



राष्ट्रीय औषधीय शिक्षा एवं अनुसंधान संस्थान
National Institute of Pharmaceutical Education & Research
सेक्टर-67, एस.ए.एस. नगर, पंजाब-160062

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MINUTES OF THE 67TH MEETING OF THE BOARD OF GOVERNORS (BOG) HELD ON 27TH DECEMBER, 2016 (TUESDAY) AT NIPER, S.A.S. NAGAR (MOHALI)

Present :-

1. Dr. V. M. Katoch Former Secretary, Department of Health Research, Ministry of Health & Family Welfare, Govt. of India & Former Director General, Indian Council of Medical Research (ICMR)	Chairman
2. Prof. K.K Bhutani, Officiating Director, NIPER, S.A.S. Nagar	Member
3. Prof. A.P. Mittal, Member Secretary, All India Council For Technical Education	Member
4. Prof. Ashwini Kumar Nangia, Director, National Chemical Laboratory, Pune	Member
5. Dr Rama S. Verma, Professor IIT, Chennai	Member
6. Wing Cdr PJP Singh Waraich (Retd.), Registrar, NIPER, S.A.S Nagar	Secretary

Dr. Ajay Sharma and Shri B.K. Samantaray attended the meeting representing President, Organization of Pharmaceutical Producers of India and Drug Controller General (India) respectively.

Brief update on Civil Writ Petition No. 22655 of 2016 was placed for the information and consideration of the BoG. The BoG noted that Prof. K.K Bhutani and Wing Cdr PJP Singh Waraich (Retd) are attending the meeting in the capacity of Officiating Director and Registrar of the Institute respectively. A copy of the brief is annexed as Annexure-1.

At the outset, Wing Cdr PJP Singh Waraich (Retd.) Registrar & Secretary, Board of Governors (BoG), NIPER, S.A.S. Nagar extended a hearty welcome to the Chairman and Members, BoG to the 67th BoG meeting. He informed that requests for leave of absence were received from Dr. M.R. Doreswamy- Chancellor, PES University, Shri Sudhir Mehta- Chairman, Torrent Pharmaceuticals Ltd., Dr. Vijaya Laxmi Deshmane, Dr. P.C. Rai- Former CMO NTPC, Prof. Anil K Gupta- IIM, Ahmedabad and Prof. M.D. Karvekar- Representative PCI. He further informed that Sh. Rajneesh Tingal, Joint Secretary, DoP and Ms. Meenakshi Gupta, AS&FA, IITP telephonically informed that they could not attend meeting due to pre-occupations. The leave of absence was recorded as reported.

Prof. K.K Bhutani apprised the Board that he has been the Officiating Director of the Institute since 01.01.2010 and have been attending the BoG meetings in the capacity as Officiating Director besides he has also been working in the Institute since 18.10.1994 as a faculty at various positions. He requested the Board that he intends to give a brief presentation about his experiences as faculty and Officiating Director w.r.t. teaching, research, administration, achievements, shortcomings, suggestions for improvement etc. The request was accepted by the

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BoG. After the presentation, the Board placed on record its appreciation for the contributions made by Prof. K.K. Bhutani for the development and the progress of the Institute and especially as a member of the BOG. The BoG also resolved to keep the presentation on record. Accordingly, a copy of the presentation is annexed as Annexure-2.

Thereafter, the Agenda was taken up and a point-wise record of deliberations is contained in the following paragraphs:

67.1 To confirm the minutes of 66th meeting of the Board of Governors , NIPER, S.A.S. Nagar held on 1st November, 2016 at Convention Centre, NIPER, S.A.S. Nagar (Mohali)

The BoG unanimously resolved that the minutes of 66th meeting of the Board of Governors, NIPER, S.A.S. Nagar held on 1st November, 2016 be confirmed with minor amendment that line 6 of page 8 of draft minutes 'release of ₹ 100 for the Institute' be read as 'release of ₹ 100 Crores for the Institute'.

