing, selection and finalizing the students who will be participating in the moot court competition is entirely taken care by the student body i.e. student moot court committee, as such the

present charge is not sustainable against Prof. Vijender Kumar. Hence the above charge against Prof. Vijender Kumar is not sustainable.

Charge No. 12

Prof. Vijender Kumar was the Proctor for two spells, firstly from 23.06.2008 till 30.06.2010, and again from 01.06.2011 onwards. He was also the Chief-Warden initially from 26.07.2005 to 30.04.2006, and again from 23.06.2008 to 11.08.2008, during which period students of the 2005-2010 batch leveled serious allegations against him in their letter dated 08.08.2008 addressed to the then Chancellor, NALSAR.

&

Charge No. 13

In their Letter dated 08.08.2008, students of the 2005-2010 batch complained that many students had been victimized by Prof. Vijender Kumar, the then Convener of the Examination Committee, even in his capacity as a teacher. A few such instances were cited. They also complained that a section of students, belonging to the reserved category, has been discriminated against by the said Convener; the concerned students were called to his chamber privately and were humiliated; and they were openly threatened that they would fail their examinations. They also referred to "Child Rights and Social Duties" Consultation organized by NALSAR, for which academic leave of the student volunteers were approved by the faculty concerned and the Registrar. However the same was rejected by Prof. Vijender Kumar, the then Convener, without assigning any reasons. These students complained that they had lost all confidence in Prof. Vijender Kumar and demanded his removal from the Examination Committee, and from the post of Chief-Warden as soon as possible. Within a few days of submission of the letter dated 08.08.2008, Prof. Vijender Kumar ceased to be the Chief-Warden from 12.08.2008 onwards. He, however, continued to remain the Proctor.

I have called for the statement/explanation from Prof. Vijender Kumar on the above said charges and he has submitted the following explanation:

That the Executive Council in its meeting held on January 22, 2006 had created the post of Proctor and of Chief-Warden. Following is the decision of the Executive Council:

[Item No. 10 : Creation of Posts of Proctor and Chief-Warden- The Executive Council accepting the recommendation of the Academic Council decided to create the following posts:

"1. Proctor : One of the Professors in the University shall be designated as Proctor by the vice-Chancellor, with duties and responsibilities as determined by Vice-Chancellor.

1. Chief Warden and One or more Wardens: One of the Faculty Members not below the rank of Associate Professor shall be designated as Chief-Warden by the Vice-Chancellor. One or more Faculty Members shall be designated from among the male and female teachers to function as Wardens for the Boys and Girls Hostels respectively. The duties and responsibilities of Chief-Warden and Wardens shall be as determined from time to time by the Vice-Chancellor.

The Executive Council further decided to authorize the vice-Chancellor to fix reasonable remuneration for the persons appointed against above posts.]"

In execution of the Executive council decision, the Vice-Chancellor had appointed Prof. Ghanshyam Singh, Professor of Law as Proctor and Prof. Vijender Kumar, Associate Professor (Law) as Chief-Warden on July 26, 2005. I continued working as Chief-Warden until April 2006 when I had encounter with 'Rheumatic Arthritis' attack which made me to request the then Vice-Chancellor for relieving me from the Chief-Warden ship's responsibilities. On May 1, 2006 I was relieved from the responsibilities of Chief-Warden by the then Vice-Chancellor.

In June 2008 Prof. Ghanshyam Singh was appointed as first Registrar of National Law University of Delhi so both the posts of Proctor and Chief-Warden were left vacant and at that time there was no senior Faculty Member who was staying on the Campus except me. Hence the then Vice-Chancellor on June 23, 2008 appointed me as Chief-Warden and Proctor in addition to my usual duties. The Vice-Chancellor had also constituted Proctoral Board on June 30, 2008.

On July 20, 2008 the University received its next Vice-Chancellor (Prof. Veer Singh). That was the time of change in the University Administration where both the Vice-Chancellor and Registrar were new. The students wanted to get all kinds of freedoms and I being the Chief-Warden and Proctor was at the first target of the students. There was many attempts made by the students in general and the batch of 2005-2010 in particular, for examples: Library be open for whole night; 7:00 Pm entry at the main gate of the University be relaxed; 9:00 Pm entry to the Hostels be relaxed etc... Co-incidentally the Student Bar Council elections were also approaching fast and as per the SBC Constitution the University suppose to complete the election process by the end of July every year. The New Vice-Chancellor did not agree to these relaxations in to the existing practices of the University.

