

PART II

HARYANA GOVERNMENT

LAW AND LEGISLATIVE DEPARTMENT

Notification

The 5th July, 2012

No. Leg. 19/2012.—The following Ordinance of the Governor of Haryana promulgated under clause (1) of article 213 of the Constitution of India, on the 2nd July, 2012, is hereby published for general information:—

Haryana Ordinance No. 3 of 2012

THE HARYANA PROHIBITION OF RAGGING IN EDUCATIONAL INSTITUTION ORDINANCE, 2012

AN

ORDINANCE

to provide for prohibition of ragging in educational institutions in the State of Haryana and for matters connected therewith or incidental thereto.

Promulgated by the Governor of Haryana in the Sixty-third Year of the Republic of India.

Whereas the Legislature of the State of Haryana is not in session and the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, therefore, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Haryana hereby promulgates the following Ordinance:

1. This Ordinance may be called the Haryana Prohibition of Ragging in Educational Institution Ordinance, 2012. Short title.

2. In this Ordinance, unless the context otherwise requires,— Definitions.

(a) "committee" means an anti ragging committee constituted under section 5 of the Ordinance;

(b) "educational institution" means a school, college, university or an institution and its constituent unit and includes canteen, hostel or transport provided by school, college or university, whether within or outside the premises;

(c) "Government" means Government in the State of Haryana;

(d) "Head" means the Vice-Chancellor of the University, Principal of the College or Principal/Headmaster of the School, as the case may

be, head of an institution or Director of an educational institution, by whatever name called;

- (e) "institution" means technical and professional institution and includes institution imparting education and research facilities set up by an Act of Parliament or State;
- (f) "ragging" means doing an act which causes or is likely to cause insult or annoyance or fear or apprehension or threat of intimidation or outrage of the modesty or injury to a student and includes the following acts, namely:—
- (i) abetment to ragging;
 - (ii) criminal conspiracy to ragging;
 - (iii) unlawful assembly and rioting while ragging;
 - (iv) public nuisance created during ragging;
 - (v) verbal abuse and aggression, indecent gestures and obscene behaviour;
 - (vi) outraging the modesty;
 - (vii) injury to body, causing hurt or grievous hurt;
 - (viii) wrongful restraint;
 - (ix) wrongful confinement;
 - (x) use of criminal force.
 - (xi) assault as well as sexual offence;
 - (xii) extortion;
 - (xiii) trespass;
 - (xiv) offence against property;
 - (xv) criminal intimidation;
 - (xvi) physical or psychological humiliation;
 - (xvii) defamation or threat to defame;
 - (xviii) any type of abuse through electronic media;
 - (xix) threat to commit any or all of the above mentioned offences;
- (g) "Ordinance" means the Haryana Prohibition of Ragging in Educational Institution Ordinance, 2012;
- (h) "State" means the State of Haryana;
- (i) "student" means any person pursuing education in an educational institution.

3. (1) There shall be a complete prohibition of ragging of a student in all the educational institutions, in any form and nature. Prohibition of ragging.

(2) No educational institution shall permit or condone any incident of ragging in any form and shall take all necessary and required measures including but not limited to the provisions of the Ordinance to achieve the objective of eliminating ragging within the educational institution or outside.

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

(4) All educational institutions shall take action in accordance with the Ordinance against those found guilty of ragging.

4. The Head shall:—

Duties and
responsibility
of-Head.

(i) be overall responsible to stop and prevent ragging and take all necessary preventive measures to prohibit ragging in educational institution and shall ensure that no person practise ragging in any form within or outside the premises of an educational institution and adopt required measures to achieve the object;

(ii) obtain an undertaking in writing from the student, in case he is eighteen or above or from his parents/guardian in case he is less than eighteen that he shall not attempt, abet or commit ragging inside or outside the educational institution at the time of admission;

(iii) give full publicity to the provisions of the Ordinance and about the members of the committee alongwith their mobile numbers etc. by placing the same at prominent places as well as at notice board in the educational institution and also make it a part of prospectus and upload it on its website, if any;

(iv) give full publicity to the punishments to be awarded for ragging through open circulars and suitable posters in the educational institution; and

(v) notify any change in the constitution of the committee immediately and shall take necessary action as per clause (iii) above.

5. (1) There shall be constituted with immediate effect one or more committee(s) in all educational institutions by the Head, depending upon strength of students, vastness of premises of the educational institution and the number of departments etc. Constitution of committee.

(2) Each committee shall consist of three senior faculty members out of which at least one shall be a woman and senior most amongst them shall be the Chairperson. The committee shall also consist of two representatives from amongst the parents of the students including a woman to be nominated by the Head:

Provided that in case of an educational institution exclusively for boys or girls, all the members may be male or female, as the case may be.

(3) The parents of the students nominated in a committee shall hold office for a maximum term of two academic sessions.

Powers and
functions of
committee.

6. (1) The committee or any member thereof shall have power to inspect any class room, hostel room or any other enclosure where it apprehends that any incident of ragging is being committed or there is apprehension of the same.

