

(2010) 03 P&H CK 0093
In the Punjab And Haryana At Chandigarh

Baldev Raj and Others

APPELLANT

Vs

Registrar, Panjab University and Others

RESPONDENT

Date of Decision : 04-03-2010

Acts Referred:

Citation : (2010) 4 RCR(Civil) 301 : (2010) 4 RCR(Civil) 273 : (2010) 4 RCR(Criminal) 324 : (2010) 6 SLR 603

Hon'ble Judges : Permod Kohli, J

Bench : Single Bench

Judgement

Permod Kohli, J.—Students of M.A. 2nd year, Indian Theatre, the petitioners herein have challenged the order of their expulsion from the department as also the hostel vide the impugned order (Annexure P-1) passed by the Department of Indian Theatre, Panjab University, Chandigarh.

2. The petition proceeds on certain admitted facts. The petitioners are the students of M.A. 2nd year, Indian Theatre in Panjab University, Chandigarh. These petitioners are also allotted accommodation in the Hostel No. 2. On fresh admissions being made to M.A. 1st year in the same discipline i.e. Indian Theatre, some freshers were also staying in the same hostel. Three students of M.A. 1st year, Indian Theatre namely Manish Kumar, Pankaj and Kailash were summoned by the petitioners and some passed out students of the same discipline to Room No. 5/38 in Hostel No. 2 allotted to one Gurcharan Singh, an M.A. 2nd year student i.e petitioner No. 4, where the petitioners and some passed out students were present in inebriated condition. After the introduction, the freshers were forced to put off their clothes and they were asked to perform objectionable activities i.e. some obscene sexual acts. They were photographed naked with the mobile phone. The freshers named above lodged a complaint with the university authorities on the following day i.e. 10.8.2008 narrating the incident of ragging and also apprehended danger to them. They also named the petitioners and some passed out students who indulged in ragging these freshers. On the receipt of the complaint, the Vice Chancellor of the university

constituted an Anti Ragging Committee to probe into allegations of ragging. The Committee after listening to the complainants and the petitioners recorded its findings and made recommendations to the university vide its report dated 30.7.2008 (Annexure R-2). Based upon the recommendations of the Committee the petitioners have been expelled vide the impugned order (Annexure P-1).

3. It appears that the petitioners managed a letter dated 11.8.2008 from the victims of ragging for withdrawal of the complaint against them, which was submitted to the Dean, Students Welfare, Panjab University, Chandigarh by the complainants, a copy whereof has been placed on record as Annexure P-2. Even the petitioners herein vide their separate request dated 11.8.2008 submitted their apology and undertook not to indulge in such activities in future. A copy of the apology tendered to the Dean of the university is placed on record as Annexure R-3.

4. While challenging the order of expulsion the petitioners have sought parity with some other students of the departments of U.I.E.T and D.C.E.T of Panjab University, Chandigarh, who were also accused of indulging in ragging but were expelled for only few days. The petitioners, however, alleged violation of the principles of natural justice.

5. I have heard learned Counsel for the parties and carefully examined the pleadings of the parties. The incident of ragging is admitted fact. Even in the writ petition itself, the petitioners admitted their presence at the time of occurrence along with the passed out students. It would not be inappropriate to say that they have not denied the occurrence rather their involvement in the occurrence is admitted. In para 4 of the writ petition, the petitioners have made following averments:

That on 9th of August, 2008 the petitioners were staying in the hostel in the Panjab University, Chandigarh which were duly allotted to them and the fresh students of M.A. 1st year of Indian Theatre were also allotted the hostel. On the above mentioned date on the night some passed out students entered into the hostel. They forcibly entered into the room of one of the student and there they ragged the 1st year student in front of the petitioners. Since the above mentioned students were senior to the petitioners, therefore, they could not oppose the above mentioned incident.

6. In their communication to the Dean, University Instructions tendering apology on 11.8.2008 the petitioners again made following statement:

To

The Dean University Instructions,

Panjab University,

Chandigarh.

Subject: Submission of apology.

Respected Sir,

We the following students of M.A.II and the passouts tender our unconditional apologies to the M.A. Ist students. We also feel sorry to the chairperson, the Warden and the DSW and to you also for our misconduct and for indulging in ragging on the night of 9th Aug, Saturday in hostel No. 2.

Since we have reached a compromise with the aggrieved students, we may also please be pardoned. We give it writing that we will not indulge in such acts of misconduct in future. The university authorities can take the severest action if we are found guilty in future.

