



Court on its motion

Vs. State of H.P. & Ors

CWPIL No.146 of 2017

06.11.2023 Present: Court on its own motion.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta & Mr. Pranay Pratap Singh, Additional Advocates General and Mr. Arsh Rattan & Mr. Sidharth Jalta, Deputy Advocates General, for the applicant.

CMP No. 15059 of 2023

Learned Advocate General states that the application has become infructuous. It is accordingly dismissed.

CMP No. 16017 of 2023

2. This application has been filed by the Deputy Commissioner Sirmour, District Sirmour, H.P. seeking permission to use the ground of Dr. Y.S. Parmar Memorial Government Senior Secondary School Dadahu for celebration of Shri Renuka Ji international fair.

3. Learned Advocate General appearing for the applicant states that previously on 11.12.2017 in CWPIL No.146 of 2017, such permission for holding international fair was granted by the Division Bench of this Court relaxing its previous order dt. 22.09.2017 in the same PIL. He, therefore, contends that the same indulgence be shown to the applicant in the instant application and suitable permission be accorded.

4. On 22.09.2017 in CWPIL No. 146 of 2017, following order had been passed: -



- “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 is 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 16 th October, 2017.”*

5. No doubt, in order dt.11.12.2017, the then Advocate General had sought permission for holding international festival. The statement of the then Advocate General is recorded in para-6., which states as under: -

“6. Learned Advocate General has assured the Court that order, dated 22.09.2017, passed by this Court shall be adhered to and implemented by one and all concerned



throughout the State in letter and spirit and that the campuses of education institutions, be it School or Colleges, shall not be permitted to be used for activities which are alien to education. Learned Advocate General has also assured the Court that as far as use of part of premises of certain education institutions in the concerned, the State shall ensure that for this purpose, only that portion of the premises of the campus is used which is utmost necessary for holding international festival and that too, by ensuring that in future premises of education institutions/Colleges are not used for such purposes.”

6. CMP No. 10425 of 2017 was the application which was considered on 11.12.2017 where permission for holding international ‘Lavi’ fair was said to have been accorded. The statement of learned Advocate General made on the said date before the Division Bench indicates that such permission was requested only for holding the said fair in the months of November-December, 2017 with an undertaking that “in future premises of education institutions/colleges are not used for such purposes”.

7. It was on the basis of such assurance given by the State at that point of time in para-7, following direction was given by the Division Bench: -

“7. We take the assurance given by the learned Advocate General on record and dispose of this petition by making order, dated 22.09.2017, absolute by directing all the concerned authorities to implement the same in letter and spirit and ensure that campuses/premises of the educational institutions, including Colleges are not used for activities, other than educational and co-curricular activities necessary in the interest of the students. We further direct



that if for the purpose of holding international affairs, part of premises of educational institutions are used, then the Deputy Commissioner concerned shall ensure; (a) that studies of the students do not suffer; (b) no loss should be caused to the property of the College; and (c) that at all times, law and order shall be maintained during the fair/festival.”

8. In our opinion, the direction given by the Division Bench in its order dt. 11.12.2017 in para-7 has to be read with the assurance given by learned Advocate General, extracted in para-6 of the said order, and it cannot be construed that the direction given by the Division Bench amounts to granting a permanent exemption for holding international fairs in the premises of educational institutions/colleges. In fact, filing of this application by the State is a violation of the undertaking given to the Court on 11.12.2017 in para-6 through the Advocate General that in future the premises of the educational institutions/colleges will not be used for holding international festivals.

9. Admittedly, the order dt. 22.09.2017 passed in CWPIIL No.146 of 2017, has not been challenged by any private party or the State in the Supreme Court till date and similar applications like the one in the instant case, filed by the private citizens to hold fairs in school premises or educational institutions/college premises, have been dismissed by this Court.

10. In our opinion, it would not be advisable to grant such permission to hold fairs even if they are international fairs to the



2017:HHC:8177-DB

State, while refusing permission to hold local fairs to other citizens and it would amount to discriminatory treatment.

11. Therefore, this application is dismissed.

(M.S. Ramachandra Rao)
Chief Justice

(Jyotsna Rewal Dua)
Judge

November 06, 2023
R.Atal