On academic account, many students of the 2005-2010 batch were failed in CPC Courses in End-Semester Examinations held in April 2008 and some of them again failed in Repeat Examination of CPC Courts held in June 2008. These failed students had made special request to the out-going Vice-Chancellor for a mercy chance to be given to them to write CPC Exam once again and the same was sanctioned by the then Vice-Chancellor though there was no provision of this kind in the Examination Regulations of the University. Hence, as one time exception, CPC exam was arranged where one of the students again failed. Thereafter special revaluation was ordered by the then Vice-Chancellor to pass this student, though as per the Examination Regulations of the University there was no revaluation of mercy chance as there was no provision of mercy chance in the existing Examination

Regulation. These incidents led to confusions in to my Examination Committee and hence we dissolved rather resigned from the Examination Committee immediately.

Academic leave is a matter of right of the students as these leave find place in the Examinations Rules of the University but these are not applicable if the students who claims these leave is not having original 67% attendance. At the end of each Semester, the Examination Committee consolidates all these leave, if sanctioned by the Vice-Chancellor in the duly filled-in-form and supply to the concern teacher who adds these duly sanctioned leave in to the final total of attendance against each student. Thereafter the Faculty Members submit the final attendance to the Examination Committee. Based on the attendance status, the Examination Committee review the status and issue the Hall tickets to the eligible students to write the End Semester Examination. In this whole process there is no scope for the Examination Committee to allow and/or deny any duly sanctioned leave to any student.

As observed by the Judges' Committee in its observation No. XII, a letter in which serious allegations against me were leveled by the batch of 2005-2008 was addressed to the Hon'ble Chancellor. I was not given a notice of the letter and/or I was not even informed about the same.

In one of the Faculty Meetings I requested the whole Faculty in the presence of New Vice-Chancellor that I may be relieved from the posts of Chief-Warden and Proctor and I also explained the problems of discipline in general and academic I had encountered with the students. In the same meeting the Faculty after detailed discussion decided to relive from the Chief-Warden post but requested me to continue with the post of Proctor with some more members added to the Proctor Board including Prof. Kalpana Kannabiran. Thereafter I continued as Proctor until December 2009 as I was required to go on duty leave for my Commonwealth Fellowship tenable at King's College London, UK.

On returned from my Commonwealth Fellowship, I was appointed as Proctor with effect from June 1, 2011 and continued until December 2011.

Hence, I feel that there is no mistake on my part when I had worked for the University as member and/or Convener of Examination Committee, Chief-Warden and also Proctor with the permission of the Vice-Chancellors of the University and served the University.

The detailed explanation submitted by Prof. Vijender Kumar makes it abundantly clear under what circumstances that the allegations were made in an alleged letter Dt. 08-08-2008 by students of batch 2005 -2010. One has to realize the fact that when a person like Prof. Vijender Kumar has taken many responsibilities such as chief warden, proctor, chief of the examination committee etc., he is bound to attract wrath of a set of students who might be displeased with his functioning which alone cannot be a reason to make an allegation or charge. In so far as Prof. Vijender Kumar being appointed as Proctor and chief warden the same is purely the prerogative of vice-chancellor of the University. Hence the above charge against Prof. Vijender Kumar is not sustainable.

Charge No. 14

While students have complained about the manner of functioning of Prof. Vijender Kumar, both as Proctor and, hitherto, as the Chief-Warden, and allege that he is unduly favoured by the Vice-Chancellor the First NALSAR Academic Review, 2009, (a review of the faculty's teaching abilities by students of NALSAR), rates his teaching ability highly. Students have acknowledged his expertise in the subject of Family Law. His class room discussions, and his ability to encourage students, is also rated high. Students have acknowledged that his question paper is a pleasure to answer, though there have been some differences in his marking pattern. They have also appreciated the fact that Prof. Vijender Kumar is constantly updated on the latest developments in the subject, and has enlightened the students of the same.

I have called for the statement/explanation from Prof. Vijender Kumar on the above said charge and he has submitted the following explanation:

That no explanation is required from my side as the observation itself is explanatory.

The above observation cannot be considered as a charge against Prof. Vijender Kumar as the same speaks about his ability and also showered praises with respect to his academic ability.

