

The Jammu and Kashmir Prohibition of Ragging Act, 2011

JAMMU & KASHMIR

India

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Act 6 of 2011

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The Jammu and Kashmir Prohibition of Ragging Act, 2011(Act No. 6 of 2011)[9th April, 2011][Received the assent of Government on 9th April, 2011 and published in the Government Gazette dated 13th April, 2011].An Act to prohibit ragging in educational institutions in the State of Jammu and Kashmir.Be it enacted by the Jammu and Kashmir State Legislature in Sixty-second Year of Republic of India as follows:-

1. Short title and commencement.

(1)This Act may be called the Jammu and Kashmir Prohibition of Ragging Act, 2011.(2)It shall come into force on the date of publication in the Government Gazette.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Act" means the Jammu and Kashmir Prohibition of Ragging Act, 2011;(b)"educational institution" means and includes a University, College and any other institution, by whatever name called, whether a private or Government educational institution, carrying on the activity of imparting higher education therein, either exclusively or among other activities, and includes a polytechnic, an orphanage, a boarding home, a hostel, a tutorial institution and the premises attached thereto ;(c)"fresher" means a fresh or new student admitted to an educational institution and includes junior students ;(d)"Government" means the Government of Jammu and Kashmir ;(e)"head of the educational institution" includes the Registrar of the University, Dean of a Faculty in the University, Dean of Medical Faculty, Director of the Institution or Principal, Headmaster, Manager or any other person responsible for the management of any educational institution ;(f)"ragging" means any disorderly conduct, whether by words spoken or written, or by an act which has the effect of teasing, treating or handling with rudeness any other student, indulging in rowdy or undisciplined activities which causes or is likely

to cause annoyance, hardship or psychological harm or to raise fear or apprehension thereof in a fresher or a junior student, or asking the student to do any act or perform something which such student will not do in the ordinary course and which has the effect of causing or generating a sense of shame or embarrassment or adverse affect on the physique or psyche of a fresher, or a junior student ;(g)"student" means a person who is admitted to an educational institution and whose name is lawfully borne on the attendance register thereof ; and(h)"State" means the State of Jammu and Kashmir.

3. Prohibition of ragging.

- From the date of commencement of the Act, ragging within or outside any educational institution in the State shall be prohibited and no person shall commit, abet, propagate or participate in ragging within or outside any educational institution.

4. Penalty for ragging.

(1)Whosoever, directly or indirectly, commits or participates in or abets or propagates ragging within or, outside any educational institution shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine which may extend to ten thousand rupees or with both.(2)If the particular person committing or abetting ragging is not identified, every person participating in, or present at, such ragging activity shall be liable to punishment under the Act and collective punishment shall be resorted to so as to act as a deterrent punishment and to ensure collective pressure on the potential raggers.

5. Procedure for making a complaint.

(1)Whenever any student or, as the case may be, the parents or guardian or a teacher of an educational institution complains, in writing, of ragging to the head of an educational institution, the head of that educational institution shall, within seven days of receipt of complaint, inquire into the matter mentioned in the complaint and if prima facie the complaint is found true, he shall immediately forward the complaint to the police station having jurisdiction over the area in which such educational institution is situated for registering a case under the Act.(2)Where on an inquiry by the head of the educational institution, it is found that there is a no substance in the complaint received under sub-section (1), he shall intimate the fact in writing to the complainant.

6. Deemed abetment.

(1)If the head of any educational institution fails or neglects to take action in the manner specified in sub-section (1) of section 5 when a complaint of ragging is made, he shall be deemed to have abetted the offence of ragging and shall, on conviction, be punished as provided for in section 4.(2)No Court shall take cognizance of an offence under sub-section (1) without a complaint in writing made by the District Magistrate concerned.

7. Removal from rolls of educational institution.

- Any student convicted of an offence under section 4 shall be removed from the rolls of the educational institution and shall not be admitted in any educational institution in the State for a period of three years from the date of such removal.

8. Suspension of the student.

(1) Without prejudice to the foregoing provision, whenever a complaint is forwarded by the head of an educational institution to the police station under sub-section (1) of section 5, such student shall be suspended forthwith from the said institution and shall neither be allowed to enter the premises of the educational institution till the final outcome of the complaint under the Act nor shall be entitled to any of its facilities. (2) Any student suspended under sub-section (1) shall be expelled from the boarding home, hostel and mess of the educational institution.

9. Prevention of ragging in educational institutions.

- It shall be the duty of every educational institution to prevent ragging in such educational institution and for this purpose the educational institution shall, among other things, take the following steps:-(i) the prospectus, the form for admission or any other literature issued to the aspirants for admission shall clearly mention that ragging is banned in the institution and anyone indulging in ragging is likely to be punished ;(ii) the admission and enrolment form shall include a printed undertaking to be filled in and signed by the student to the effect that he/she is aware of the institution's approach towards ragging and the punishments to which he/she shall be liable if found, guilty of ragging ;(iii) it shall display, on the notice board, the name, address and the contact number of the person or authority to whom a fresher should approach for help and guidance for various purposes ;(iv) the head of the educational institution or a person higher in authority shall address meetings of professors, lecturers, instructors, teachers, parents or guardians and students, collectively or in groups, to create confidence by apprising them of their rights as well as obligations to fight against ragging, insisting on freshers to report to the head of educational institution or proctorial committee about instances of ragging and to generate confidence in their mind and to encourage them to report any instance of ragging to which they are subjected to or which comes in their knowledge ;(v) at the commencement of the academic session, the educational institution should constitute a proctorial committee consisting of senior faculty members and hostel authorities like Wardens and a few responsible senior students to, -(a) keep a continuous watch and vigil over ragging so as to prevent its occurrence and recurrence ; and (b) promptly deal with the incidents of ragging brought to its notice and summarily punish the guilty, either by itself or by putting forth its finding/recommendations/suggestions before the authority competent to take action ;(vi) all vulnerable locations shall be identified and especially watched ;(vii) the local community and the students in particular shall be made aware of the dehumanizing effect of ragging inherent in its perversity and posters, notice boards and signboards, wherever necessary, may be used for the purpose ; and (viii) migration certificate issued by the educational institution should have an entry apart from that of general conduct and behaviour as to whether the student has ever indulged in ragging and in particular was punished for such ragging.

10. Provision of the Act to be in addition to other laws.

- Nothing in the Act shall be deemed to affect the operation of any other law for the time being in force in the State and the provisions of the Act shall be in addition to, and not in derogation of, such other laws.

11. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of the Act, the Government may, by order not inconsistent with the provisions of the Act, remove the difficulty :Provided that no such order shall be made after the expiry of a period of two years from the commencement of the Act.

12. Power to make rules.

- The Government may, by notification in the Government Gazette, make rules to carry out the purposes of the Act.