



सत्यमेव जयते

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GOVERNMENT OF INDIA
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
DEPARTMENT OF HIGHER EDUCATION
SHASTRI BHAVAN
NEW DELHI-110 001

D.O.NO.F.9-98/2006-U-5

June 1, 2007

Dear *Prof. Dhonde*

The Committee constituted under Dr. R.K. Raghvan,(former Director C.B.I.) to give suggestions on means of prevention of ragging in educational institutions in the country had submitted its Report on 7th May 2007 to the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India in its Order dated 18th May 2007 have directed various authorities viz. Committee on Ragging, Central Government ,Courts, all the States and Union Territories, National Council for Educational Research and Training(NCERT), State Council for Education Research and Training (SCERT), Institutional Authorities and its respective functionaries to implement recommendations of the Committee in all the educational institutions of the country(copy of the Report enclosed).

A copy of the Order of Hon'ble Surpeme Court of India is enclosed for your kind information.

With regards

Encl: as above

Prof. Sanjay Govind Dhande
Director I.I.T.
Kanpur-208016

Yours Sincerely

(Sunil Kumar)



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1. Background

- 1.01 In Special Leave Petition No. 24295 of 2006, University of Kerala vs Council of Principals of Colleges [with SLP (C) No. 24296-24299 of 2004, W.P. (CrI) No. 173/2006 and SLP (C) No. 14356/2005], the Hon'ble Supreme Court of India was pleased to direct that a Committee headed by Shri R.K. Raghavan, former Director, Central Bureau of Investigation (CBI) be notified to give suggestions on means of prevention of ragging in educational institutions. A copy of the notification No. F.9-98/2006.U-5 dated the 5th December, 2006 is at **Annexure I**. In accordance with the orders of the Apex Court, the Committee nominated by it further nominate two other members – one each from the southern and western regions. The full composition of the Committee, after the said nominations is at **Annexure II**.
- 1.02 The terms of reference (TOR) of the Committee were to study the various aspects of ragging; to suggest means and methods of prevention of ragging; to suggest possible action that can be taken against persons indulging in ragging; and, to suggest possible action that can be taken against college/university authorities in the event of ragging.
- 1.03 In its Interim Order of the 27th November, 2006, the Hon'ble Supreme Court of India expressed its dismay that notwithstanding the concern shown by it in Vishwa Jagriti Mission through President Vs. Central Government through Cabinet Secretary and Ors. (AIR 2001 SC 2793), "practically very little has been done to prevent the menace of ragging in educational institutions". The Apex Court expected the present Committee to make the recommendations "as to how the provisions already enacted in several States and Statutes to be framed to prevent the menace, can effectively eliminate the menace."

- 1.04 The Committee was required to submit its Report within four months i.e. by the 5th April, 2007. However, it had to request the Hon'ble Court through the Ld. Additional Solicitor General of India, Shri Gopal Subramaniam, to extend the date of submission by another four weeks – the additional time was needed by the Committee to collate and analyse several thousand responses it had received from students and institutions all over the country.

2. The Methodology

- 2.01 The Committee decided to base its report both from primary as well as secondary sources of information. The obvious stake-holders identified by the Committee were : NGOs working in the field of the anti-ragging movements, student victims of ragging and their parents, students accused of ragging and their parents, other parents, teachers and hostel wardens, Heads of institutions, authorities of universities, students - "freshers" as well as senior students, representatives of the student bodies, representatives of state and central government, press and media representatives, and other members of the general public.
- 2.02 It was decided to consult with all cross-sections of stake-holders through interaction at different state capitals broadly representative of the regional variations across the country. Accordingly, the Committee visited Guwahati, Kolkata, Bhopal, Mumbai, Jaipur, Kochi, Chennai, Patna, Lucknow, Hyderabad and Bangaluru. The Committee also met for consultations on two occasions in Delhi with NGOs and experts. **Annexure III** gives minutes of the interactions at the places visited by the Committee. Indeed, the Committee benefited from these interactions – in particular, in understanding the reasons for the inability to root out the menace of ragging and associated corrupt practices from our higher education system.
- 2.03 A questionnaire was designed in consultation with experts – the Committee places on record its appreciation of the valuable inputs received from Prof. Aruna Broota, a leading clinical psychologist and Professor at the University of Delhi in designing the questionnaire. The questionnaire was sent to all Universities recognized under the UGC Act with the request to forward it to all affiliated or constituent Colleges under them. There was an overwhelming response to the questionnaire

