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PART-I

Notifications, Orders and Declarations by Haryana Government

HARYANA GOVERNMENT

HIGHER EDUCATION DEPARTMENT

Notification

The 3rd October, 2018

No. KW 20/3-2013 UNP (5).— In exercise of the powers conferred by sub-section (3) of Section-33 of Haryana Private Universities Act, 2006 and all other powers enabling him in this behalf, the Governor of Haryana hereby allows Manav Rachna University, Faridabad to frame its Second Ordinance.

JYOTI ARORA,
for Additional Chief Secretary to Government of Haryana,
Higher Education Department, Chandigarh.

In exercise of the power conferred by the Sub Section (1) of the Section 33 of the Haryana Private Universities Act, 2006, further amended as ,Haryana Private Universities (Second Short Title Amendment) Act, 2014 (Haryana Act No. 26 Of 2014) , the Academic Council of the Manav Rachna University with the approval of the Board of management and Government of the State of Haryana , hereby makes the Ordinance relating to Maintenance of Discipline among Students.

(1) Short Title, Application and Commencement

- (a) This ordinance shall be called the Manav Rachna University (Second) Ordinance, 2016.
- (b) This shall apply to all the students enrolled in Manav Rachna University.
- (c) This shall come in force on the date of their publication in the official Gazette.

(2) Definitions

- (i) In these ordinances, unless the context otherwise requires:-
“Act”, “Statutes”, “Ordinances” and “Regulations” mean respectively the Haryana Private Universities Act, 2006 and amended from time to time, “Statutes”, “Ordinances” and “Regulations” of the Manav Rachna University;
- (ii) ‘Board of Discipline’ means ‘ Board of Discipline’ of the university.
- (iii) Words and expressions used, but not defined, in these ordinances shall have the meanings assigned to them in the Act , the statutes and Ordinances of the university.

3. Powers to vest in the Vice-Chancellor

- (a) All powers relating to maintenance and enforcement of discipline among and disciplinary action against the students of the University shall vest in the Vice-Chancellor;
- (b) The Vice-Chancellor may delegate all or any such of his powers, as he deems proper, to such other officers and authorities of the University as he may specify in this behalf;
And all such persons have the authority to exercise all such disciplinary powers over the students in University/Faculty/Centres as applicable with the written approval of the Vice-Chancellor.

4. Acts of indiscipline and misconduct

- (a) Discipline includes the observance of good conduct and orderly behavior by the students of University.
- (b) All students pursuing course of studies at University teaching faculty and centers shall observe code of conduct as may be laid down by rules and regulations of University, notified from time to time. A student shall be guilty of misconduct and breach of discipline if she/he violates any of the rules and regulations of the University or is guilty of indecorous behavior or has involved in any offence under the Indian Penal Code in respect of which FIR or complaint is filed, allegedly committed inside or outside the campus; shall make him/her liable for disciplinary action against him/her.
- (c) Without prejudice to the generality of the power to maintain and enforce discipline under this ordinance, the following shall amount to acts of indiscipline or misconduct on the part of a student in the University:
 - (i) Physical assault and affray, or threat to use physical force, against any member of the teaching or non-teaching staff of the University or against any student of the University;
 - (ii) Remaining absent from the class, test or examination or any other curricular or co-curricular activity which he/she is expected to participate in;
 - (iii) Carrying of, use of or threat to use, any weapon;
 - (iv) Misbehavior or cruelty towards any other student, teacher or any other employee of the University.
 - (v) Use of drugs or other intoxicants except those prescribed by a qualified doctor;
 - (vi) Any violation of the provisions of the Civil Rights Protection Act, 1976;
 - (vii) Indulging in or encouraging violence or any conduct which involves moral turpitude;
 - (viii) Eve teasing, or outraging the modesty of female employee or student of the University;

- (ix) Any form of gambling;
 - (x) Violation of the status, dignity and honour of a student belonging to a scheduled caste or scheduled tribe;
 - (xi) Discrimination against any student or a member of staff on grounds of caste, creed, language, place of origin, social and cultural background or any of them;
 - (xii) Practicing casteism and untouchability in any form or inciting any other person to do so;
 - (xiii) Any act whether verbal or otherwise, derogatory to women;
 - (xiv) Indulgence in cyber crimes/pornography/use or display of lurid material or sending obscene SMS's;
 - (xv) Consuming tobacco, intoxicating drinks/liquor or smoking;
 - (xvi) Any attempt at bribing or corruption of any manner or description;
 - (xvii) Willful destruction of the property of the University.
 - (xviii) Behaving in a rowdy, intemperate or disorderly manner in the premises of the University, or encouraging or inciting any other person to do so;
 - (xix) Creating discord, ill-will or intolerance among the students on sectarian or communal grounds or inciting any other student to do so;
 - (xx) Causing disruption in any manner of academic functioning of the University system;
 - (xxi) Indulging in or encouraging any form of disruptive activity connected with tests, examinations or any other activity of the University;
 - (xxii) Truancy and unpunctuality;
 - (xxiii) Ragging as defined by the Apex Court
 - (xxiv) Indulging into any other activity which is considered objectionable by the University.
- (d) The Vice-Chancellor may amend or add to the list of malpractices under clause (c).