67.2 To report action taken on the minutes of 64th, 65th & 66th meeting of the Board of Governors , NIPER, S.A.S. Nagar held on 20th June, 2014, 21st July, 2016 & 1st November, 2016 at ICMR Head Qtr., New Delhi, CSIR Science Centre and at Convention Centre, NIPER, S.A.S. Nagar (Mohali) respectively.

The BoG noted the information w.r.t. action taken by Institute on its directions and provided specific observations/directions on the following agenda items/action taken report which are enumerated hereunder:

1. Agenda Item No. 64.2.1 (54.17) regarding Consultancy Rules of the Institute

The Board of Governors resolved to direct the Consultancy Committee of the Institute to deliberate the Consultancy Rules/Policy of CSIR, ICMR, NIT, IIT vis-a-vis NIPER etc. and make a presentation to the BoG with focus on Comparative Analysis of practices followed in CSIR and other organizations.

2. Agenda Item No. 63.2.2 (54.20) with regard to Constitution of Independent Fact Finding Committee (IFFC) w.r.t. Dr. Parikshit Bansal, Assistant Professor.

The BoG noted that one of the members of previous BoG while deliberating on the above agenda item during 59th meeting held on 23rd March, 2013 pointed out as under:

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"...Sh. Lalit Kumar Jain pointed out that wife of Prof. Anand Sharma, who is Head of the Department of Dr. Parikshit Bansal, is also Director in one of the company being run by wife of Dr. Parikshit Bansal and suggested that Institute should seek explanation from Dr Anand Sharma and also to obtain an undertaking from each employee of the Institute w.r.t. private businesses being carried out by their spouses, and take appropriate action - particularly where private work of spouse clashes with the interests/work/mandate of the Institute. He opined that equal treatment/punishment should be given to all for similar misconduct. The suggestion of Sh. Lalit Kumar Jain was unanimously accepted by the BoG..."

It was also informed that the contract of Dr. Parikshit Bansal was not renewed further by the BoG on the similar grounds.

Accordingly, the Institute sought the information from all employees including Dr. Anand Sharma in view of the Rule 15 of CCS (conduct) Rules 1964. The previous BoG noted that Dr. Anand Sharma was not straight forward in providing the required information, hence resolved that Disciplinary Authority may take appropriate view of it and take necessary action as per rules keeping in view the past precedents.

The BoG noted that matter is put up again for directions. The BoG after deliberations noted that a High Level Committee in pursuance to Ministry letter F. No. 50020 / 16 / 2010 - NIPER dated 30.04.2015 was constituted under the Chairmanship of Secretary, Pharma and Chairman, Steering Committee for NIPERs which is evaluating the eligibility of employee for regularization. The Institute should wait for the outcome and if name of Prof. Anand Sharma is recommended by the High Level Committee for regularization then Disciplinary Proceedings as per rules may be initiated or action as per offer of terms & conditions of appointment be taken.

3. Agenda Item No. 55 regarding presentation about the academic activities of the respective Departments on rotation basis.

It was informed that Prof. K.B. Tikoo, Incharge, Department of Pharmacology and Toxicology is present for the presentation. The BoG resolved to direct the Dean to make a roster of detailed presentation by the each faculty about the research and academic activities being pursued by them. The BoG further resolved that one BoG meeting will be called for two days and one day will exclusively be reserved for the presentations by the faculty of the Institute.

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4. Agenda Item No. 60.5 regarding reconstitution of Statutory Committee amendments in Act & Statutes:

The BoG directed the Institute to forward a reminder to Ministry w.r.t. reconstitution of the Statutory Committees.

5. Agenda Item No. 62.T4 regarding ratifying the minutes of 16th APDC meeting

The BoG resolved to direct the Dean to put up the matter before APDC for consideration for evaluating the merit and demerit of merging of Department of Biotechnology and Department of Pharmaceutical Technology and recommendations be put up to BoG.