(numbering over 12500 in all), paucity of time has not permitted us to analyze all of them and as many as 10470 responses could be analyzed. Results of our analysis is given as **Annexure IV**. The Constraints of time has not allowed us a more elaborate survey on all possible dimensions for a better understanding of issues involved, for example, whether the type of institution, the nature of programmes of study, the geographical location, the socio-economic background of students, the gender etc. would make any difference to the outcomes. The Questionnaire was deliberately kept simple and, as professionally advised, we had requested institutions and respondents to maintain anonymity. The questionnaire comprised of two categories of questions – four of them were qualitative in nature and the remaining seven were of an objective variety. The Qualitative questions sought information on the significance attached by the respondents to their first few days in the college as well as in the hostels, and their expectations from their new institution as well as from their seniors. Questions seeking objective responses dealt with the manner of making new friends, initiative in making friendship with strangers, reaction to being bullied, propensity to seek attention, willingness to handle abused relationship, and the desirability of laying down guidelines for defining manner of interaction between seniors and 'freshers'.

- 2.04 A web page was specially created by the National Informatics Centre at the website of the Ministry of Human Resource Development (<http://education.nic.in/feedback/guestbook.asp>) for interaction with all cross-sections of the public. Similarly, all sections of the public were invited to respond with their views in regard to "ragging" in the light of the terms of reference of the Committee through Press Note hosted also at the web site (<http://education.nic.in/pressnote.pdf>). As many as eleven 'Press Notes' were released in leading news papers one each preceding the visit undertaken by the Committee for its sittings.

- 2.05 The Committee also benefited from presentations by Non Government

Organizations – though there are very few of them dedicated to any serious campaign against ragging. CURE (Coalition to Uproot Ragging from Education), a non government initiative on the part of a few dedicated young persons who, as students, had personally suffered on account of ragging started as a web based discussion group in July, 2001. CURE, through its web site www.noragging.com and Blog www.noragging.blogspot.com actively canvassed feed back and related assistance. It also made available to the Committee the findings of the “CURE Comprehensive Research Report”.

- 2.06 CURE, in its report, delineates the problematic of ragging and tries to find out possible solutions. The report has dealt with definitions and conceptualization of the problem. It defines ragging by identifying the menace with three kinds of abuse: verbal, physical and sexual. The problem is analyzed from various dimensions such as psychological, group dynamics, sociological, stereotypes and so on.
- 2.07 The report also deals with the current extent of ragging, focusing mainly on the methodology, the extent, the outcomes and the place of ragging. Through a random sample survey taking 64 ragging cases reported since 2005, and classifying these cases into five categories viz – physical, physical and sexual, sexual, verbal and ‘not known’, the report debunks the popular myth that sexual and physical ragging is no more prevalent after the Supreme Court judgment of 2001. It also questions the oversimplified argument that ragging is an ice-breaker for the ‘fresher’ and claims that ragging is not a harmless fun, but cuts deep into the mental health of the ragged. It breaks several stereotypes prevalent in the society about the ragging. The CURE report tries to underline the fact that the stakeholders such as seniors, “freshers”, college/university authorities, law enforcing agencies, media and other social organisations, civil society groups must be collectively involved in eradicating this malaise.

- 2.08 In its approach to solutions, the CURE report has identified the core issues to be denial of ragging, lack of clear guidelines, complete helplessness of "freshers", casteist and regional colouring of incidents, among others . It recommends establishment of central department and guidelines to colleges, sensitizing through education particularly sex and legal education and solving the problem of denial, and support to victims and anti-ragging organizations.
- 2.09 Society for People's Action, Change and Enforcement (SPACE) is also a Non Government Organization engaged in advocacy and research campaign to curb ragging since May, 2004 through both field based interaction with institutions & victim students as well as over the internet (www.stopragging.org and <http://groups.yahoo.com/group/stopragging>). The Committee benefited from the presentation made by the SPACE, which debates the issue of the definition of 'ragging' and focuses on the nature and the implications of the Hon'ble Supreme Court's definition of ragging in the Vishwa Jagriti Mission matter [W.P. (civil) No. 656 of 1998]. Incorporating various aspects in the parameters of ragging the SPACE report recommends a uniform law against ragging to be enacted by the Parliament; to establish one or more full time anti-ragging cells at the central level; anti-ragging cells to start 'Helplines'; and to arrange for the counselling of the victims. SPACE advocates that a monitoring mechanism should be put in place to enforce compliance with the Supreme Court guidelines and the relevant applicable laws. It also recommends that each educational institution should present to the National Assessment and Accreditation Council, an annual report about the compliance with the status of ragging in their institutions including the number and nature of ragging related complaints. This Committee acknowledges the assistance provided by the two Non Government Organizations, CURE and SPACE at various stages of its work assigned by the Hon'ble Supreme Court of India.
- 2.10 On behalf of the Committee, a Group of six volunteer consultants with