5. Constitution of the Board of Discipline

- (1) The Board of the Discipline at the level of the University also known as Proctorial Board shall be constituted by the Vice-Chancellor as under:-
 - (i) A Senior Professor of the University to be nominated as Chairperson.
 - (ii) Two Senior Professor/ Associate Professor of the University – member
 - (iii) One senior leady faculty member of the University – member
 - (iv) Head of the department concern and hostel warden to which the act of indiscipline or misconduct by a student pertains to. The Chairperson in case feels that input from the students are required for better examination of a case, may do so by calling the students.
 - (v) Deputy Registrar (Academic) shall be Member Secretary of the Board of Discipline
- (2) The members of the board including chair person shall hold office for a period of two years provided that the Vice Chancellor may re-constitute the Board of discipline at any time before the expiry of this period of two years . Provided further that until the new Board of Discipline is re constituted or the existing Board of Discipline is dissolved by the Vice- Chancellor for whatsoever reason , existing Board of Discipline shall continue to Act till such time new Board of Discipline is formed .
- (3) Any vacancy occurring in the Board of Discipline shall be filled for the remaining period of the term of the member whose departure has caused the vacancy.
- (4) Three members of the Board of Discipline, including the Chairman, shall form the quorum.
- (5) Chairperson of the Board of Discipline shall be Proctor of the University.
- (6) In the absence of the Chairman, the senior most member of the Board of Discipline shall act as the Chairman.

The Board of Discipline shall take action as and when any Act of misconduct/Discipline comes to its Knowledge and/or which in its opinion calls for an immediate disciplinary action or referred to it by the Vice-Chancellor.

6. Functions of the Board of Discipline.

- (1) The Board of Discipline shall perform the following functions.
 - (i) To consider the matters concerning maintenance of discipline among the students in the University
 - (ii) To enquire into the acts of indiscipline or misconduct committed by a student(s) whenever such cases are referred to the Board of Discipline and to submit their findings, conclusions and recommendations for the quantum of punishment under the provision of this Ordinance to the Vice-Chancellor .
 - (iii) To supervise and monitor the disciplinary climate prevailing in the University.
 - (iv) To take preventive and precautionary steps such as issue of notices, warnings, instructions etc. as the case may be, for the purpose of forestalling acts of individual or collective indiscipline, misconduct and ragging etc.
 - (v) To maintain liaison with the Police authorities and the concerned departments of the Government, neighboring institutions and the concerned authorities of the University regarding maintenance of Law & Order in the University.
 - (vi) To organize Counseling session and Liasoning with parents of the guardians of students.
 - (vii) To perform such other functions as may be assigned to it by the Vice-Chancellor from time to time.
- (2) The final decision in each case regarding the penalty /penalties, if any imposed on a student or students after approval of the VC shall be communicated to all concerned by the Member Secretary of the Board of Discipline.
- (3) A Student or student(s) who is(are) aggrieved with the penalty imposed upon them may appeal to the Vice Chancellor whose decision in this regard shall be final and binding on the parties.
- (4) The power to mitigate a sentence, expulsion or rustication shall rest with the Vice-Chancellor.

7. Penalties for breach of discipline.

Without prejudice to the generality of his powers relating to the maintenance of discipline in taking such action in interest of maintenance of discipline as deemed appropriate by him;

- (a) The Vice-Chancellor may in the exercise of his powers aforesaid order or direct that any student:-
 - (i) be expelled from the University, in which he/she shall not be readmitted to the university. or
 - (ii) be, for a stated period rusticated in which case he/she shall not be admitted to the University till the expiry of the period of rustication; or
 - (iii) be not, for a stated period, admitted to a program of study of the University; or
 - (iv) be imposed with the fine of a specified amount of money; or
 - (v) be debarred from taking a University examination(s) for one or more years.
- (b) The Vice-Chancellor, in exercise of his powers aforesaid direct that the result of the student concerned of the examination(s) in which he/she has appeared, be cancelled.
- (c) The Chairperson, Board of Discipline, Head of Teaching Departments, Wardens of different hostels, Librarian and In charge of any centralized facilities in the university shall have the authority to exercise disciplinary power over students in their respective domain, in the University as may be necessary for the proper functioning of the department, hostel, library, central facility, which may include issue warning, suspensions from the classes/hostels and/ or debarring from using the central facilities for a maximum period for one month. However, in all such cases, the final decision shall be taken by the Board of Discipline.

8. Ragging

Board of Discipline shall prepare plan and procedure to monitor and ensure that ragging does not take place in the campus/outside the campus including PG, Hostel, Sports field, Buses (both private & public) used by students to commute to from the University.

