

Court on its own motion vs. State of H.P and others

CWPIL No. 35 of 2021

Item No. D-2

13.03.2025 Present: Court on its own motion.

Ms. Priyanka Chauhan, Deputy Advocate General, for respondents No.1 to 3 and 5/State.

Ms. Sneh Bhimta, Advocate, for respondent No.4.

Mr. Amar Vivek Aggarwal, Advocate (through Video Conferencing) and Mr. Rajesh Parmar, Advocate, for respondent No.6.

Counsel for the State has placed on record communication dated 06.03.2025 from the Additional Chief Secretary (Home) to the Registrar of H.P National Law University, wherein the administrative approval and expenditure sanction for Rupees Nine Crore for “major Work” under demand No.03 is given subject to the condition that it will be ensured to get this amount regularized through supplementary demand for grants for the financial year 2024-2025.

2. Learned counsel for the University has further pointed out, while referring to communication dated 12.12.2024 from the Additional Chief Secretary (Home), that the State Government is unable to provide any financial assistance to the University and no additionality shall be

provided in future and the University shall work on self-sustaining basis. Copy of the said letter is also placed on record.

3. A perusal of Section 39 of Himachal Pradesh Law University Act 2016 would go on to show that the Government of Himachal Pradesh alongwith the High Court have taken unto themselves the complete project of developing the integrated complex and running the National Law University, Shimla, for attainment of the object, which is basically for advancement of cause of learning, teaching, research and dissemination of knowledge in the field of law and to provide a national level institution of excellence in the field of legal education and research. Section 39 provides that the University shall establish a fund called 'University Fund' and as per Sub-section 2, the contribution and grants issued by the Government shall be paid to the University Fund.

4. In such circumstances, we put the State to notice as to apart from the initial contribution for setting up the university why regular financial aid is not being given and why the State is not making any provision in the budget in favour of the University, which is in a nascent stage of development.

5. It is also matter of record that adjacent land measuring 1.9 hectares is being identified for allotment since at the site an under-construction boys hostel was covered in the debris on account of widening of road by the National Highways Authority and therefore the said partly constructed building cannot be used. Infrastructure as even provided as residence to the Vice Chancellor is not available since the necessary funds are missing.

6. Accordingly, in our considered opinion, the premium institute, which has been set up for educating the children in the field of law and in which the students, belonging to Himachal Pradesh, constitute a certain percentage, thus the State cannot wash its hand off from providing the necessary financial dues.

7. Let response be elicited from the State regarding this aspect.

8. List on **04.04.2025**. In the meanwhile, the amount as such of Rupees Nine Crores, for which approval is granted, should be made available before closing off the financial year.

(G.S. Sandhawalia)
Chief Justice

13th March, 2025
(priti)

(Satyen Vaidya)
Judge