exposure to issues of campus based ragging, whose names and recommendations are given at **Annexure V**, were also engaged to go through the mass of feed-back received in response to the Press Notes issued on the web site of the Ministry of HRD on behalf of the Committee, and to come up with recommendations of value for the consideration of the Committee. Based on the feed back received from various stakeholders, the Group concluded that ragging obtaining in educational institutions is neither a means of familiarization nor an introduction with "freshers", but a form of psychopathic behaviour and a reflection of deviant personalities, which reproduces the entrenched power configurations prevalent in the civil society. The Group also observed that the majority of abusive ragging is focused on the genital area and takes on sexual forms, leading it to comment that ragging is also a manifestation of widespread sexual repression in our society. Urgent steps need to be taken to address the above areas. Boarding schools and especially senior students need to be brought into the ambit of any move which wishes to check/prevent/ban ragging, as various kinds of bullying and sexually abusive behaviour, for instance, sodomy, originates at an early age.

- 2.11 The Committee also consulted with the Secretary of the University Grants Commission, Member-Secretary of the All India Council of Technical Education and the Secretary of the Medical Council of India. A brief account of the submissions made by these statutory regulatory bodies has been included in this Report at the appropriate place.
- 2.12 Presentations were made at New Delhi before the Committee by experts from the Central Board of Secondary Education (CBSE – represented by its Secretary), National University of Education Planning and Administration (NUEPA - represented by its Vice Chancellor), Navodaya Vidyalaya Sangathan (NVS – represented by its Director), Vidyasagar Institute of Mental Health And Neuro Sciences (NIMHANS – represented by Dr. Vinod Nagpal), Indian Law Institute (ILI – represented by Prof.

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Kamala Shankaran), Political Scientist Dr. Tanvir Aeijaz, Clinical Psychologist Prof. Aruna Broota.

- 2.13 Presentations were also made at different places visited by the Committee by representatives of all leading student organizations. The interaction of the Committee with all stake holders at the places visited by the Committee as mentioned earlier is given in **Annexure III** and a glimpse of the interest shown by stake holders is evident from a sample of media reports which is at **Annexure VI**. Equipped with analysis and inputs, which became available through the process and methodology of wide-ranging consultations and feed back, the Committee proceeded to review the Status of anti-ragging measures obtaining at present.

3. Status of anti-ragging measures

- 3.01** The Committee has carefully considered the Report of the Committee appointed by the University Grants Commission in 1999 for framing guidelines with regard to combating the menace of ragging in Universities/Educational Institutions (herein after termed the 1999 Report). It is useful to recapitulate the 1999 Report to understand the reasons for the continuing menace of ragging.
- 3.02** In response to a Public Interest Legislation, filed by the Vishwa Jagriti Mission for curbing the practice of ragging, the UGC constituted a four member committee chaired by Prof K P S Unny of the Jawaharlal Nehru University, New Delhi. The 1999 Report defined ragging along with its 'positive' and negative impacts. While enumerating some of the 'positive' impacts of the concept of ragging, the 1999 Report observed that its negative manifestations had become more prevalent. The report also talks of various forms of ragging, reasons for ragging and its increasing incidences, locations vulnerable from the point of view of ragging, and problems encountered during anti-ragging measures.
- 3.03** The 1999 Report recommended a PPP (Prohibition – Prevention – Punishment) approach. It suggested certain guidelines for prevention, law for prohibition and strict enforcement for punishing the offender(s). In regard to Prohibition, it recommended enactment of Central and the state laws, making ragging a cognizable offence and identifying the perverse forms of ragging under such law(s). It also suggested several "punishments" commensurate with the severity of the offence. It also suggested that the Films' Censor Board and other agencies should discourage eulogizing of ragging in films and the media. The 1999 Report also suggested promulgation of Ordinances by academic institutions as an interim arrangement till anti-ragging statutes and laws could be made.

3.04 The 1999 Report also proposed guidelines for the prevention of ragging. It recommended that an anti-ragging movement should start from the date of publication of advertisements for admissions; advertisements should also carry the message in respect of ban on ragging, and the consequences of violation; the subsequent stages of admission process should according to the 1999 Report reinforce the message against ragging through the prospectus, application forms and admission forms. It also recommended that an undertaking for not indulging in ragging be made mandatory for admission to student hostels. It suggested that institutions should take measures to reduce the dependence of "freshers" on the senior students. It recommended information booklets to be made available to the "freshers" providing vital information, contact addresses, telephone numbers, as also information to "freshers" about their rights as a bona fide student of the institution. The 1999 Report also recommended that "freshers" should be encouraged to report incidents of ragging.

