

ANTI- RAGGING MEASURES IN INDIA

By-

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The recent incident at Jadavpur University, where a student was found dead after allegedly being ragged and molested, raises the issue regarding ragging again. A total of 511 complaints of ragging or hazing were reported from across the country's colleges in 2021, compared to 219 in 2020, according to the University Grants Commission's Anti-Ragging Cell.

A westernised concept, ragging in India started as an ice breaking activity between seniors and junior students at universities. Initially it was a form of horseplay between students which was a healthy means of removing awkwardness and growing social connections. However, it has taken a gruesome and rather brutal form in the present day, often resulting in grave injuries, mental trauma and even sexual trauma in certain cases.

HISTORY

Ragging is not a new phenomenon. It existed even in older times and was a part of civilized societies. This phenomenon can be traced back to as early as 7th or 8th century A.D. In Greek culture, new entrants to the sport community were subjected to all kinds of humiliations and teasing to inculcate a team spirit in them. Gradually with the passage of time this technique was subjected to myriad modifications and was later adopted by the military forces, from there it finally entered in the education system. In Army schools of England, ragging existed as a tradition. Later, this tradition took its root in medical and engineering colleges. In English society ragging took the form of freshmen being paraded on street which caused much annoyance not only to freshmen but even to public especially girls. Earlier ragging was a harmless practice rather permissible in the society, but it had taken shape of brutality, humiliation and harassment after the First World War. This concept was later adopted by the U.S. universities as well. In the period 1828-1845, several student organizations popped up in

the U.S. campuses. Gradually in the early 20th century ragging underwent several modifications before morphing into an organized form of campus violence.¹

MEANING OF RAGGING

In 2001, in the case of *Vishwa Jagriti Mission v. Central Govt. (2001)*², The Court defined ragging as -

“5. Broadly speaking, ragging is:

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 do 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.

6. The cause of indulging in ragging is deriving a sadistic pleasure or showing off power, authority or superiority by the seniors over their juniors or freshers.”

According to the **UGC Regulations on curbing the menace of Ragging in Higher Educational Institutions, 2009**³, ragging constitutes –

- *any conduct by any student or 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 student;*
- *indulging in rowdy or indisciplined 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;*

¹ Ch Venkateswarlu, N. Satyasri, “Effect of Ragging on Human Dignity – A Critique”, 1, International Journal of Multidisciplinary Educational Research, 230 (2012)

² *Vishwa Jagriti Mission v. Central Govt.*, (2001) 6 SCC 577 : 2001 SCC OnLine SC 752 at page 578

³ UGC Regulations on Curbing the Menace of Ragging in Higher Educational Institutions (2009), Available at - <https://www.ugc.gov.in/oldpdf/ragging/gazzetaug2010.pdf>

- *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 affect the physique or psyche of such fresher or any other student;*
- *any act by a senior student that prevents, disrupts or disturbs the regular academic activity of any other student or a fresher;*
- *exploiting the services of a fresher or any other student for completing the academic tasks assigned to an individual or a group of students;*
- *any act of financial extortion or forceful expenditure burden put on a fresher or any other student by students;*
- *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;*
- *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;*
- *any act that affects the mental health and 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.*

LAWS AND CASES ON RAGGING

Apart from the UGC circular which guides all universities regarding ragging throughout the country, a few states have their own anti-ragging Acts like The Maharashtra Prohibition of Ragging Act, 1999, The Karnataka Education Act, 1983, The Tripura Educational Institutions (Prevention Of Ragging) Act, 1990, The Tamil Nadu Prohibition of Ragging Act, 1996, The Andhra Pradesh Prohibition of Ragging Act, 1997, The Kerala Prohibition of Ragging Act, 1998, The Assam Prohibition of Ragging Act, 1998, The West Bengal Prohibition of Ragging in Educational Institutes Act, 2000, The Chhattisgarh Shaikshanik Sansthan Me Pratarna Ka Pratishedh Act, 2001, The Himachal Pradesh Educational Institutions (Prohibition of Ragging) Act, 2009 and The Jammu and Kashmir Prohibition of Ragging Act, 2011.