Thanking you,

M.A. IInd year

Yours faithfully,

1. Amrit Pal Singh Sd/-11th Aug,08 The students tendered 2. Siddhant Verma Sd/-11th Aug,08 this apology in our 3. Baldev Raj Sd/-11th Aug,08 presence. In view of this 4. Vinod Kumar Sd/-11th Aug,08 they may be pardoned 5. Gurcharan Singh Sd/-11th Aug,08 from any legal action 6. Sunil Soni Sd/-11th Aug,08 against them. 7. Ranjan Sehgal Sd/-11th Aug,08 8. Ashu Sharma Sd/-11th Aug,08 Sd/- 11.8.2008 9. Harjit Singh Sd/-11th Aug,08 DUI/DSW Sd/- G. Kumara Verma

Sd/- Navdeep 11/8/08

(Navdeep Kaur)

7. From the minutes of the meeting of the Anti Ragging Committee (Annexure R-2) it is also evident that while the statements of the complainants were recorded, the petitioners were present and they were permitted to cross-examine them. The petitioners have not specified as to in what manner the principles of natural justice have been violated except making casual and general statement in the writ petition. The Anti Ragging Committee constituted in pursuance to directions of Hon''ble Supreme Court has made following recommendations for action against the delinquent students including the passed out students:

1. The following students of M.A. (Indian Theatre)-II who were found guilty in the said ragging incident be expelled from the department as well as from the hostel as they case may be with immediate effect:

(i) Sunil Soni

(ii) Sidhant Verma

(iii) Amritpal Singh

(iv) Baldev Raj

(v) Gurcharan Singh

(vi) Vinod Kumar

Their entry on the Campus be banned immediately.

2. FIR be lodged with the police station against the following

passed out students of Indian Theatre who indulged in the ragging and their entry in the campus be banned with immediate effect:

i) Ranjan

ii) Sunil Saini

iii) Ashu

iv) Rathore

v) Sunil Sharma

vi) Harjit Singh

The Chief of the University Security will help in getting the FIR registered against the said candidates after obtaining their antecedents/addresses from the Department of Indian Theatre.

8. Apart from that, some administrative suggestions were made to the university. The Anti Ragging Committee constituted by the university comprised of as many as 17 officials of the university including the Dean of University Instructions, Dean, Students Welfare, Dean Students Welfare (women) and various chairpersons of the departments and the wardens of hostels, Chief of the university security as also the Chairman of Department of Indian Theatre as a special invitee.

9. Ragging in the educational institutions has achieved dangerous proportions in the recent times. Reports of ragging have been received from various parts of the country. Suicides, deaths of victims in ragging has shaken the society, the parents of the students and the student community as a whole. Taking cognizance of such unfortunate, painful and inhuman acts by some students in educational institutions, the Hon"ble Supreme Court has issued various directions in case of Vishwa Jagriti Mission through President Vs. Central Government through Cabinet Secretary and Others, while considering a Public Interest Litigation about ragging in the educational institutions. Some of the relevant directions for purposes of the present petition are noticed as under:

13. At the commencement of the academic session, the institution should constitute a Proctorial Committee consisting of senior faculty members and hostel authorities like Wardens and a few responsible senior students:

(i) to keep a continuous watch and vigil over ragging so as to prevent its occurrence and recurrence,

(ii) to promptly deal with the incidents of ragging brought to its notice and

summarily punish the guilty either by itself or by putting forth its findings/recommendations/suggestions before the authority competent to take decision.

All vulnerable locations shall be identified and especially watched.

14. The local community and the students in particular must be made aware of the dehumanising effect of ragging inherent in its perversity. Posters, notice boards and signboards-whenever necessary, may be used for the purpose.

15. Failure to prevent ragging shall be construed 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.

16. The hostels/accommodations where freshers are accommodated shall be carefully guarded, if necessary by posting security personnel, and placed in charge of a Warden/Superintendent who should himself/herself reside thereat, and wherein the entry of seniors and outsiders shall be prohibited after a specified hour of the night and before except under the permission of the person in charge. Entry at other times may also be regulated.

17. If the individuals committing or abetting ragging are not identified, collective punishment could be resorted to act as a deterrent punishment and to ensure collective pressure on the potential raggers.

18. Migration certificate issued by the 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.

19. If an institution fails to curb ragging, UGC/funding agency may consider stoppage 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.

10. It appears that the Central Govt. appointed the Raghavan Committee to make recommendations for appropriate measures to check the growing menace of ragging in the educational institutions. The Raghava Committee submitted its recommendations. The Hon"ble Supreme Court again re-examined the issue relating to ragging with greatest concern and issued further directions for implementation of some of the recommendations of the Raghvan Committee in case of University of Kerala Vs. Council, Principals" Colleges, Kerala and Others, . One of the recommendation of the Raghvan Committee which is directed to be implemented by the Hon"ble Supreme Court in the aforesaid judgement is as under:

(iii) Recommendation 5.18- "We recommend that every institution must have an anti ragging committee and an anti-ragging squad. It is essential to have a diverse mix of membership in terms of levels as well as gender in both the anti-ragging squad as well as the anti-ragging committee.

