



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWPIL No.: 146 of 2017

Date of Decision: 11.12.2017

Court on its own motion

.....Petitioner.

Vs.

State of H.P. and others

.....Respondents.

Coram:

The Hon'ble Mr. Justice Sanjay Karol, Acting Chief Justice

The Hon'ble Mr. Justice Ajay Mohan Goel, Judge

Whether approved for reporting?¹ Yes.

For the petitioner:

Mr. Dilip Sharma, Senior Advocate, as Amicus Curiae.

For the respondents:

Mr. Shrawan Dogra, Advocate General, with M/s. Romesh Verma and Anup Rattan, Additional Advocate Generals and Mr. Kush Sharma, Deputy Advocate General for the State.

Ajay Mohan Goel, Judge (Oral):

A letter petition was received by this Court, addressed by the students of Government College, Rampur, wherein it was *inter alia* mentioned that the premises of the College were being used for holding of activities and functions, which had got nothing to do with academics and were causing inconvenience to the students at large.

2. Pursuant thereto, on 22.09.2017, this Court passed the following order:

Whether the reporters of the local papers may be allowed to see the Judgment?



“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.”

3. Mr. Dilip Sharma, learned Senior Counsel was appointed as Amicus Curiae and was requested to assist the Court.

4. On 24.10.2017, this Court passed the following order:

“Affidavits on behalf of some of the respondents stand filed, though not on record. Learned Counsel to follow up with the registry.

CMP No. 10425 of 2017

This application is taken on record. Be registered. Considering the averments made in the application and the historical importance and significance of the International Lavi Fair, for which purpose, traditionally the playground and the premises of the college have been put to use continuously, in the previous years, we permit the Deputy Commissioner concerned to use the premises of Government College, Rampur, for the purpose of International Fair “Lavi” at Rampur. Undertaking of the Deputy Commissioner concerned



that with the organization of such fair (a) studies of the students shall not suffer; (b) no loss would be caused to the property of the college; and (c) that at all times law and order shall be maintained during the fair/festival, is accepted and taken on record. We clarify that this permission is only for the ensuing international fair 'Lavi' to be held in the month of November-December, 2017, at Rampur, District Shimla, H.P. We further clarify that for future, the State shall take such steps as may be found necessary so as to ensure that in future premises of Educational Institution(s)/College(s) are not used for such purpose(s). The application stands disposed of in above terms."

5. We have heard learned Amicus Curiae as well as learned Advocate General and have also gone through the affidavits filed on behalf of the respondents.

6. Learned Advocate General has assured the Court that order, dated 22.09.2017, passed by this Court shall be adheared 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 State which were being used for holding international festivals is



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.

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. Before parting, we wish to place on record appreciation qua the efforts put in by Mr. Dilip Sharma, learned Amicus Curiae, who, on the instructions of this Court, contacted letter petitioners and obtained necessary feedback.



9. Registry is directed to send a copy of this judgment to all the Deputy Commissioners in the State of Himachal Pradesh for necessary action as well as to the letter petitioners to enable them to take follow up action with the concerned authorities.

Petition stands disposed of in above terms.

(Sanjay Karol)
Acting Chief Justice

(Ajay Mohan Goel)
Judge

December 11, 2017
(bhupender)