

REPORT ON THE WORK DONE FROM DECEMBER 2006 TO APRIL 2007

INTRODUCTION

In pursuance of the Policy and Action Plan, Department of Law, Justice and Human Rights in consultation with the Department of Parliamentary affairs and Legislation prepared a draft “*Karnataka Kanoonu Vishvavidyalaya Vidheyaka, 2005*”, which provides for the establishment of a Law University in Karnataka with headquarters at Hubli, affiliating all law colleges in Karnataka to it.

The Finance Department while conveying its in-principle approval for the establishment of a Law University in Karnataka, suggested that before the establishment of any new University, a Special Officer is normally appointed who would go into all questions relating to the availability of Government land, buildings, sharing of resources of existing Universities, etc. The Finance Department also suggested first obtaining a report from the Special Officer; firm up proposals and getting back for its concurrence.

The Government of Karnataka appointed Dr. J. S. Patil, Professor and Dean, Department of Studies in Law, Gulbarga University, Gulbarga, as Special Officer vide Notification No. LAW 77 LAG 2005 dated 24th March 2006, for the establishment of Law University and he has been asked to submit a comprehensive report covering all aspects of terms of reference specified in the notification. The terms of reference to the Special Officer to study and to report are as follows: (1) Strengthening the legal education and the legal profession, keeping in view the objectives of the University, as proposed in the Karnataka State Law University Bill, 2006; (2) requirement of land, buildings, infrastructure, etc., for setting up of the Law University; (3) sharing of

resources from the existing Universities in the backdrop of the Higher Education Department seeking funds for maintenance and up-gradation of existing infrastructure facilities; and (d) strength and composition of various categories of posts for the proposed Law University. The Special Officer submitted a comprehensive Report on the Establishment of Law University in the State on May 10, 2006 covering all aspects of the terms of reference. The Department of Law, Justice and Human Rights, Government of Karnataka accepted the report and various Departments in the Government were moved to take action in accordance with recommendations made in the Report of the Special Officer.

A meeting was held in the Chairmanship of Hon'ble Minister for Home, Law, Justice, Human Rights, Parliamentary Affairs and Legislation on the 18th September 2006 in the Committee Room, Room No. 313, 3rd Floor, Vidhana Soudha. It was decided in the meeting to take necessary steps to take possession of the lands as identified by the Special Officer. It was also decided to continue the services of the Special Officer for establishment of Law University on full time basis by creating a scale-less post in the Government in the Department of Law, Justice and Human Rights.

The Government of Karnataka vide Notification No. LAW 110 HRC 2006 dated 21st November 2006 are pleased to create a Scale-less post of Special Officer for the establishment of Law University in Karnataka with Headquarters at Hubli for a period of one year or till the appointment of the first Vice Chancellor, whichever is earlier. Further, the Government of Karnataka vide Notification No. LAW 110 HRC 2006 dated 24th November 2006 appointed Dr. J. S. Patil, Professor and Dean, Department of Studies in

Law, Gulbarga University, Gulbarga as the Special Officer for the establishment of Law University in Karnataka with Headquarters at Hubli with immediate effect and until further orders. Dr. J. S. Patil reported for the duty as the Special Officer on the forenoon of 1st December 2006 in Bangalore. Following is the detailed report of the work done by the Special Officer after reporting for the duty.

REPORT OF THE WORK DONE

Immediately after assuming the Office, a letter is addressed to the Hon'ble Minister for Law, Justice and Human Rights, Government of Karnataka on 2nd December 2006 suggesting change in the nomenclature of the University from "Karnataka Law University" to that of "Karnataka State Law University." The change suggested is kindly approved by the Hon'ble Minister and the same is incorporated in the draft Bill as it is pending before the Legislature at present. A letter is also addressed to the Hon'ble Minister for Law, Justice and Human Rights, Government of Karnataka on 5th December 2006 requesting him to provide certain basic facilities such as establishment of the Office of the Special Officer at PWD Circuit House at Rayapur, Hubli; handing over of KSRP building belonging to HDMC; seed money of Rupees Ten Crores; providing skeletal staff; and providing a vehicle. The Hon'ble Minister was kind enough to assure providing required facilities to the Special Officer. Another letter is written to the Additional Law Secretary requesting to arrange for the printing of letter pads and visiting cards. The Additional Law Secretary was kind enough to arrange for the printing of the required items in the Government Press. The Special Officer got himself acquainted with the Office of the Department of Law, Justice and Human Rights and other concerned Offices