3.05 The 1999 Report also recommended various actions that ought to be taken at the commencement of each academic session, like an address by the Head of the institution (University, College, etc) to wardens, student activists, parents/guardians, police and faculty, and constituting anti-ragging Vigilance Committees comprising some senior faculty members, students and wardens. It recommended that Vigilance Committees should enquire into reported incidents of ragging and a disciplinary committee should prescribe appropriate punishment, based on which the Head of the institution should act immediately and promptly. Suo motu action by Heads of institutions was also suggested in the 1999 Report along with enhancement of the power of institutional authorities, who could in some cases be vested with magisterial powers. It also suggested collective punishment if a perpetrator and/or an abettor could not be identified, with even onlookers or victims to be penalized for not reporting incidents of ragging. It was recommended that the institution should not wait for the

action by the police or Courts for undertaking its own punitive measures. The 1999 Report recommended that the defaulting institution should be penalized in the form of reduction in grants-in-aid or even disaffiliation. It emphasized the need for dissemination of information related to the dehumanizing impact of ragging and punishments for offences of ragging, through posters as well the media, which should be requested to give adequate publicity to adverse impact of ragging especially in the months of July and August every year.

- 3.06** The 1999 Report had suggested different grades of punishments (a total of eleven were suggested), ranging from suspension of offenders from the institution to a fine of Rs 25,000 and, even rigorous imprisonment up to 3 years depending on the degree of severity of the offence. It was also suggested that except the punishment of rigorous imprisonment which Courts alone could award, all other punishments should be awarded by the institutional authorities themselves. It also recommended some positive steps and incentives to create an anti-ragging environment; for instance, a committee may be set up to actively monitor, promote and regulate healthy interaction between "freshers" and senior students; similarly, the party to welcome the "freshers" should be organized early at the commencement of the academic session; increased student-faculty interaction was also suggested. The 1999 Report also recommended incentives for the students, wardens and other functionaries; for example for the students, some marks or grade can be awarded for their anti-ragging activism, similarly, 'Good Conduct' and 'Not Found Indulging In Any Form Of ragging' should be some of the elements of sessional evaluation. It was suggested that for wardens, perks like in-campus accommodation, free telephone, some honorarium and favourable performance appraisal for promotion may enhance their commitment to curb the menace of ragging.

- 3.07** It may be concluded that the 1999 Report has to an extent diagnosed

several causes leading to persistence of ragging incidents in campuses. The suggestions and recommendations were also equally exhaustive. Then, why is it that the problem persists, was the query this Committee raised at the various interactive forums and in the consultative process adopted by us. This leads us to look into the status of implementation of the recommendations of the 1999 Report which derived its strength from the endorsement of guidelines by the Apex Court in the Jagriti matter. In order to understand the implementation of Supreme Court's guidelines and the UGC's mandate in respect of the 1999 Report by Universities and higher educational institutions, the Ministry of Human Resource Development (MHRD) was approached. The Ministry provided material in respect of a reply in Parliament by the Hon'ble Minister of Human Resource Development to a Question on the subject of ragging [Rajya Sabha Starred Question No. 98 of the 5th March, 2007]

- 3.08** According to information furnished by the MHRD, the University Grants Commission had circulated the 1999 Report to all universities on the 13th January, 2000 for necessary action. Similarly, the directions of the Hon'ble Supreme Court in W.P.(Civil) No. 656 of 1998 [Vishwa Jagriti Mission] on curbing the menace of ragging in educational institutions have also been circulated by the University Grants Commission to all the States/Union Territory Governments and institutions for strict compliance. These directions of the Apex Court have also been brought to the notice of all State/UT Governments and Universities and other institutions coming under its purview by the Central Government (MHRD). The All India Council of Technical Education (AICTE), it has been reported, has put up a circular on its web site that "ragging in educational institutions in any form is banned under law; all the AICTE approved institutions must ensure that ragging does not take place at their campuses in any form; should such a case be reported or brought to the notice of the AICTE, then the Council shall take necessary action including withdrawal of approval."