Charges against K.V.S. Sharma

I have summoned the presence of K.V.S. Sharma with regard to the above charge and Prof. K.V. Sharma has deposed in the form of sworn affidavit. It is stated in sworn affidavit that

1. *That I worked as the Registrar of the University from 17th July, 2008 to 25th July, 2011 i.e., for a period of three years. It is surprising to note that the Judges Committee observed that during these three years I used the university vehicles for personal use for 4,300 kms (four thousand three hundred kilometers only) from Begumpet residence to Shameerpet campus without paying charges.*
2. *That every academic year the University has three and a half months vacation i) 1st May to 15th June and 2) 1st November to 2nd January.*
3. *That during vacations all students leave campus and go to different places for their internship and the teaching staff members also do not attend the University.*
4. *That in the capacity of Registrar I was staying in the Registrar's quarters at Shameerpet campur without claiming House Rent Allowance. My family is residing at Begumpet and my wife is a Government servant working as Deputy Commercial Tax Officer in the State Government, my daughter was studying MBA in J.N.T.U University, Hyderabad and my son was studying 10th standard in Secunderabad Public School, Hyderabad. During working days I was staying in campus and*

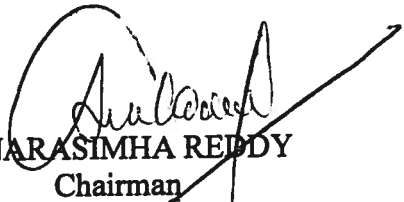
residing in the quarters allotted to me by the university and during weekends and during public holidays I was visiting my family.

- 5. That during vacations, I requested the Vice Chancellor, Prof. Veer Singh to allow me to come from Begumpet to Shameerpet campus to discharge my duties as Registrar of the University and the Vice Chancellor agreed for the same.*
- 6. That during a) November and December, 2008 vacation period, b) May and June 2009 vacation period c) November and December, 2009 vacation period (i.e., the first half of my tenure as Registrar) I traveled from Begumpet residence to Shameerpet campus in my personal vehicle only even though I was entitled to travel by official vehicle.*
- 7. That during the year 2010 vacation and the year 2011 vacation i.e., from a) 1st May to 15th June, 2010; b) 1st November to 31st December, 2010; and c) 1st May to 15th June, 2011 (i.e., the second the half of my tenure as Registrar) I requested the Vice Chancellor to use the University vehicle to come to campus from Begumpet residence to discharge my duties as the Registrar and for which the Vice Chancellor agreed. The distance between Begumpet to Shameerpet campus is thirty kilometers approx., and to and fro is sixty kilometers approx. So during the above period i.e., almost seven months I used the University vehicle from Begumpet residence to Shameerpet campus for 4,300 kilometers. (Four Thousand three hundred kilometers only as observed by the inspection committee). This is not personal use but official use only to discharge my duties as the Registrar. For all other purpose, I was driving my personal vehicle only.*
- 8. That I wish to state that during working days from my quarters in NALSAR to office I was driving my personal vehicle only even though I was entitled to use official vehicle. During weekends I traveled from University campus to Begumpet in my personal car only. During semester breaks Prof. Vijender Kumar also traveled from Tirumalgiri to NALSAR Campus and back in the University car with me for assisting the former Vice-Chancellor in discharging his official duties.*

The detailed explanation submitted by Prof. K.V.S. Sharma in relation to the charge leveled against him is very clear and answers the question whether there was abuse / misuse of power on his part. The very fact that Prof. K.V.S. Sharma did not use the official car on many occasions even though he was entitled to go to prove the fact that Prof. K.V.S. Sharma never abused or misused his powers with regard to usage of NALSAR vehicles. It can be seen from the above explanation that the vehicle provided to Prof. K.V.S. Sharma during the vacation period is used to travel to and fro from his house in Begumpet to Shameerpet campus and said usage, by any stretch of imagination, cannot be termed as personal or private usage of vehicle. It is also important to note that Prof. K.V.S. Sharma has used NALSAR vehicle only for traveling from his house to the University during vacation period and that too after requesting and informing the then vice-chancellor Prof. Veer Singh. It is pertinent to note that Prof. K.V.S. Sharma has used the NALSAR vehicle for traveling during vacations only during his second half of his tenure.

Hence it is abundantly clear that Prof. K.V.S. Sharma has not used the vehicle belonging to NALSAR University of Law for his personal or private use, as such the charge leveled against him is not sustainable. It is very clear from the Judges Committee Report that no notice or personal opportunity was given to the professors concerned seeking their explanation with regard to the above charges.

After going through the charges and the explanation offered by the concerned Professors Prof. Vijender Kumar and Prof. K.V.S. Sarma and also considering the statements of Assistant Registrar B. Nagalaxmi, Assistant Engineer P. Kashi Vishwanath and Work Supervisor B.V. Suresh Kumar, I am of the considered opinion that charges leveled against the professors are not sustainable.


A. NARASIMHA REDDY
Chairman
Bar Council of A.P.