In 1999, on the directions of the Supreme Court, the UGC formed a four member committee under Prof K.P.S. Unny, which defined ragging and outlined its 'positive' and

negative impacts. While enumerating some of the ‘positive’ impacts of ragging, the 1999 Report observed that its negative manifestations had become more prevalent. However, the Raghavan Committee, constituted by the Supreme Court in 2006 took a more serious and in depth view of the problem.

A number of guidelines were suggested by the Apex Court in the case of *Vishwa Jagriti Mission v. Central Govt*⁴ in 2001. 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.

In 2006, the Apex Court directed The Ministry of Human Resources Development (MHRD) to form a panel which will suggest guidelines to control ragging. The panel was headed by the former Director of C.B.I. Dr. R.K. Raghavan. In May 2007, the Raghavan Committee submitted its report to the Supreme Court with various recommendations to curb ragging in which it was perceived as a “social menace”. It recommended certain measures, including stricter punishment for the offenders, and a written undertaking from students entering the hostel, countersigned by their parents that they would not indulge in ragging. It also recommended a sensitization program in order to create awareness and for overall development of students. Such a programme had to involve the faculty, parents and the students together.

The committee also stressed on the necessity for a central act dealing with the problem of ragging. However, the same has not been realised till now.

⁴ Supra note 2.

The country saw hue and cry against ragging after the death of a student named Aman Kachroo in 2009. The same year, the Apex Court suggested multiple guidelines in the case of *University of Kerala v. Council, Principals' Colleges, Kerala, (2009)*⁵. A few of these are –

- Anti-ragging movements should be initiated by the institutions right from the time of advertisement for admissions. The prospectus and forms for admission must clearly mention that ragging is banned in the institution and anyone indulging in ragging is likely to be punished appropriately with punishment which may include expulsion or suspension from the institution or class for a limited period or fine with a public apology.
- The application for admission/ enrolment shall have a printed undertaking to be filled up and signed by the applicant to the effect that he/she is aware of the institution's approach towards ragging. A similar undertaking shall be obtained from the parent/guardian of the applicant.
- The institutions which are introducing such a system for the first time shall take undertakings from the students already studying in the institutions and their parents/guardians before the commencement of the next educational year/session.
- Printed notices to be Issued indicating where to approach for redress in case of ragging along with the addresses and telephone numbers of such persons.
- The management, Principal and the teaching staff should interact with the freshmen and take them in confidence by apprising them of their right as well as to generate confidence in their mind that any instance of ragging shall be promptly dealt with
- At the commencement of the academic session, the institution should constitute a committee consisting of senior faculty members and hostel authorities like wardens and students to keep a continuous watch and vigil and to promptly deal with the incidents of ragging brought to its notice and summarily punish the guilty.
- All vulnerable locations in the college such as the canteen, the playground, etc. shall be identified and specially watched.

⁵ *University of Kerala v. Council, Principals' Colleges, Kerala, (2009)* 7 SCC 726

- The local community and the students in particular must be aware of the dehumanizing effect of ragging inherent in its perversity. Posters, notice boards and signboards wherever necessary, may be used for the purpose.
- Failure to prevent ragging to be constructed as an act of negligence in maintaining discipline in the institution on the part of the management, the principal and the persons in authority of the institution. Similar responsibility shall be liable to be fixed on hostel wardens/superintendents.
- The hostels/accommodations where freshers are accommodated shall be carefully guarded, if necessary, by posting security personnel wherein the entry of seniors and outsiders shall be prohibited before and after a specified hour of night except under the permission of the person in-charge. Entry at other times may also be regulated.
- Migration Certificates issued by every institution should have an entry apart from that of general conduct and behaviour whether the student had participated in, and in particular, was punished for ragging.
- If an institution fails to curb ragging, the University Grants Commission/Funding Agency may consider withdrawal of financial assistance to such an institution till such time as it achieves the same. A university may consider disaffiliating a college or institution failing to curb ragging.
- In case of any incident of ragging, the students must approach the Disciplinary Committee of their respective colleges, and only if the said Committee does not take cognizance of the matter or if they feel dissatisfied with its decision that they should approach the police. The objective behind this is to restore the faith in the ability of educational institutions to maintain discipline and protect the interests of their students.