3.09 It has also been informed by the MHRD that no centralized data is being maintained at present on incidents of ragging. In respect of measures taken to curb the menace of ragging, it has been mentioned that a strict vigil is being maintained by the universities and institutions. The Ordinances of Central Universities also provide for action to be taken in the event of ragging taking place in the universities. The Central Government in the Ministry of Human Resource Development (vide F.No. 9-5/2006 – U.II. dated the 11th August, 2006) asked the UGC to issue appropriate directions to all universities and institutions and also to consider framing appropriate Regulation in order to prevent the incidence of ragging. Such Regulation would obviously be binding only on the Institutions receiving grants-in-aid from the Commission. The UGC was also advised to consider creating a Cell in the UGC to collect, disseminate information and to monitor incidents of ragging. Taking serious note of incidents of ragging which were continuing to come to its notice notwithstanding specific directions of the Apex Court that it was the primary responsibility of institutions to curb ragging, the Central Government drew attention of the Education Secretaries of all States and Union Territories to the guidelines and directions of the Apex Court (vide communication F.No. 10-2/99- Desk (U.I.) of the 31st August, 2004). Similar communication had earlier been sent to all Institutions Deemed to be Universities and to all the technical educational institutions such as the IITs, IIMs etc. coming under the purview of the Central Government (vide communication No. F. No. 2-9/2003 – T.S.I dated the 3rd August, 2004 and vide No. F. 21-10/2004 – U.5 dated the 25th August, 2004). The Central Government called for stern action against those indulging in ragging and exemplary punishment is meted out so that incidents are not repeated. States and educational institutions were called upon to implement the guidelines. State Governments were also requested to call for 'action taken' reports from institutions. The Committee notes reluctantly that during its visit to the different States and regions, it did

not come across any serious effort to implement the guidelines of the Supreme Court in the manner in which the Apex Court had intended so.

3.10 On the 25th March, 2007 the Committee interacted with Dr. T.R. Kem, Secretary, UGC. He was asked about the arrangements or system, if any, to monitor incidents of ragging in universities and institutions coming under the Commission's purview in terms of the University Grants Commission Act, 1956. The Committee was informed that while the UGC has not created any dedicated Cell to deal exclusively with the problem of ragging in universities and institutions under its purview, the issue was looked after in the Planning and Coordination Bureau within the UGC. A proposal with regard to a separate Regulation for prevention of ragging being prepared for the approval of the Commission in one of its forthcoming meetings (Dr. Kem mentioned that the next meeting of the Commission was due in April, 2007 and a suitable proposal would be put up before it). The Commission has not yet prescribed any reporting format and therefore no statistics are being maintained at present. The guidelines of the UGC forming part of the report based on the Supreme Court directions have been circulated to all universities in the year 2000; the subsequent communication from the government and the orders of the Supreme Court are on the website of the Commission. So far there has not been any case of stoppage of grants by the UGC in respect of any university or institution for failure to prevent ragging incidents. The Commission has also not directed any university to disaffiliate any institution on the grounds of not preventing ragging or for not taking action in the event of ragging. At the request of the Chairman of the Committee, the UGC has submitted a status note (**Annexure VII**) on the implementation of the directions of the Supreme Court in the Vishwa Jagriti Mission matter (2001) in pursuing its own guidelines that were endorsed by the Apex Court. It more or less confirms the above mentioned submission by the Secretary.

3.11 The Committee also interacted with Dr. Narayana Rao, Member- Secretary

of the All India Council for Technical Education (AICTE) on the 25th March, 2007. He confirmed the Circular put up by the Council at its web site warning the institutions approved by it of the need to prevent ragging. According to Dr. Rao, the said Circular has not been issued to each institution but the Council has circulated its directions that all institutions should visit the Council's website at least once a week. He also submitted that the Council would repeat the Circular. He stated that there were no instances of ragging that have been reported to the Council by institutions. On a specific query regarding the mechanism to monitor incidents of ragging in privately run hostels where students of institutions resided, it was confirmed by Prof. Rao that there were no regulations pertaining to the registration of private hostels. [The Committee is however aware that under the AICTE guidelines at least 25% of male students and at least 50% of female students must be provided with hostel accommodation by the management.] The AICTE was also asked to submit status report regarding the implementation of the Hon'ble Supreme Court's directions in regard to curbing and preventing ragging.

- 3.12 The Committee also heard Lt. Col. A.R.N. Setalvad, Secretary of the Medical Council of India on the 25th March, 2007, who informed the Committee that complaints about ragging did not reach the MCI as such complaints may be reported to the university or the police authorities or the institutional authorities. He felt that the question whether MCI considered that ragging could affect the standards of medical education could be responded to only by the Executive Committee of the Council. Lt. Col. Setalvad confirmed that no instructions or guidelines had been issued by the MCI specifically in regard to the menace of ragging. The MCI has been requested to furnish a status note in regard to the issue of ragging as well as on some ancillary suggestions that had come up during the course of the Committee's interactions with a large cross-section of students and faculty and other authorities in medical colleges, namely, whether the MCI had any powers to prescribe a date of commencement of classes for the

