



CWPIL No. 146 of 2017

22.09.2017 Present: Court on its own motion.

Mr. Shrawan Dogra, Advocate General with Mr. J. K. Verma, Dy.A.G. for respondents-State.

All the Deputy Commissioners of the State of Himachal Pradesh are impleaded as party respondents to this petition. Registry is directed to carry out necessary correction in the Memo of Parties.

2. Notice. Mr. J.K. Verma, learned Deputy Advocate General, appears and waives service of notice on behalf of the respondents.

3. On the basis of a letter addressed to the Chief Justice of this Court, comments of the District & Sessions Judge, Civil and Sessions Division, Kinnaur at Rampur Bushahr, were called for.

4. The state of helplessness expressed by the Principal is in the following terms:-

“1. That it has been requested ample numbers of times from the students to maintain the decorum of the institution by limiting the intensity of the functions. But it has been found that despite of repetitive request and guidance the real objective goes unachieved.

2. That the students of the college are found divided on dialectical groups for organizing their functions which is fore seen as the threat to the social makeup of the area.

3. The College administration is finding it difficult to control the mob that specifically is considered outsidous influence during the function.



4. That inspite of a good sound system installed and maintained to certain decibels, the students are hiring external auditory system that works beyond the prefixed sound limits. This causes a huge hindrance in studies and on going classes.

5. That the college tried to restrict the timings of the functions from 2 PM to 5 PM and strictly on holidays but due to external influences this aim again goes unmet.

6. That the faculty members are strictly deputed on duty to maintain the discipline during the function in the auditorium but, the faculty feels threatened by the unidentifiable mob gathered in the function.

7. That even the police department refuses to comply to maintain the law and order in the campus during ongoing functions due to the larger no. of functions being organized. (Copy attached).

Therefore it is pleaded that it may prove us a great help if suitable directions are given to us so as to improve the academic environment of the institution as well as that of students."

5. It is this, which led the Court *suo moto* take cognizance of an issue which is of vital public interest and importance.

6. In *Church of God (Full Gospel) vs. K.K.R Majestic Colony Welfare Association*, (2000) 7 SCC 282, the Hon'ble Apex Court held that students are entitled to concentrate on their studies without any unnecessary disturbance. Hence the question as to whether students' organizations have a duty to ensure an atmosphere conducive for undertaking good education has to be answered in the affirmative.



7. The Hon'ble Apex Court in *Director (Studies) v. Vaibhav Singh Chauhan*, (2009) 1 SCC 59 laid down that the authorities have to be very strict in maintaining high academic standards and maintaining academic discipline and academic rigour if the country was to progress. Hence court reiterated to all concerned for ensuring their conduct to be of such a nature which furthers the academic discipline of the institute and is not detrimental to it.

8. In the matter of maintaining discipline, the educational Institution must be given the right of exercising such power and right of the Principal to maintain peaceful atmosphere should be preserved and upheld.

9. No leniency ought to be shown in academic matters and the educational institutions ought to be very strict in maintaining high academic standards and academic discipline.

10. Therefore, it is directed that the concerned student unions conduct their activities in accordance with directions issued by the college administration in this regard. Moreover, it is also directed that it would be the responsibility of the student union organizing the function that persons who are not members of the



student body or of the faculty do not attend such function.

11. We direct that no function, save and except the one meant for the students and so permitted by the Principal, G.B. Memorial Government College, Rampur Bushehar, District Shimla, H.P., shall be held in the campus of the college.

12. We are shocked to note that the police refuses to cooperate with the college authorities in the maintenance of law and order. We highlight that presence of anti-social elements within the confines of the college will inevitably create a fear in mind of the students who may be left unable to adequately focus on the academics.

13. Therefore, we direct the Deputy Superintendent of Police, Rampur, Shimla to ensure that the college campus is adequately policed during the functions and no anti-social element enters the college during the conduct of such functions.

14. We further direct that no activity other than the one connected with the affairs of the institution shall be carried out in any of the campuses, meant for imparting teaching to students, be it a primary, secondary, higher or college levels. The Principal(s) of such institutions are directed to ensure that activities conducted by the



concerned student unions are not carried out in a manner so as to be detrimental to education or interest of the students.

15. We further direct the Principal(s) of the college(s) to take all steps as may be necessary to ensure a peaceful and serene atmosphere in the college(s). They may take suitable steps for instilling discipline and penalize any person, in accordance with law, whom they find to be in violation of orders for maintaining congenial atmosphere in the college(s).

16. It is the duty of the authorities concerned, more so that of the Principal(s), Sub Divisional Magistrate(s) and the Deputy Commissioner(s)/Superintendent(s) of Police to ensure maintenance of law and order.

17. We direct the Chief Secretary to the Government of Himachal Pradesh to forthwith issue directions to all the Deputy Commissioners, who shall personally ensure that the order are complied with in letter and spirit.

18. Let affidavit be filed on or before the next date of hearing.

List on 16th October, 2017.

(Sanjay Karol),
Acting Chief Justice.

September 22, 2017
(PK/K)

(Ajay Mohan Goel),
Judge.