Ragging for the purpose of this ordinance, shall ordinarily mean any act, conduct or practice by which the dominant power or status of senior students is brought to bear upon the students who are in any way considered junior or inferior by the former and includes individual or collective acts of practices which:

- (a) Involve physical assault or threat to use physical force;
- (b) Violate the status, dignity and honour of students, in particular woman/girl students and those belonging to a scheduled caste or a scheduled tribe;
- (c) Expose students to ridicule or contempt or commit an act which may lower their self esteem; and
- (d) Entail verbal abuse, mental or physical torture, aggression, corporal punishment, harassment, trauma, indecent gesture and obscene behavior.
- (e) Forced homework including assignment and forcing to juniors to consume any material or substance including alcohol or tobacco in any form against the wish of the junior etc.

(A) What constitute Ragging

Ragging constitutes one or more of the following acts:

- (a) Any conduct by any students whether by words spoken or written or by an act which has the effect of teasing, treating or handling with rudeness a fresher or any other students;
- (b) Indulging in rowdy or indiscipline activities by any student or students which causes or is likely to cause annoyance, hardship, physical or psychological harm or to raise fear or apprehension thereof in any fresher or any other student;
- (c) Asking any student to do any act which such student will not in the ordinary course do and which has the effect of causing or generating a sense of shame, or torment or embarrassment so as to adversely effect the physique or psyche of such fresher or any other student;
- (d) Any act by a senior student that prevents, disrupts or disturb the regular academic activity of any other student or a fresher;
- (e) Exploiting the services of a fresher or any other student for completing the academic task assigned to an individual or a group of students;
- (f) Any act of financial extortion or forceful expenditure burden put on a fresher of any other student by students;
- (g) Any act of physical abuse including all variants of it: sexual abuse, homosexual assaults, stripping, forcing obscene and lewd acts, gestures causing bodily harm or any other danger to health or person;
- (h) Any act or abuse by spoken words, emails, post, public insults which would also include deriving perverted pleasure, vicarious or sadistic thrill from actively or passively participating in the discomfiture to fresher or any other student;
- (i) Any act that effect the mental health or self-confidence of a fresher or any other student with or without an intent to derive a sadistic pleasure or showing off power, authority or superiority by a student over any fresher or any other student.

(B) Prohibition of Ragging & Penalties thereof

- (a) Ragging in any form shall be strictly prohibited within the premises of the University, in and off-campus hostels, as the case may be or in any part of the University system as well as on public transport, at any other place, public or private.
- (b) In any individual or collective act or practice of ragging shall constitute an act of gross indiscipline and shall be dealt with under the provisions of this Ordinance.

- (c) The Dean /Director /Head of the Department, wardens of hostels/librarian In charge of any Central facility, Security Officer or any faculty member of the University of Faculty, shall take immediate action on receipt of any information that ragging has taken place or is likely to take place.
- (d) Notwithstanding anything contained in clause (c) above the Chairperson of the Board of Discipline may also *suo moto* enquire into any incident of ragging or likelihood of such incident and make a report to the Vice-Chancellor immediately, clearly pinpointing among other details, the identity of the student(s) who were involved in the incident and the nature of the incident.
- (e) The Chairperson of the Board of Discipline, as the case may be, may also submit an interim report to the Vice-Chancellor establishing the identity of the perpetrators of ragging and the nature of the incident.
- (f) If the Chairman of a Board of Discipline is satisfied that for any reason, to be recorded in writing, it is not feasible to hold an enquiry referred to in clause (d) & (e) above, he may so advise the Vice-Chancellor.
- (g) Where the Vice-Chancellor is satisfied, on receipt of a recommendation to this effect or otherwise that it is not expedient to hold an enquiry into an incident of ragging, he shall order accordingly for reasons to be recorded in writing.
- (hi) If the situation so warrants in addition to action taken by the University, the Registrar on behalf of the University may file an FIR under the relevant provisions of the law.

9. Procedure for investigating te Act of Indiscipline/ Misconduct

To investigate the acts of indiscipline / misconduct / breach of discipline by student(s) which are of grievous nature, the procedure shall be as follows;

- (i) Issue of show cause notice to student(s) concerned specifying in clear terms the nature of charges/complaint against him/her/them.
- (ii) Recording statement of student(s) alleged to be involved in the act of undesirable nature causing harm to the students community/university.
- (iii) Examining the witness/witnesses/documents/evidences as deemed necessary.
- (iv) After the investigation is over, the Board of Discipline may recommend to the Vice- Chancellor for imposition of fine and/or other punishments which may include recommendations for rustication or expulsion of student(s) from the University/Hostel. The recommendation for expulsion / rustication shall be sent in writing stating the reason to the Vice- Chancellor, who shall take final decision as it may deem fit.
- (v) However, no such punishment shall be imposed on an erring student unless he/she is given a fair chance to defend himself/herself. This shall not preclude the Vice-Chancellor from suspending an erring student during the pendency of disciplinary proceedings against him/her.

In all matters not expressly provided herein, Vice-Chancellor or person authorized by Vice-Chancellor may take action as he or such person as specified by him in this behalf. The decision by Vice- Chancellor or such person as specified by him in this behalf will be final. However, all such action shall be reported to the Vice-Chancellor at the earliest.