second year students through its Regulations? Whether MCI regulations mention anything about curbing ragging? Whether it was possible to give "freshers" in 1st MBBS a breather for one or two weeks to settle down before the 2nd MBBS students arrived on the campus or in hostels? Lt. Col. Setalvad also submitted that the MCI had to work within the framework of the Indian Medical Council Act, and could only recommend withdrawal of recognition of medical colleges to the Central Government. He informed that the MCI had recommended the withdrawal of recognition in as many as 8 cases but since the Government also had to give notices for showing cause and other procedural formalities, none of the cases had been finalized yet. On behalf of the Committee, the Chairman asked Lt. Col. Setalvad whether the MCI believed that it had a role in combating ragging in medical colleges in the country. If so, what measures had been taken by the Council thus far and what measures did they propose to take in the future; and, if the Council felt that it had no responsibility what were the reasons? Secretary, MCI promised to send the requisite information which was required to be formulated by the Executive Committee and the Adhoc Committee of the Council appointed by the Supreme Court. The MCI have since reported [vide MCI-34(1)/2007-Med./2899 dated the 3rd May, 2007] that the Council at its meeting on the 28th April, 2007 has resolved as follows:

"The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the letter dated 3rd April, 2007 received from the Director, Department of Higher Education, Ministry of HRD, New Delhi and decided to constitute a Sub-Committee comprising of Dr. Ved Prakash Mishra, Chairman, Post Graduate Committee, MCI and Vice Chancellor, Datta Meghe Institute of Medical Sciences (Deemed University), Nagpur; Dr. Indrajit Ray, Principal, Medical College, Kolkata and Dr. B.P. Dubey, Professor and Head, Department of Forensic Medicine, Gandhi Medical College, Bhopal and directed the office of the Secretary to convene a meeting of the Sub-Committee at the earliest so as to place the report of the Sub-Committee before the Executive Committee at its next meeting."

- 3.13 The Committee also studied the existing statutory provisions in respect of ragging in the different States of the country. While executive orders of State Governments or Ordinances of universities exist in different States, some States have enacted specific anti-ragging laws. The Committee compared the existing legislations in Tamil Nadu, Kerala, Andhra Pradesh, Maharashtra and West Bengal. The Committee was also informed that "The Assam Prohibition of Ragging Bill, 1998" passed by the Legislative Assembly on the 5th December, 1998 to replace the Ordinance of 1998 on the subject, has not yet been notified.
- 3.14 The Committee compared the existing State legislations in respect of anti-ragging measures on the following parameters : 1) Purpose of legislation 2) Ragging as defined in the law 3) The Scheme of prevention 4) Institutional Mechanism 5) Appellate Forum 6) Nature of Offence 7) Penalties prescribed 8) Whether Compoundable 9) Whether Rules are notified. A comparative statement is at **Annexure VIII**.
- 3.15 In terms of the purpose of the various State laws, we find that other than the Chhattisgarh Act, no other State legislation is intended to prevent ragging – the others only seek to prohibit. Although broadly prohibition and prevention may appear to be broadly intended to achieve the same purpose, it is important to understand the subtle difference for our objectives, between prevention and prohibition. Prevention implies anticipating the problem of ragging, forestalling the occurrence of it, taking precautionary measures to make it difficult if not impossible for ragging to take place. Thus a law against ragging which is preventive in approach would necessarily create conditions that anticipate, forestall and make it difficult for ragging to take place – all of which help in the law becoming a facilitator in enforcing the prohibition of the menace of ragging. While prevention must lead to prohibition, the reverse need not be true. On the other hand, prohibition is intended to authoritatively forbid or restrain the act of ragging with the intention of stopping the

menace. The subtle difference lies in the fact that while prohibition of ragging is a top-down approach where the law can be cryptic, any law on prevention must be more participative with a bottom-up approach laying down the detailed mechanism of preventive measures and instrumentalities. A law which is prohibitive emphasizes on the consequences of violating the prohibition and therefore builds on the procedures and instrumentalities of punishment; a law which is preventive in comparison would provide for the procedures and instrumentalities of strengthening prevention of the offence. For our broad purposes of weeding out the menace of ragging, any law must contain elements of both prevention and prohibition.

- 3.16** The Committee notes with concern that firstly there are very few States that have enacted laws in respect of ragging. Even these few existing State laws are woefully lacking in provisions intended to prevent ragging. The general scheme of the existing State laws casts a duty on the Head of Institution to prohibit ragging. The Head is not to be a mute spectator and has to conduct an enquiry on receipt of any complaint received and takes action thereon. Whoever commits, participates in, abets or propagates ragging shall be fined and or if convicted, punished with the prescribed period of imprisonment, and is also liable for suspension if prima facie the charge is found to be true. None of the State laws provide for any scheme of prevention of ragging. Yes, the Committee has been told at almost all places visited by it that detailed instructions have been issued by the authorities and that ordinances of Universities provide for certain mechanisms for prevention of ragging. However, in the absence of any statutory provision in this regard it is easy to imagine that there is hardly any compulsion on authorities or institutions to take preventive measures. Yes, again, Supreme Court guidelines are stated to be followed by States and institutions; however, no State law has been modified or amended to bring them in line with the guidelines and directions of the Apex Court. Even the law of Chhattisgarh does not really address the concern of

prevention. Indeed, it is too cryptic to attempt that aspect. This perhaps confirms the reason as to why there have been nearly 200 reported incidents of ragging since the time the Apex Court took up the matter and there has been no abatement of the menace despite the introduction of State laws. A list of incidents of ragging reported in the print media since the year 1998 is at **Annexure IX**. The Committee thanks CURE for making available this compilation. An analysis of this compilation for state-wise reports of incidents is at **Annexure IXA**.