Soon after this, UGC passed a **Regulation on Curbing the Menace of Ragging in Higher Educational Institutions, 2009** which had taken note of the previous judgement's guidelines. It included several measures against ragging which are now applicable on all universities and colleges.

- Every public declaration of intent by any institution, in any electronic, audiovisual or print or any other media, for admission of students to any course of study shall expressly provide that ragging is totally prohibited in the institution, and anyone

found guilty of ragging and/or abetting ragging, whether actively or passively, or being a part of a conspiracy to promote ragging, is liable to be punished in accordance with these Regulations as well as under the provisions of any penal law for the time being in force.

- The brochure of admission/instruction booklet or the prospectus, whether in print or electronic format, shall prominently print these Regulations in full. Provided that the institution shall also draw attention to any law concerning ragging and its consequences, as may be applicable to the institution publishing such brochure of admission/instruction booklet or the prospectus. Also, the telephone numbers of all concerned authorities shall be provided.
- The application form for admission, enrolment or registration shall contain an affidavit, mandatorily in English and in Hindi and/or in one of the regional languages known to the applicant, to be filled up and signed by the applicant to the effect that he/she has read and understood the provisions of these Regulations as well as the provisions of any other law for the time being in force, and is aware of the prohibition of ragging and the punishments prescribed, both under penal laws as well as under these Regulations and also affirm to the effect that he/she has not been expelled and/or debarred by any institution and further aver that he/she would not indulge, actively or passively, in the act or abet the act of ragging and if found guilty of ragging and/or abetting ragging, is liable to be proceeded against under these Regulations or under any penal law or any other law for the time being in force and such action would include but is not limited to debarment or expulsion of such student.
- Before the commencement of the academic session in any institution, the Head of the Institution shall convene and address a meeting of various functionaries/agencies, such as Hostel Wardens, representatives of students, parents/ guardians, faculty, district administration including the police, to discuss the measures to be taken to prevent ragging in the institution and steps to be taken to identify those indulging in or abetting ragging and punish them.
- The institution shall, to make the community at large and the students in particular aware of the dehumanizing effect of ragging, and the approach of the institution towards those indulging in ragging, prominently display posters depicting the provisions of penal law applicable to incidents of ragging.

- The institution shall request the media to give adequate publicity to the law prohibiting ragging and the negative aspects of ragging and the institution's resolve to ban ragging and punish those found guilty without fear or favour.
- The institution shall identify, properly illuminate and keep a close watch on all locations known to be vulnerable to occurrences of ragging incidents.
- The institution shall tighten security in its premises, especially at vulnerable places and intense policing by Anti-Ragging Squad, referred to in these Regulations and volunteers, if any, shall be resorted to at such points at odd hours during the first few months of the academic session.
- The institution shall utilize the vacation period before the start of the new academic year to launch a publicity campaign against ragging through posters, leaflets and such other means, as may be desirable or required, to promote the objectives of these Regulations.
- Every institution shall engage or seek the assistance of professional counsellors before the commencement of the academic session, to be available when required by the institution, for the purposes of offering counselling to freshers and to other students after the commencement of the academic year.

Given the emphasis paid on mental health and student welfare, prevention of ragging amongst students is an important matter. Though there are UGC guidelines mentioned in Regulation on Curbing the Menace of Ragging in Higher Educational Institutions, 2009, there exists no central level law to curb ragging.