6. Agenda Item No. 64.4 regarding Career Advancement Scheme (CAS)

The BoG remarked that quality of publications, citation, utilization by the scientific fraternity, relevance to science, translational work done and implementation by the faculty should be given due importance while considering Career Advancement Scheme (CAS) and these should be part of evaluation for consideration for CAS.

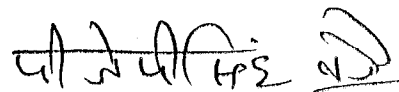
The BoG directed to circulate the proposed evaluation sheet/format for CAS amongst the faculty members for comments. The comments so received shall be placed before the APDC for consideration & its recommendations may be submitted to the BoG.

7. Agenda Item No. 66.4 regarding minutes of 32nd and 33rd Finance Committee meetings

The BoG directed to submit a report with regard to action taken to settle the CAG para so far towards optimum utilization of vacant houses.

8. Agenda Item No. 66.5 ratify the minutes of 17th APDC meeting held on 25th July, 2014

The BoG directed the Dean to make a consolidated report with documentary supports/merits/demerits of all the laboratories of the Institute which can be considered for NBA or NABL accreditation. This exercise will help the Institute to enhance its relations with Pharma Industries in relevant areas of mutual interest.



9. Agenda Item No. 66.9 report of release of deficit Non-Plan grants

The BoG directed that Task Force to submit its report within two months.

10. Agenda Item No. 66.14 regarding fire incident

The BoG perused the Inquiry Report and noted that incidence has been investigated in detail. As these investigations have not indicated any individual to be responsible for it BoG unanimously resolved to approve writing off the loss of ₹ 8,20,814/- assets in the books of accounts due to loss by fire.

Further, the BoG desired that guidelines should be framed to avoid such untoward incidents in future and a committee be constituted, which will ensure that guidelines are being followed/complied by all the stakeholders. It was informed that a Safety Committee is already in place and recommendations of the Committees constituted after the unfortunate fire incident were communicated to Safety Committee. The BoG directed to convey its directions to Safety Committee for compliance and report action taken after this incidence.

11. Agenda Item No. 66.18 regarding nominating Board's nominees in the Statutory Committees of the Institute as per Statutes.

It was reported to the BoG that Ministry vide letter No. 51016/1/2010NIPER dated 18.11.2016 intimated that at present there is no post of Director (Finance/Deputy Financial Advisor) in Department of Pharmaceuticals and thus nominated Deputy Secretary (IFD) as member of the Finance Committee of NIPER, Mohali. The BoG unanimously accepted the nomination of the Ministry for the Finance Committee.

It was reported that for APDC, Prof. Purnananda Guptasarma has declined the nomination and also Institute has not got any response from Mr. Taranpreet Lamba despite correspondence & personally speaking by Registrar twice.

After deliberations, BoG unanimously resolved to nominate Prof. Alok Bhattacharya, School of Life Sciences and Prof. Vandana Patrawala, ICT, Mumbai in the Academic Planning and Development Committee

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(APDC). In case of non acceptance of nomination by Prof. Vandana Patrawala the nomination may be offered to Dr. Sanjiv Gupta of IPKA Laboratories.

The BoG noted the efforts of the Institute for obtaining nomination from CPWD and directed that Ministry of Urban Development, Gol be pursued for nomination in the Laboratory Services Building and Works Committee (LSBWC) of the Institute as per Statutes. In the meantime, LSBWC be constituted pending nomination as per Statutes.

67.3 To ratify the minutes of 24th Senate meeting held on 23.11.2016 at Convention Centre, NIPER, S.A.S. Nagar (Mohali)

The BoG unanimously approved/ratified the minutes of 24th Senate meeting held on 23.11.2016 at Convention Centre, NIPER, S.A.S. Nagar (Mohali).

67.4 Report on 8th Convocation of the Institute held on 26th November, 2016

The BoG noted and congratulated the Institute for holding 8th Convocation of the Institute.

