

Himachal Pradesh Educational Institutions (Prohibition Of Ragging) Act, 2009

12 of 2009

[10 September 2009]

CONTENTS

1. Short title and commencement
2. Definitions
3. Prohibition of ragging
- 4 . Duties of certain persons to check and report incidents of ragging
5. Abetment of offences under section 3
6. Offences to be cognizable, non-bailable and compoundable
7. Expulsion of student
8. Suspension of student
9. Power of the State Government to give directions
10. Provisions not to be derogatory to certain laws
11. Power to make rules
12. Laying of rules and orders
13. Repeal of Ordinance No. 1 of 2009 and savings

Himachal Pradesh Educational Institutions (Prohibition Of Ragging) Act, 2009

12 of 2009

[10 September 2009]

AN ACT

to provide for prevention of the evil practice of ragging in educational institutions in the State of Himachal Pradesh and for matters connected therewith or incidental thereto.

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Sixtieth Year of the Republic of India as follows :-

1. Short title and commencement :-

(1) This Act may be called the Himachal Pradesh Educational Institutions (Prohibition of Ragging) Act, 2009.

(2) It shall be deemed to have come into force on 25th day of March, 2009.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) "educational institution" means any University, any College affiliated to or maintained by the University, any school imparting secondary education, any school, Polytechnic or institution imparting technical education and includes such other institutions as may be notified by the State Government in the Official Gazette;

(b) "Officer-in-Charge" means and includes person appointed as the Principal of College, Head of Hostel, Dean of Faculty, Head of Teaching Department or the institution, the authority of the College, Warden or Manager (by whatever name called) of Hostel or canteen, the Student Welfare Officer or the Librarian of the College and University Library, Principal, Headmaster, Warden, Manager or teacher of the educational institution; and

(c) "ragging" means any act, conduct or practice by which dominant power of senior students, former students or outsiders, is brought to bear on students freshly enrolled or students who are in any way considered junior by other students and includes individual or collective acts or practices which-

(i) involve physical or psychological assault or threat or use of force or wrongful confinement or restraint; or

(ii) violate the status, dignity and honour of such students; or

(iii) expose students to ridicule and contempt and affect their self-esteem; or

(iv) entail verbal abuse and aggression, indecent gestures and obscene behaviour.

3. Prohibition of ragging :-

(1) No person shall practise ragging in any form, within or outside the premises of an educational institution.

(2) Any person who contravenes the provisions of sub-section (1), shall, on conviction, be punished with imprisonment for a term which may extend to three years or with fine which may extend to fifty thousand rupees or with both.

4. Duties of certain persons to check and report incidents of ragging :-

(1) Notwithstanding anything contained in any law for the time being in force or in any contract, every person who is the Officer-in-Charge of the educational institution or who is in the service or pay of or remunerated by the educational institution to do any work assigned to him in connection with the maintenance of discipline therein, shall be bound to take immediate action on the occurrence of any incident of ragging and to make report to the Vice-Chancellor or to any other officer authorised by him, in case of the University, or the Head of the educational institution, in case of the institution other than the University, the identity of those who have engaged in ragging and the nature of the incident.

(2) Every single incident of ragging where the victim or his parents or guardian or the Head of educational institution is not satisfied with the institutional arrangement for action, a First Information Report shall be lodged without exception by the institutional authorities with the local police authorities.

(3) Any failure on the part of the institutional authority or negligence or deliberate delay in lodging the First Information Report with the local police, shall be construed to be an act of

culpable negligence on the part of the institutional authority.

(4) If any victim or his parent or guardian intends to lodge First Information Report directly with the police that shall not absolve the institutional authority from the requirement of lodging the First Information Report.

(5) Any person who contravenes the provisions of sub-section (1) or sub-section (2) or sub-section (3), shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees, or with both.

5. Abetment of offences under section 3 :-

Whoever being a Head of educational institution or an officer, directly or primarily in-charge of supervision for the proper maintenance of discipline in the educational institution, knowingly omits to check and report or connives or abets the commission of the offence under section 3, shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine which may extend to twenty five thousand rupees, or with both.