in the Secretariat by staying in Bangalore till 5th December 2006. During this visit discussion was held with the Law Secretary and Additional Law Secretary about the further activities that are to be undertaken with regard to the establishment of Law University.

During the stay in Bangalore, the Secretary to Government, Department of Law, Justice and Human Rights, Government of Karnataka handed over a letter dated December 1, 2006 requesting the Special Officer to furnish the detailed comments on the points made out by the Finance Department on the Report on Establishment of Law University submitted to the Government on 10th May 2006. A comprehensive report involving explanation to the observations made by the Finance Department is prepared and submitted in person to the Department of Law, Justice and Human Rights, Government of Karnataka on 15th December 2006.

On 5th December 2006 the Special Officer proceeded to Hubli-Dharwad to start the preliminary work in relation to the establishment of Law University. The Principal of the University College of Law, Dharwad is requested to provide a room in the College premises temporarily to facilitate the Special Officer to carry out the preliminary work and until the alternative arrangements for the Office of the Special Officer is established. The Principal of the University College of Law is kind enough to provide a room and computer facility to the Special Officer.

A letter was addressed on 10th December 2006 to all the Principals of the Law Colleges in Karnataka underlining the Government's intention to establishment a separate Law University in the State with a request to give their valuable advise and suggestions

in establishing a vibrant Law University in the State. Many Principals responded to the letter and the suggestions rendered by quite a few of them were really invaluable. Responses received from the Principals of S. C. Nandimath Law College, Bagalkot; Raja Lakhamgouda Law College, Belgaum; M. K. Sreenivasa Shetty Law College, Chikmagalur; S. A. Manvi Law College, Gadag; P. E. S. Law College, Mandya; J. S. S. Law College, Mysore; Saraswathi Law College, Chitradurga; Teacher's Law College, Bangalore; Kempegouda Law College, CHikkaballapur are noteworthy in terms of the suggestions rendered in establishing the Law University. A similar letter was also addressed to all the Deans of Law Faculties, Chairpersons of the Post Graduate Departments of Studies in Law and senior Professors of various Universities in Karnataka eliciting their advise and suggestions in the matter of establishment of a separate Law University in Karnataka.

On 8th December 2006 inspection of the sites proposed by the Revenue Department was conducted in association with the Additional Law Secretary after holding a preliminary meeting with the Deputy Commissioner, Dharwad. The Deputy Commissioner was kind enough to depute the Tahasildar, Mr. Joshi with the inspection team to assist in identifying the suitable land for the establishment of Law University. On 11th December 2006, a letter was addressed to Mr. M. S. Srikar, Deputy Commissioner of Dharwad District requesting him to provide the details of the Government land to the extent of 32 acres in Rayapur village which could be granted to the Law University. The Deputy Commissioner was kind enough to provide the details of the land and the same is transmitted to the Law Department with a request to move the Government in various Departments to acquire the land required for the University.

A meeting of the faculty members of the Department of Law and University College of Law, Karnataka University, Dharwad was conducted on 13th December 2006 to take stock of the situation regarding the establishment of the Law University. The Faculty is briefed about the developments regarding the establishment of a separate Law University in the State and the desire of State Government to make it functional from the academic year 2007-08 and the exercise that is to be undertaken by various faculty members as a team to develop the required academic and infrastructural input to make the Law University functional from the year 2007-08 itself. Many suggestions were given by learned faculty members and a positive assurance was given of all the assistance required in the matter.