(2) The committee may take appropriate steps and suggest such measures, as deemed necessary, to the Head.

(3) On receipt of an information by any member of the committee from the head, a student, parents or any source in writing or through any electronic media that an act of ragging is being committed or there is apprehension of the same, he shall intimate the same to the Chairperson and may conduct raid, if necessary or take other appropriate steps to stop the act of ragging.

(4) The member or the committee may conduct on the spot inquiry observing a fair and transparent procedure and the principle of natural justice and shall give an adequate opportunity to the victim student and the student accused of ragging and other witnesses and may also ask them to produce other documents or witnesses, if necessary, concerning the incident of ragging.

(5) The committee shall submit the inquiry report to the Head within seventy two hours of the incident for appropriate action under the Act:

Provided that in case an offence is committed under the provisions of Indian Penal Code, 1860 (45 of 1860) and is a cognizable offence, the member shall immediately report the matter to the Head.

Action to be
taken by Head.

7. (1) The Head shall examine the report and if satisfied will take appropriate action as per the gravity of offence.

(2) On receipt of the report of ragging, the Head will direct the committee to make an inquiry and report.

(3) The committee, or on receipt of any information concerning any reported incident of ragging the Head, shall immediately determine if a criminal offence is made out and if so, it either on his own motion or through a member of the committee authorised by him, proceed to file First Information Report immediately:

Provided that the educational institution shall also continue with its own inquiry and other measures without waiting for action on the part of the police and such remedial action shall be initiated and completed immediately.

(4) If the Head is not satisfied with the report made by the committee, he may, himself, conduct an independent enquiry and pass any appropriate orders in writing, for reasons to be recorded therein.

He may also decide to lodge First Information Report, if an offence is found to have been committed under the Indian Penal Code, 1860 (45 of 1860) and is a cognizable offence.

8. (1) In a proven case of ragging, whether First Information Report has been lodged or not, the Head shall impose a punishment of suspension for at least a period of two semesters or one annual academic year, as the case may be, and may also impose any one or a combination, of penalties as described in (i) to (x) of sub-section (2). Punishments

(2) Depending upon the nature and gravity of the offence as reported by the committee, the Head may impose any one or combination of the following punishments upon the student(s) found guilty.—

- (i) withholding or withdrawing scholarship or fellowship and other benefits;
- (ii) forfeiting campus placement opportunities or recommendations;
- (iii) debarring from appearing in any test or examination or other evaluation process;
- (iv) withholding of results;
- (v) debarring from representing the educational institution in any regional, national or international meet, tournament, youth festival etc.;
- (vi) suspension or expulsion from the hostel;
- (vii) cancellation of admission;
- (viii) rustication from the educational institution for a period, ranging upto three years;
- (ix) expulsion from the educational institution and consequent debarring from admission to any other educational institution for a period of three years;
- (x) imposition of fine upto twenty five thousand rupees.

9. In case of any contravention of the provisions of the Ordinance or direction or order made thereunder by an educational institution, the Head shall be punishable with imprisonment for a term which may extend to six months and with fine which may extend to twenty-five thousand rupees. Offences by educational institution.

10. (1) The Government may impose a fine on an educational institution; in case it is not complying with the provisions, directions or orders issued by the Government, from time to time, which may extend to two lacs rupees in case of a college/school and five lacs in case of a university: Imposition of fine.

Provided that no fine shall be imposed unless an opportunity of personal hearing has been given to an educational institution.

Provisions not to
be derogatory to
certain laws.

11. The provisions of this Ordinance 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 various Haryana Universities Act and other laws.

Power to remove
difficulties.

12. If any difficulty arises in giving effect to the provisions of the Ordinance, the State Government may, by an order published in the Official Gazette, make such provisions or give such directions consistent with the provisions of the Ordinance, as appears to it to be necessary or expedient for removing the difficulty.

Chandigarh :
The 2nd July, 2012

JAGANNATH PAHADIA,
GOVERNOR OF HARYANA

MANJIT SINGH,
Secretary to Government Haryana,
Law and Legislative Department.

PART - IV

HARYANA GOVERNMENT
LEGISLATIVE SUPPLEMENT

CORRIGENDUM

The 20th July, 2012

In the Haryana Prohibition of Ragging in Educational Institution Ordinance, 2012 (Haryana Ordinance No. 3 of 2012), published in Haryana Government Gazette (Extraordinary), dated 5th July, 2012,—

(i) “at page 8,—

(I) in clause (g), for “ir”, read “in”;

(II) in clause (i), for “educationa” read “educational”;

(ii) at page 9, sub-section (2) of section 5, for “representativs”, read “representatives”;

(iii) at page 11, in sub-section (1) of section 8, in fourth line, for “combination”, read “combination”;

(iv) at page 12,—

(I) in section 11, for “statues”, read “statutes”;

(II) in section 12,—

(a) for “oflicial”, read “official”;

(b) for “renioving”, read “removing.”

MANJIT SINGH,

Secretary to Government Haryana,
Law and Legislative Department.