

ASSAM ACT NO. II OF 1988

(Received by the Government on 8th January, 1999)

THE ASSAM PROCLAMATION ACT, 1988

অসম ৰাজপত্ৰ



সংস্কৰণসন্দৰ্ভ

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্রাপ্ত কৰ্তৃতৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY AUTHORITY

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No. 2 Dispur, Tuesday, 12th January, 1999, 22nd Pausa, 1920 (S.E.)

GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : LEGISLATIVE BRANCH

The 12th January, 1999

NOTIFICATION

No. LGL. 16/98/49.-- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT NO. II OF 1999

(Received the Assent of the Governor on 8th January, 1999)

THE ASSAM PROHIBITION OF RAGGING ACT, 1998

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 :-

**Short title,
extent and
commencement.**

1. (1) This Act may be called the Assam Prohibition of Ragging Act, 1998.
- (2) It extend to the whole of the State of Assam.
- (3) It shall come in to force at once.

Definitions. 2. 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.

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

Penalty for ragging. 4. 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.

Expulsion of the student from the concerned educational institution. 5. (1) Any student convicted of an offence under section 4 shall be expelled from the concerned educational institution to which he or she belongs for a period 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 news paper of the State, the detailed description alongwith name, father's name and permanent address of the student so expelled under sub-section (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, under which the concerned institution is affiliated to or recognised.

Powers and functions of the head of the educational institution. 6. (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 such 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-section (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.

Liability of the head of the Educational Institution. 7. (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-section (1) of Section 6, when a complain 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-section (1), and take such appropriate action in accordance with the rules of the Government for the time being in force.

Appeal 8. (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. (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.

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

Court Competent to take cognizance. 10. (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.

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

Compounding. 12. 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.

Power to make rules. 13. (1) The State Government may make rules for carrying out all on 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 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 annulments 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.

Repeal and saving. 14. (1) The Assam Prohibition of Ragging Assam Ordinance, 1998 is hereby repealed.

**Ordinance
No. IV of
1998.**

(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.

M. K. DEKA,

Secretary to the Govt. of Assam,
Legislative Department.