On December 13, 2006 a letter was addressed to the Deputy Commissioner, Dharwad to make arrangements for the establishment of the Office of the Special Officer in the vicinity of the government land that can be handed over to the Law University, namely, at the PWD Circuit House, Rayapur, Hubli. On December 15, 2006 a detailed report was submitted to the Hon'ble Minister for Home, Law, Justice, Human Rights and Parliamentary Affairs regarding the availability of government land in Hubli Taluk for establishment of Law University. On December 19, 2006 a letter was addressed to the Secretary to Government, Department of Law, Justice and Human Rights, Government of Karnataka requesting him to provide certain basic facilities to the Special Officer. Another letter was addressed to him requesting early fixing of terms and conditions of the Special Officer.

An official visit was made to Bangalore from 25th December 2006 to 30th December 2006 in connection with the identification of land, establishment of the Office of the Special Officer and pursuing the Finance Department regarding allocation of seed money to the Law University. Regarding the establishment of the Office of the Special Officer, I approached Mr. Prahlad B. Mahishi to provide the vacant hall on the first floor of the PWD Circuit House at Rayapur, Hubli. He was kind enough to write a DO Letter to Mr. Prabhaker Chini, Chief Engineer (North), Public Works Department, Dharwad to take steps to hand over the vacant hall on rental basis. The letter is personally collected by me and handed over to the Chief Engineer along with my requisition letter dated January 2, 2007 after effecting certain changes as telephonically instructed by the Hon'ble Law Minister. A letter is also addressed to the Executive Engineer, PWD Dharwad to the same effect. In view of the delay in processing the handing over of the premises another letter was addressed to the Chief Engineer to clear the confusion as to whether the part of the hall measuring 200 sq. ft. is to be handed over or the entire hall is to be handed over and the impracticality in effecting such alteration. The Chief Engineer is requested to hand over the entire hall measuring about 800 sq. ft. the PWD Department was kind enough to allocate the entire vacant hall in the first floor and a room in the ground floor as an additional facility.

On 28-12- 2006 I met the Hon'ble Law Minister and briefed about the developments till that date and handed over a letter requesting him to provide certain basic facilities to the Special Officer to establish the Office along with the detailed report on the observations made by the Finance Department.

During the visit to Bangalore from 27-2-2007 to 2-3-2007, continued efforts to get the sanction of budget from the Finance Department, creation of separate head of account for Law University in the FD, declaration of the Special Officer as the drawal and disbursement officer, authorization from the Accountant General, Karnataka, Bangalore, etc. have been successfully carried out. A whirlwind trip is made to Hubli to get DDo Code from the DTO, Hubli District, which is necessary to upload the sanctioned budget in the State Treasury Office to be transmitted to DTO, Hubli. A letter is personally handed over to the DTO on 3-3-2007 with a request to provide the DDO Code immediately. The DTO was kind enough to allot the Code on that very day itself. With the DTO Code allotment again a trip is made to Bangalore from 25-3-2007 to 9-3-2007 to follow up the remaining work. A letter is submitted to the Accountant General Karnataka, Bangalore on 6-3-2007 to give further authorization for the 23 lakhs in addition to the 2 lakhs sanctioned by the Finance Department to Law University. A letter was also addressed to the Law Secretary to accord administrative approval to purchase furniture, equipments, car and other items necessary for the Office of the Special Officer. After obtaining approval for the purchase of items and uploading of the Budget in the State Treasury, steps for purchase of the items is initiated. Orders have been given to various firms to supply the approved items as per Government rules.

A few equipments like fax, Xerox, colour printer and Black and white printer were also installed in the Law Department to help the Special Officer in executing the project in time bound manner. Remaining items have been installed in the Office of the Special Officer at PWD Circuit House at Rayapur, Hubli.