3.17 In order to be effective, statutory provisions have to be followed up with appropriate delegated legislations or Rules, which empower the instrumentalities of the State or institutional authorities to enforce the laws. The Committee is did not come across notification of Rules or Regulations in many of the State Acts. While some States dealt with the problem of ragging in their State Education Acts (e.g. Karnataka Education Act, 1995 wherein section 2(29) defined ragging) dedicated State laws in respect of ragging have been enacted between 1997 (Tamil Nadu and Andhra Pradesh) and 2001 (Chhattigarh). The Apex Court verdict in 'Vishwa Jagriti Mission' was delivered in the year 2001, wherein certain "illustrative" guidelines had been set out for the various stakeholders.

3.18 The Apex Court laid down in the 'Vishwa Jagriti Mission' matter certain guidelines for initiating an anti-ragging movement, for disseminating information to students regarding ragging, taking an undertaking from parents of students against the latter indulging in ragging, possible system of interaction with 'freshers', formation of proctorial committee in each institution to keep vigil in all vulnerable locations, and to promptly deal with incidents of ragging. The guidelines also included fixing of liability on the management, the principal/Head of the Institution and others responsible for maintaining discipline such as the hostel wardens/superintendents. The substance of the directions of the Hon'ble Supreme

Court's guidelines could be summarized as below :

- The guidelines issued by the Court being only illustrative, institutions and authorities could take further necessary steps to curb ragging.
- Local laws, if any, should be implemented and information about such laws should be disseminated.
- Cognizable offences of ragging should be reported to the police.
- Police entry into campuses should be only at the instance of the head of the institution.
- Police should, while dealing with students, not treat them as criminals, and should only resort to correctional action.
- The UGC was asked to bring the guidelines to the notice of all educational institutions – both the UGC and the Central Government were asked to give wide publicity to the guidelines.

3.19 Ironically, the Committee notes that the reported incidents of ragging have, far from abating, actually increased in the years since 2001. The different State laws define ragging more or less in the same tone. As a matter of fact, the definition of ragging is common to the Acts of Tamil Nadu, Maharashtra and West Bengal. They do take care of the psychological aspect of the trauma, yet do not comprehensively cover – save for the definition in the Chhattisgarh Act, perhaps being a later piece of legislation – the broader implication of ragging, which the Apex Court itself set out in the 'Vishwa Jagriti Mission' matter as :

"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 students to do any act or perform something which such student will not in the ordinary course and which has the effect of causing or generating a sense of shame or embarrassment so as to adversely affect the physique or psyche of a fresher or a

junior student."

3.20 We shall discuss, elsewhere, the possible need for an even more comprehensive definition of ragging; for the present however, what is significant is that the definition of ragging in different State laws has not undergone any revision since the matter was decided and certain directions were given by the Apex Court in 2001.

3.21 As mentioned earlier, the Committee analyzed 198 incidents of ragging between the years 1998 and 2007 (till date), from the compilation forwarded by CURE (**Annexure IXA**). The purpose was to see whether enactment of State laws since 1997 had been effective in curbing the menace and incidence of ragging. Tamil Nadu and Andhra Pradesh were among the first States to enact a dedicated legislation way back in 1997 to prohibit ragging. Surprisingly Andhra Pradesh happens to have the largest number of reported incidents of ragging (23) during the period under review. One reason for the higher reported incidents of ragging may be the greater awareness brought about by a law and the consequent exposure to even isolated instances being highlighted by the media or reported by the victims or others. Another reason perhaps could be the expansion in professional education where such incidents are known to be high. It is equally interesting to note that while the State of Uttar Pradesh does not have a State law against ragging, it has reported almost as many incidents of ragging (22) as Andhra Pradesh during the same period. West Bengal is yet another State with a State law (enacted in 2000) against ragging, yet the third highest incidents of ragging (16) are reported from that State. Maharashtra enacted a State law in the year 1999 and Kerala did so in 1998; both States recorded 14 incidents each – the fourth highest among all States! The reported incidents of ragging have shown a sharp increase in 2001 when as many as 31 incidents were reported as against a maximum of 9 in the earlier years of the review period. There is no discernible trend, although a peak seems to have been reached in the year

2005, when as many as 42 incidents were reported by the media.

