

ASSAM PROHIBITION OF RAGGING ACT, 1998*

(Assam Act No. II of 1999)

[Received the assent of the Governor on 8th January, 1999]

An Act to prohibit ragging in the Educational Institutions in Assam

Preamble. Whereas it is expedient to prohibit ragging in the educational institutions in Assam ;

It is hereby enacted in the Forty-ninth Year of the Republic of India as follows :

1. Short title, extent and commencement. (1) This Act may be called the Assam Prohibition of Ragging Act, 1998.

(2) It extends to the whole of the State of Assam.

(3) It shall come into force at once.

2. Definitions. In this Act, unless the context otherwise requires :

(a) "educational institution" means any college, having degree classes and/or higher secondary classes and/or post graduate classes, junior college and any level of classes above the High School standard, engineering college or University administered, managed, controlled or run by the Government or otherwise and includes any hostel, boarding, play ground, road, vehicle, premises and other places having nexus with the aforesaid institutions imparting education ;

(b) "Government" means the State Government, or the Central Government, as the case may be ;

(c) "ragging" means either display of noisy or disorderly conduct or doing of any act which causes or likely to cause social, physical or psychological harm or raise apprehension or fear or shame or embarrassment to any student in any educational institution, and includes—

(i) teasing, abusing of, playing practical jokes on or causing hurt to such student ; or

(ii) asking the student to do any act or perform something which such student will not, in the ordinary course, willingly do ;

(d) "State Government" means the Government of Assam ;

(e) "victimised student" means a student who is a victim of ragging.

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3. Prohibition of ragging. Ragging in any educational institution is prohibited and no person shall commit, abet, propagate or participate in ragging in any educational institution.

4. Penalty for ragging. Whoever commits, participates in, abets or propagates ragging in any educational institution shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to ten thousand rupees, or with both.

5. Expulsion of the student from the educational institution. (1) Any student convicted of an offence under S. 4 shall be expelled from the concerned educational institution to which he or she belongs for a period of not less than one academic session and such student shall not be admitted in any other educational institution during that period.

(2) The authority of the concerned educational institution shall publish at least in a leading daily newspaper of the State, the detailed description along with name, father's name, and permanent address of the student so expelled under sub-S. (1) regarding his or her expulsion, for information of other educational institutions with a written intimation to the concerned University, Board or Council, as the case may be, which the concerned institution is affiliated to or recognised.

6. Powers and functions of the head of the educational institution. (1) Without prejudice to the foregoing provisions, whenever any student or guardian or parent complains of ragging in writing to the head of educational institution, or to any other person responsible for the management of the educational institution concerned, such head of the educational institution or person responsible for the management of the educational institution, as the case may be, shall enquire into the same immediately and if found true, shall suspend the student, who has committed the offence, from the educational institution immediately and after giving the student concerned a reasonable opportunity or being heard, if the head of the educational institution or the person responsible for the management of the educational institution, as the case may be, is satisfied that the student has committed any offence under this Act, he may either expel or rusticate the student from educational institution for a period of not less than one academic session or may pass order as deemed fit and proper in the larger interest of the educational institution in particular and for establishing academic discipline in general.

(2) The decision taken under sub-S. (1) by the head of the institution or the person responsible for management of the educational institution, shall be final and binding on the student concerned.

7. Liability of the head of the educational institution. (1) If the head of the educational institution or person responsible for the management of the educational institution fails or neglects to take any action in the manner as provided in sub-S (1) of S. 6, when a complaint of ragging is made, such head of the educational institution or the person responsible for management of the educational institution, as the case may be, shall be made personally accountable and liable for disciplinary proceeding before the departmental higher authority.

(2) The Government may cause any departmental enquiry in the matter in case written complaint is received against the head of the institution or the person responsible for management of the educational institution in respect of his failure or negligence as specified in sub-S. (1), and take such appropriate action in accordance with the rules of the Government for the time being in force.

8. Appeal. (1) Any student, aggrieved by an order of rustication or expulsion may prefer an appeal against the order of the head of the educational institution or the person responsible for management of the educational institution, as the case may be, before the Commissioner and Secretary to the Government of Assam, Education Department for setting aside the order of such expulsion or rustication, as the case may be, within a period of fifteen days from the date of passing of such order :

Provided that in the absence of Commissioner and Secretary, the Secretary to the Government of Assam, Education Department shall be the competent authority to entertain, hear and dispose of the appeal.

(2) After hearing the appeal the Commissioner and Secretary to the Government of Assam, Education Department, shall dispose of the appeal within thirty days from the date of its receipt and pass appropriate order in writing which shall be final and binding.

9. Offence to be cognizable and bailable. An offence under this Act shall be cognizable and bailable within the meaning of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974).

10. Court competent to take cognizance. (1) No Court lower than a Court of Judicial Magistrate of the First Class, shall take cognizance of and try an offence under this Act.

(2) No Court shall take cognizance of an offence under this Act, except under complaint in writing made by or at the instance of the victimised student or on a report in writing by a police officer not below the rank of a Sub-Inspector.

11. Power for summary trial. Offences under this Act may be tried summarily in the manner provided for summary trial under the Code of Criminal Procedure, 1973 (Act No. 2 of 1974).

12. Compounding. The offences under this Act shall be compoundable at the instance of the complainant and the victimised student either before or after the institution of the proceedings.

13. Power to make rules. (1) The State Government may make rules for carrying out all or any of the purposes of this Act.

(2) All rules made under this Act shall be published in the official Gazette.

(3) All rules made by the State Government under this Act shall, as soon as may be after they are made, be laid before the State Legislature, while it is in session, for a total period of not less than fourteen days which may be comprised in one session or in two or more

successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the official Gazette subject to such modifications or annulment as the Legislature may, during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

14. Repeal and savings. (1) The Assam Prohibition of Ragging Ordinance, 1998 (Assam Ordinance No. IV of 1998) is hereby repealed.

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