Although budget was sanctioned and permission was given to buy car, computers, Xerox, fax, furniture and other items for the Office approval was not given for the skeletal staff asked for. A letter was addressed to the Law Secretary on March 21, 2007 to provide the skeletal staff to make the Office of the Special Officer functional.

A detailed report on the expenditure incurred out of the grant of 25 lakhs is submitted on April 4, 2006. a detailed budget estimate for the year 2007-08 has also been submitted in the month of February in view of the budgetary preparations at the government level.

A letter was also addressed to the Law Secretary to sanction a budget of 10 lakhs on 13-4-2007. All the queries of obtaining quotations, preparing the job chart and monthly expenditure for the supporting staff has been answered vide letter dated 17-4-2007. A letter was also addressed to the Law Secretary on 18-4-2007 to accord administrative approval to meet out the expenditure of running the Office of the Special Officer for the months of March to May. Another letter is addressed to the Law Secretary to take necessary steps to the effect of issue of Karnataka State Law University Ordinance in view of not passing of the Bill in the recently concluded session of the Karnataka Legislature. Another letter is handed over to the Law Secretary during his visit to the Office of the Special Officer on 29-4-2007 regarding the erection of the collapsible gates to the Office in view of the insecurity.

The Law Secretary along with Principal Secretary in the Revenue Department and Parliamentary Secretary are guided through the Office establishment in terms of automation by putting up of LAN and connecting the three computers, Laptop, Xerox

machine and printers, installation of telephone and fax. Name Boards of the Law University are erected at three strategic points to guide the people visiting the Law University Office. Name plates have been put in front of the Office and the chamber of the Special Officer. Wiring, cabling, earthing, lighting, curtains and all other accessories have been put up in the Office. Number plates for the car, seat covers and other accessories have also been put up.

CONSULTATIONS

Informal consultations were held with the Vice Chancellors of University of Mysore, Gulbarga University, Bangalore University, Karnataka University, Dharwad, Vishweshwaraiah Technical University, Belgaum, Agriculture University, Dharwad, Women's University, Bijapur, Director, National Law School of India University, Bangalore, Director, NALSAR Law University, Hyderabad, for gaining the information and knowledge to launch the project of establishing Law University in an effective manner. Consultations were also held with a number of judges in the High Court of Karnataka, Supreme Court of India, lower judiciary, Principals of Law Colleges law teachers and law students in various parts of the State. Interaction with various secretaries in the Government is held.

DIFFICULTIES

In executing all these works the Special Officer has encountered many difficulties as he is not supported by any staff and has move alone to every other place to get all these works done. Money to the tune of Rupees Eighty thousand has to be spent by the

Special Officer and the sanction for the same is yet to be given by the Law Department. Salary of the Special Officer for the months of March and April has not been paid. An early action on the letters of the Special Officer regarding sanction of budget approval for expenditure, sanction of skeletal staff, etc will ease the pressure of work on the Special Officer and facilitate for the better functioning.

ACTION TO BE TAKEN BY LAW DEPARTMENT

1. SANCTION REQUIRED BUDGET
2. SANCTION SKELETAL STAFF
3. ACCORD ADMINISTRATIVE APPROVAL SOUGHT FOR CARRYING OUT THE ROUTINE WORK
4. MAKE PAYMENT OF SLARY OF THE SPECIAL OFFICER DUE
5. REIMBURSE THE EXPENDITURE INCURRED BY THE SPECIAL OFFICER FOR RUNNING THE OFFICE
6. INITIATE PROCESS FOR ISSUE OF ORDINANCE
7. INITIATE PROCESS OF APPOINTMENT OF VICE CHANCELLOR
8. ISSUE GOVERNMENT ORDERS TRANFERRING THE UNIVERSITY LAW COLLEGES AND P. G. DEPARTMENTS TO LAW UNIVERSITY
9. ALLOCATE 42 CRORES BUDGET UNDER PLAN AND 6 CRORES UNDER NON-PLAN AS PER FINANCIAL MEMORANDUM