3.22 How deplorable the consequences of ragging have become in recent years can be gauged from news incidents of ragging reported by the media (collated by CURE) – just to cite news items highlighted by the media in 2006 alone (of course it is possible that several other incidents not coming to the attention of the media have not been reported or again that the reports appearing in the vernacular sections of the press have not been reflected here).

3.23 *Engineering student S.P.Manoj is reported to have hanged himself in Hyderabad, according to his parents, after ragging; Bijoy Maharathi, a pharmacy student of Bhubaneswar died of torture while undergoing ragging; a student of the Orissa University of Agriculture Technology was pushed down from the terrace by seniors resulting in spinal injuries and broken legs; Vipin Lal of Kozhikode, a student of Teachers' Training Institute was severely manhandled and forced to consume alcohol; in Bhagalpur, an altercation over ragging is reported to have led to bomb-blasts; a college student in Indore jumped in front of a running train after he was caught and detained for ragging other students; Rohit Vijay Rane of Mumbai suffered severe swelling of chest and skull injuries after being hit by belts; Mukesh of Andhra Pradesh was sexually assaulted during ragging and his mother could not bear the ignominy leading to her suicide; a first year medical student of Pune had to be hospitalized in the Intensive Care Unit after being ragged severely by seniors; in Hyderabad, three students were paraded naked and to add to the humiliation, the entire episode was recorded through cell-phone camera; A Naga medical student was found hanging in his hostel room at his institute in Imphal after he had been ragged; Swapnil Sharma*

of NIT, Durgapur was traumatized after being forced to kneel down for two hours; ragging at Patna Science College had to be controlled by security guards of the Proctor by opening fire; two senior students of the Institute of Hotel Management at Hyderabad were reportedly killed in retaliation by a junior who had been subjected to ragging humiliation; stripping and branding of junior students has been reported from Gujarat Vidyapeeth, ironically, an institution founded on Mahatma Gandhi's call; girl students of Viswa Bharati at Santiniketan allegedly forced a junior to undergo group sex. The menace of ragging, it may be seen from the above account permeates our campuses of every kind and not just the medical or professional colleges (even though incidence is more prevalent in such institutions) as is made out to be. It is also not confined to tertiary education alone – what is shocking is that ragging incidents have been reported of late in schools as well : during 2006 alone, three such incidents at the school level have been reported. In Dehradun's Shigally Hill International Academy, a class VI student has alleged sexual harassment by seniors; a class VIII student of Vadodara's Bhavan VM Public School, reportedly complained of ragging and left the institution; reports of ragging cruelty has been reported by one Deepak Sharma, who claims to have suffered during his days at Delhi Public School, RK Puram. The humiliation felt by victims of ragging leading to suicides is a painful reality – three such cases were reported in 2005, two were reported in 2004, three cases were reported in 2003, one in 2002, one in 2001, one in 2000 and one in 1998. Some of the elite institutions were not far behind in despicable and inhuman acts of ragging, if parents and students preferring to remain anonymous are to be believed. The Committee was informed that in July-August, 2003, in IIT, Delhi over a hundred 'freshers' were stripped

naked and paraded through the corridors of its 'Kumaon' Hostel.

- 3.24** From the foregoing, it may be safely concluded that the situation in regard to ragging in educational institutions has only worsened both in terms of the incidence of the menace as well as in terms of the intensity or degree of brutality associated with it. And, it is not supported by evidence that the menace is confined to engineering or medical colleges alone. Inputs during the interactions of the Committee indicate that, notwithstanding the counsel of the Hon'ble Apex Court, serious acts of a criminal nature continue to be perpetrated on victims of ragging by the oppressor seniors.
- 3.25** Is it the case that the guidelines of the Supreme Court were ineffective to deal with the situation? If so, what could be the reasons? Is it that some of them are impractical? Or, is it merely the case that the guidelines have not been adequately publicized? Is it that the institutions have not taken the problem to be serious enough? Is it that the problem being seasonal at the time of admissions petering out later in the academic session, does not last in the institutional memory? Is it that the moral edge in educational administration has extinguished so much that no one has the courage to bring about order in campuses? Is it the failure to co-opt all the stakeholders? Is it the unwillingness or neglect of governments to implement the guidelines? Have any instances of non-compliance been brought to the notice of the UGC/Central/State governments? These and other related queries were addressed by the Committee in the various interaction sessions with stake-holders. This situation also calls for an examination of whether the view taken by the Apex Court that students indulging in ragging should be treated as students for correctional steps and not as criminals, needs to be looked at all over again.