

PeRGo – A Success Story

Long pending construction of Multi-Faculty Building at Himachal Pradesh University, Shimla, completed after the order of Hon'ble High Court in response to the petition filed by the People for Responsible Governance (PeRGo).

- Dr. B.S. Negi, Team Member, PeRGo

Background

"Any academic institution, be it an IIT, IIM or State University campus, does not earn a good name by its cement and brick structure but by its human resources and their competence, capability and hard work !" Nevertheless, all these institutions require sufficient infrastructure for their overall development so as to enable them to nurture future generations and help in national building. It is the responsibility of the governments to provide ample funds to these state sponsored institutions so that they can grow and create the required infrastructure. In institutions like universities, that bear autonomous character, there are many departments, besides academics. The construction department remains a major one, as it is responsible for all kinds of construction and maintenance in the respective campus.

In the present article, effort has been made to document the story of a multi-faculty building of Himachal Pradesh University which was completed after 13 long years, and that too only after PeRGo, Shimla took up the matter seriously and pursued it with dedication.

Multi Faculty Building Project Iying Abandoned

The construction of a multi-faculty building with proposed accommodation of 20 Class Rooms, 30 Faculty Rooms and 5 Halls,



the proposed cost of which was Rs. 2.58 crore, was started by the Himachal Pradesh University in the year 2006. After completing only RCC and outer structure of 5 slabs, further construction work on the building was

abruptly stopped. Till then the reason for this was only known to the university authority or its construction division.

The cost of this building was managed from the unassigned grant of Rs 10 crore that was given by the Hon'ble Prime Minister Sh. Manmohan Singh, in UPA-I. The first instalment of Rs 5 crore was issued to the university. Second instalment was supposed to be released only after the utilization certificate of first instalment was submitted.

Himachal Pradesh University, being the only State University imparting general education to students, continuously grew over the years in terms of number of students and it therefore required more and better infrastructure, accordingly. So there were two important tasks before the University. One, construction of the building at the

earliest so that students could have benefitted. Two, by timely completion they would have been in a position to submit the UC so that next grant could have been released. However, the authority failed on both counts.

All the teaching and non-teaching staff, plus other educated people along with the authorities were daily looking at this incomplete building since 2007-08 but no one took the initiative to raise their voice for its construction. Vice-Chancellors, one after the other, were just completing their tenure but not doing anything significant in this direction.

Right to Information - Application

Then, finally, an application under RTI was filed by one of the teachers of the university, which asked for the information about the funds allocated for this building, the amount already spent, the balance amount, plus the approved map by TCP.

Initially, the information was deliberately delayed by the PIO and only after first appeal the information was provided by the public authority on 30/03/2016. It stated that the proposed cost of the building was Rs. 2.58 crore and till then only a total of Rs 86 Lakhs had been spent on the structure. The university failed to supply the approved map. Work had been started on the building without an approved map by the competent authority and even the land itself was not recorded in the ownership of the university.

The Right to Information Act-2005 is a wonderful tool for transparency, to curb corruption and to avoid delays in government projects of various kinds. But the need is to take action once sufficient information has been accumulated by the citizens. Looking at this avenue, the teacher who requested for information under RTI,

wrote a request letter for some disciplinary action against the persons who initiated the construction work before the due process of Map Approval from the TCP, and who spent public money before completing the codal formalities for starting the construction of a building, as per rule.

When, after two three months of submitting the complaint no action was taken, another application was filed to seek the information report about what action had been taken. After exact 30 days the reply was given by the PIO-cum-Executive Engineer stating that the earlier complaint had been misplaced and therefore another copy may be submitted to his office. The same was done immediately. This time the response that was given stated that following the complaint, the matter had been placed in the university executive councils and they had started following it up. However, truth be told, these were simply time killing tactics and everyone was just passing the buck to each other.

PeRGo Comes in Picture

This matter was then discussed in detail in the PeRGo executive meetings and it was finally decided to take the matter to the Hon'ble High Court of Himachal Pradesh. It was, after-all, a matter of mis-utilisation of public resources and funds and a case of inefficiency of the university authority, while the ultimately sufferers were the students. All the members of PeRGo unanimously agreed that since ensuring good governance, keeping a check on corruption and upholding rule of law were the main objectives of the Society, if any stakeholders came forward for petitions, the society would take up the matter selflessly and follow it through with full dedication. All costs would be borne by the society itself.