The anti-ragging committee at the level of the institution should consist of the representatives of civil and police administration, local media, non-government organisations involved in youth activities, representatives of faculty members, representatives of parents, representatives of students belonging to the "freshers" category as well as seniors, non-teaching staff and should be headed by the head of the institution.

The anti-ragging squad, in contrast should be a body with vigil, oversight and patrolling functions and should appropriately be a smaller body which could be nominated by the head of the institution with such representation as considered necessary to keep it mobile, alert and active at all time. The squad may be called upon to make surprise raids on hostels and other hot spots and should be empowered to inspect places of potential ragging. The squad should work under the overall guidance of the anti-ragging committee. The squad should not have any outside representation and should only consist of members belonging to the various sections of the campus community.

11. Even the U.G.C formulated certain regulations. The Hon"ble Supreme Court directed the immediate implementation of even draft regulation in the aforesaid judgement with the following observations:

4. The Draft Regulations on Curbing the Menace of Ragging, formulated by UGC, should be implemented with the urgency it deserves and to be adopted by all other regulatory bodies, such as AICTE, MCI, DCI, NCI etc. The recent incident involving the death of Aman Kachroo clearly indicates that the formulation of guidelines and regulations is not sufficient. Such regulations shall have to be enforced strictly, and penal consequences for the heads of the institutions/administration of the institution who do not take timely steps in the prevention of ragging and punishing those who rag. In addition to penal consequences, departmental inquiries be initiated against such heads of the institutions/members of the administration/faculty members/non-teaching staff, who display an apathetic or insensitive attitude towards complaints of ragging.

10. The SHO/SP, within whose jurisdiction a particular college falls, shall be responsible for ensuring that no ragging takes place on the campus of the college concerned, and to effectively deal with incidents of ragging, should any such incidents take place. Once a Central database/crisis hotline is made operative then as soon as the SHO/SP, within whose jurisdiction a particular college falls, is contacted by the crisis hotline staff, then such SHO/SP shall deal effectively with the incident and cooperate and communicate with the crisis hotline staff and/or the independent monitoring agency. This will build confidence and encourage people to report incidences of ragging without fear or delay.

12. Apart from the above, various other directions were issued, which are not being referred to in the present petition. The above directions sufficiently indicate the concern of the Hon"ble Apex Court in regard to the incidents of ragging which has plagued the society and the student community in general. Even one

unfortunate death of a student on account of ragging is sufficient to disturb the entire society as it has the greatest impact on the student community, the institutions and all those, who are related to the student concern.

13. In instant case, the petitioners have admitted their guilt not only in their communication dated 11.8.2008 but also in para 4 of the writ petition, noticed herein above. The nature of their behaviour during the ragging where the freshers were forced to uncloth themselves and indulge in obscene acts in presence of a number of persons is sufficient to draw an inference that the petitioners are not normal human beings. Such actions demonstrate their perverted thoughts. The petitioners deserve no compassion from this Court. The plea of the petitioners for parity and discrimination with some students of U.I.E.T and D.C.E.T of Panjab University, who were allegedly involved in ragging and have been let off with expulsion of only few days also deserves to be rejected. No material has been placed on record to even suggest the nature of allegations against them to enable this Court to appreciate the contention of the petitioners of the allegation of discrimination. It depends upon the act and nature of ragging to attract the mild or harsher punishment. Though, ragging per se deserves punishment. In absence of any relevant material, the allegations cannot be looked into. In the impugned order no period of expulsion is prescribed, however, regulation 7 contained in Panjab University Calender Vol.III Chapter (xvi) deals with the expulsion and reads as under:

A student who is expelled from a college, shall not be readmitted to the same or any other college without the sanction of the Syndicate, an expelled student shall not be allowed to appear in any university examination during the academic year in which he is expelled and the next following year. The period of absence from the college shall, however, depend upon the time of the year with the order of expulsion was passed.

14. From the above regulation it appears that expulsion is for a minimum period of two years. The petitioners will have to suffer this punishment for their indecent acts. The expulsion vide the impugned order shall be deemed to be for a period of two years. Petitioners shall be entitled to appear in the examination only after the punishment contemplated under Rule 7 is completed.

15. This petition is accordingly disposed of in the above manner.