6. Offences to be cognizable, non-bailable and compoundable :-

Every offence under this Act shall be cognizable, non-bailable and compoundable with the permission of the court.

7. Expulsion of student :-

(1) Any student convicted of an offence under this Act shall be expelled from the educational institution.

(2) Student expelled under sub-section (1) or expelled otherwise on account of ragging shall not be admitted in any other educational institution for a period of three years from the date of order of such expulsion.

8. Suspension of student :-

(1) Whenever any student or, as the case may be, the parents or guardian or a teacher of an educational institution or an Officer-in-Charge makes a complaint, in writing, of ragging to the head of the educational institution, the head of that educational institution shall, without prejudice to the foregoing provisions, within twenty four hours of the receipt of the complaint, enquire into it and, if, prima facie, it is found true, suspend the student found guilty.

(2) Where, on enquiry by the head of the educational institution, it is proved that prima facie there is no substance in the complaint received under sub-section (1), he shall intimate the fact, in writing, to the complainant.

9. Power of the State Government to give directions :-

The State Government may, in public interest, by order in writing for reasons to be recorded therein, give to the educational institutions general instructions to be followed by such institutions and such instructions may, notwithstanding anything contained in the Himachal Pradesh University Act, 1970 (17 of 1970) and the Himachal Pradesh Universities of Agriculture, Horticulture and Forestry Act, 1986 (4 of 1987), the Jaypee University of Information Technology Act, 2002 (14 of 2002), the Chitkara University (Establishment and Regulation) Act, 2008 (2 of 2009), the Eternal University (Establishment and Regulation) Act, 2008 (3 of 2009), any University established by Law in the State in private and public sector, the Himachal Pradesh Board of School Education Act, 1968 (14 of 1968), the Himachal Pradesh Board of Technical Education Act, 1986 (14 of 1986), the Societies Registration Act, 1860 (21 of 1860) and the Himachal Pradesh Societies Registration Act, 2006 (25 of 2006), include directions to make or amend any ordinances, statutes, regulations, rules, bye-laws relating to the prohibition of and the punishment for ragging, in such form and within such period as may be specified in such order.

10. Provisions not to be derogatory to certain laws :-

The provisions of this Act shall be in addition to and not in derogation of the Indian Penal Code, 1860 (45 of 1860), the Code of Criminal Procedure, 1973 (2 of 1974), and the statutes framed under the Himachal Pradesh University Act, 1970 (17 of 1970), the Himachal Pradesh Universities of Agriculture, Horticulture and Forestry Act, 1986 (4 of 1987), the Jaypee University of Information Technology Act, 2002 (14 of 2002), the Chitkara University (Establishment and Regulation) Act, 2008 (2 of 2009), the Eternal University (Establishment and Regulation) Act, 2008 (3 of 2009), any University established by Law in the State in private and public sector, the Himachal Pradesh Board of School Education Act, 1968 (14 of 1968), the Himachal Pradesh Board of Technical Education Act, 1986 (14 of 1986), the Societies Registration Act, 1860 (21 of 1860) and the Himachal Pradesh Societies Registration Act, 2006 (25 of 2006).

11. Power to make rules :-

The State Government may, by notification published in the Official Gazette, make rules for carrying out the purposes of this Act.

12. Laying of rules and orders :-

Every order issued under section 9 and rules made under section 11 shall be laid, as soon as may be after it is issued or made, before the Legislative Assembly while it is in session for a total period of not less than ten days which may be comprised in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule, or as the case may be, in the order, or decides that the rule or the order, as the case may be, should not be issued or made, the rule or as the case may be, the order, shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or as the case may be, under that order.

13. Repeal of Ordinance No. 1 of 2009 and savings :-

(1) The Himachal Pradesh Educational Institutions (Prohibitions of Ragging) Ordinance, 2009 is hereby repealed.

(2) Notwithstanding such repeal any action taken or anything done under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.