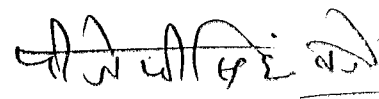
67.5 To consider progress report on abolition of contract i/r/o existing employees of NIPER, Mohali and abolition of Clause 6.2 of the Statutes incorporated in the Gazette Notification dated 03.07.2014.

The BoG noted that in its 63rd meeting held on 21.04.2014, the following decision was taken:-

"After threadbare deliberations, the BoG unanimously approved to extend the contract of regular employees till the notification is issued by the Ministry/Gol to abolish the contract system of employment from the Institute..."

The BoG was informed that a Gazette notification was issued by the Gol published in the Gazette of India (extraordinary), Part-2, Section-3, Sub-section 1 vide GSR 433 (E) dated 03.07.2014. A copy of which is annexed.

As per the new Statutes 6.1, "The NIPER adopts a policy of making the appointments on regular basis". As per new Clause 6.2, a High Level Committee was to be constituted with the approval of NIPER, Mohali including an officer not below the rank of Joint Secretary from the Ministry of Chemicals & Fertilizers, Department of Pharmaceuticals which will examine and recommend the regularization of existing contractual employees taking into account, inter alia, the following criteria:-



- (i) Whether a regular method of recruitment was followed in a fair and transparent manner while appointing the existing contractual employees.
- (ii) Whether his or her past service record has been found satisfactory.
- (iii) Whether he or she fulfill the qualification provided in that particular post at the time of his or her appointment of which he or she is being considered for regularization.

BoG was further informed that since the BoG was not in existence from June 2014 to September, 2016 and keeping in view urgency of the matter, Ministry vide their letter F.No. 50005/20/16/2010-NIPER dated 30.04.2015 constituted the committee under the Chairmanship of Secretary (Pharm.) and Chairman, Steering Committee of NIPERs to examine and recommend cases of employees of the Institute for regularization taking into consideration the above criteria as per clause 6.2 of the NIPER Statutes.

The BoG was also informed that High Level Committee has held 07 meetings so far and Ministry vide letter F.No. 51013/3/2015-NIPER dated 25.10.2016 directed the Institute to issue regularization orders in respect of 48 employees out of 151 total cases placed before the Committee. It was noted by the BoG that since lot of work has been done by the high level committee, BoG endorsed the constitution of the committee by the Ministry and also directed NIPER to convey to Ministry for any assistance if required from the BoG. However BoG observed that process of regularization needs to be completed at the earliest as it affect the morale and functioning of the employees.

The BOG endorsed the view of the Institute that part regularization order may not be issued as it will create various administrative problems for the Institute. It was also reported that on scrutiny of 48 cases as directed by the Ministry for issuing notification, it has been noted that the observations forwarded by the Institute in respect of 17 employees seem to have not been taken into consideration and this matter has already been conveyed to the Ministry.

The BoG after deliberating also requested the Chairman, BoG to pursue the matter with the Secretary, Department of Pharmaceuticals and Chairman, Steering Committee for early completion of the process. The Chairman kindly agreed for the same.

In view of the above developments, BoG unanimously recommended that post notification all the existing employees of the Institute shall continue in service on the existing terms and conditions till cases are considered and recommended by the High Level Committee for regularisation as per criteria laid down in Clause-6.2 of the statutes.

67.6 To consider and approve the recommendations of the Selection Committees regarding selection of faculty (Advt. no.12/2013) at NIPER.

It was noted by the BoG that the recommendations of the Selection Committee are almost 3 years old. Further, BoG enquired if there is any time limit prescribed in the Rules for acceptance of recommendations of the Selection Committee. Secretary, BoG brought to the notice of BoG that as per DoPT Order No.Ab.14017/18/2004-Estt.(RR) dated 29th March, 2004 which states as "... It has, therefore, been decided that the period of validity of the panels recommended by the Screening Committee for appointment to posts in Autonomous/Statutory Committees for appointments to posts in Autonomous/Statutory organizations may be restricted to a ceiling of one year. The date of commencement of validity of the Panel will be the date on which the Selection Committee makes the recommendations."