Writ Petition filed in HP High Court Shimla

Then Mr. Pankaj Kumar, a registered student, volunteered for this cause. Thereafter, a petition was filed on 11th August, 2017 as "Pankaj v/s State of Himachal Pradesh" by Advocate Rajnish Maniktala, on behalf of PeRGo. Mr. Rajnish Maniktala is also the chairperson of PeRGo.

In this petition the following directions were sought:

- That the respondent University may be directed to get Multi-faculty (Phase-II) Building cleared from the appropriate offices and construct the same within a time bound period.
- That the respondent Municipal Corporation may be directed to approve the map of Multi-faculty (Phase-II) Building and grant necessary permissions for completion of the building.
- That in the alternative the respondent State may be directed to acquire the land for Himachal Pradesh University, Shimla so that Multi-faculty (Phase-II) Building may be completed.
- That the disciplinary proceedings may be ordered to be initiated against the officers, who were responsible for taking the decision to construct the Multi-faculty (Phase-II) building despite the fact that the land in question was not owned by the respondent University and exemplary damages amounting to Rs.10 lakh each may be imposed upon them.

Order dated 29.8.2017 passed by the High Court

The case was pleaded, based on facts and figures, in The Hon'ble High Court of H.P., on 29/08/2017 by the Chairman of the Society, Sh. Rajnish Maniktala supported by other members. The Hon'ble Court directed the Chief Secretary to the Government of Himachal Pradesh to forthwith constitute a Committee to be headed by

Principal Secretary (Home) to the Government of Himachal Pradesh, with Commissioner, Municipal Corporation, Shimla, Deputy Commissioner, Shimla, Director, Town and Country Planning and Registrar, H.P. University as its members and asked to ensure that the building positively be made functional on or before 31st December, 2017.

The Court directed:

"The Committee shall take all steps for (a) ensuring that name of the University is recorded in the revenue records; (b) plans/maps are sanctioned by the municipal corporation/ appropriate authority(s), in accordance with law within a period of three weeks; (c) getting the remaining work assessed through experts; (d) take up the matter with the appropriate authorities for allocation of funds, if so required; and (e) ensure that the building is made functional positively on or before 31st of December, 2017."

Order dated 19.9.2017 passed by the High Court

During this period another order was passed by the court on 19.9.2017 as follows:

"Under these circumstances, we direct the authority concerned to forthwith correct the revenue record. The Deputy Commissioner, Shimla shall ensure that whole of the land under the building is recorded in the name of H.P. University. Needful be positively done within a period of two days. Affidavit of compliance be filed on or before the next date of hearing, failing which the Deputy Commissioner, Shimla shall personally remain present in Court."

Consequently, the title of land was mutated in the name of university, funds were released and work on the building was started. However,

construction work still seemed to be progressing at a very slow pace and meanwhile the university kept pleading in court for extension of time limit.

HPU Authorities pleading for extensions of time

After passing of the first order, hearings continued in court and there were eight more dates on which this matter was pleaded in the Hon'ble High Court. The university authority, time and again, kept pleading in court for the extension of the time limit.

Finally, on November 06, 2018 the society presented in the court that the respondent university was not at all serious in complying with the court order and kept praying for time extension, so stringent action may be taken in this regard. Then the Hon'ble Court, by taking cognizance, modified its previous order and this time ordered the respondent for final completion of the project on or before 30th April, 2019. At long last, with further extension of time limits, the building is now completed.

University Officials Culpable but All is Well That Ends Well

In this way, it was only after the initiative taken by PeRGo, that the construction of the building was successfully completed after 13 long years.

The huge time delay led to a loss of Rs 5 crore to the university, which is the

amount that was slated to be released after submitting the UC of the first instalment. How and why this building was initiated in such haste, when the map was not approved by the TCP, is a question that reeks of corruption. The extra financial burden it caused is also a matter of fact. After the court order, extra budget, to the tune of over



Rs1.5 crore was allocated for this same building. The loss of opportunity for the students who had to bear with the scarcity of infrastructure all these years is yet another disturbing facet.

The Himachal Pradesh University was established in the year 1971. Since 2006 many VCs comfortably completed their terms but no significant step was taken by any of the VCs to define the exact area falling under the university. Because of this, many infrastructural projects and existing buildings were illegal in the light of law.

It was possible only with the initiative of PerGo team that, the Hon'ble High Court of Himachal Pradesh gave a couple of decisions ordering the recording of land in ownership of the university, after so many years of its establishment.

Thus, not only was the construction of the building possible because of PerGo initiatives, but it also paved the way for clearance of land title of the university, which had been pending for the last 50 years.

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