The BoG also noted that after Notification in the Gazette of India (Extraordinary), Part - II, Section - 3, Sub-section - 1 vide GSR 433 (E) dated 03.07.2014 Institute can make appointments of employees on regular basis which will enable the Institute to attract best talent.

Thereafter, BoG unanimously while adopting guidelines of DoPT resolved not to consider the recommendations of Selection Committee in the interest of the Institute and directed the Institute to initiate the process of selection of faculty afresh.

67.7 To consider guidelines for assessment of Professors for movement to HAG Scale

One of the learned Members opined that he would have felt lot more comfortable had Ministry nominee/representative as per the NIPER Act and Statutes of the Institute was present while taking decisions on such issues. His views were unanimously acceded to by the BoG and it was unanimously resolved to defer the agenda item to next meeting.

67.8 To consider adoption of Seventh Pay Commission recommendations for NIPER staff and employees.

The BoG noted the information. One of the Members remarked that Ministry of Finance has issued certain guidelines to review the performance of all the Autonomous Body before extending benefit of Seventh Pay Commission. recommendations and letter to this effect was issued recently. Director informed that a letter intimating that performance of the Institute will be reviewed by the Niti Ayoog was received by the Institute recently and the requisite information was forwarded to the Ministry.

- 67.9 To consider the review of the Career Advancement Policy (CAS) policy and to draw recruitment policy for the faculty of the Institute in consonance with IITs

After brief deliberations, the BoG unanimously resolved to defer the agenda to the next meeting.

- 67.10 To constitute committee for framing of Promotion Policy for Non-Teaching Employees

Approved.

- 67.11 To constitute committee for Cadre Review of all cadre posts

Approved.

- 67.12 To consider regularization of outsourced Driver against sanctioned posts

BoG unanimously agreed that one time age relaxation may be given to adhoc/temporary/project employees for the number of years of service put up at NIPER and who are on the pay roll of the Institute, only giving them opportunity to compete without compromising merit. Age relaxation to other categories may be considered for the period they provided services to NIPER provided their attendance is maintained by NIPER and is verifiable at the Institute keeping in view acceptable norms in the government and legally tenable.

- 67.11 Charge of Director, NIPER, S.A.S. Nagar (Mohali)

The BoG noted that Ministry vide letter No. 51021/25/2009-NIPER (Vol.-II) dated 09.12.2016 has asked the Institute to send a list of Senior Faculty members of NIPER Mohali, against whom no CBI case/departmental proceeding is pending to appoint Officiating Director of the Institute. The Institute vide letter No. NIPER/RGO/DOP/ 2016/4662 dated 09.12.2016 forwarded the requisite information with remarks. The BoG noted that name of Senior Most Faculty figured in an FIR filed by the CBI.

The BoG observed that in its previous meeting i.e. 66th Board of Governors (BoG) meeting held on 1st November, 2016 it was unanimously resolved by the BoG that as per past precedence, the charge of Director be given to senior most faculty of the Institute post 30.12.2016.

Thereafter, BoG deliberated that can the charge of Director be handed over to a person whose name figured in an FIR filed by CBI? It further inquired from the Secretary, BoG whether any Charge Sheet has been filed

by the CBI. He informed the BoG that though an FIR No. CBI RCCHG2016A005 dated 14.01.2016 was filed against Dr. P. Rama Rao, the then Director, NIPER, Mohali and others including Dr. Saranjit Singh, the Senior Most Professor of the Institute but to the best of his knowledge Charge Sheet has not been filed by the CBI. Houses/offices of all those named in the FIR were raided on 12.02.2016.

One of the members inquired, if any guideline or policy exists on the subject? Secretary, BoG brought to the notice of BoG that DoP has only recently forwarded a copy of letter according to which vigilance clearance shall be withheld if "the officer is involved in a trap/raid on charges of corruption and investigation is pending". A copy is enclosed as Annexure-3.

One of the BoG members emphasized on para 2 of Ministry letter dated 9th December, 2016 referred to above which reads "2. You are, therefore, requested to send a list of Senior Faculty members of NIPER, Mohali against whom no CBI case/Departmental Proceedings is pending, for consideration in the Department to appoint an Officiating Director of NIPER Mohali on superannuation of Dr. K.K. Bhutani." and opined that when Ministry has initiated the process of handing over of charge of Officiating Director post 30.12.2016 then BoG should refrain itself from any recommendations.

Secretary, BoG informed that as per provision contained in the NIPER Act 1998, the BoG is the Superintending Body of the Institute and also the appointing authority in the case of Director of the Institute is BoG with the approval of the Visitor. A copy of the guidelines are annexed as Annexure-4. Hence, it falls under the purview of the BoG to make interim arrangement. The learned Member while agreeing stated that Ministry forwarded its letter on 9th December, 2016 meaning thereby the Ministry has taken up the matter post constitution of BoG and what would be the scenario in case recommendations of the BoG contradicts with the recommendations of the Ministry? The Member also stated that he would have felt lot more comfortable had Ministry nominee/representative as per the NIPER Act and Statutes of the Institute was present while taking decisions on sensitive issues. His views were unanimously acceded to by the BoG.

Members also noted that as desired by DoP, NIPER has already provided a seniority list of faculty. There are issues of CBI case pending against S.No. 1, of plagiarism (s.no. 2) plus all senior professors at serial number 1 to 5 are above 60 years and DoP has not accepted that age for them to remain in service (matter is subjudice). Prof PV Bharatam, present Dean NIPER is at serial number 6 and does not have any of these issues. In the event of Hon'ble Double Bench of High Court reversing the decision of Hon'ble Single Judge, another complication will arise if charge is handed over to any of faculty at S. no. 1 to 5. While BoG will not comment on the merits of any of

these issues, it will consider the practical implications of handing over of charge in the context of smooth functioning of institute till new regular director is selected for which the process is ongoing . As handing over of charge is an interim measure hopefully for next few months only, it will be better to avoid any controversy and avoidable uncertainty in this interest of the Institute.

After threadbare deliberations, it was unanimously resolved that to avoid any controversy or unavoidable uncertainty, the charge of Director may be handed over to Prof PV Bharatam, Dean till further orders are received from DoP as the present incumbent has to handover charge on 30th December, 2016 on superannuation and Ministry may be informed about this resolution of BoG accordingly.

67.T2 Nomination of one member/representative of the Institute in the Tribunal of Arbitration w.r.t. representation of Dr. Animesh Roy, Scientist Grade-II, NIPER, S.A.S Nagar.

After thread-bare deliberations, the BoG unanimously resolved to nominate Wing Cdr PJP Singh Waraich (Retd.), Registrar, NIPER, S.A.S. Nagar to represent the Institute in the Tribunal of Arbitration w.r.t. representation of Dr. Animesh Roy, Scientist Grade-II, NIPER, S.A.S Nagar.

67.T3 To consider Emeritus Fellowship Scheme

The Board unanimously resolved to defer the agenda item.

67.T4 To consider benefits to superannuating faculty of NIPER

The Board unanimously resolved to defer the agenda item.

67.T5 Facilities and perquisites for Director, NIPER, S.A.S. Nagar (Mohali)

The Board could unanimously resolved to defer the agenda item to the next meeting.

47.T6 To approve the Memorandum of Understanding (MoU) between the Department of Industries, Himachal Pradesh and NIPER, S.A.S. Nagar (Mohali).

The Board unanimously resolved to defer the agenda item to the next meeting.

There being no further points, meeting ended with thanks to the Chair and by Chair to the members.

[विंग कमांडर पी. जे. पी. सिंह बडैच (सेवानिवृत्त)]
कुलसचिव-नाईपर एवं सचिव-शासी मंडल