
(1994) 12 CAL CK 0013
In the Calcutta High Court
Case No : Criminal Misc. Case No. 326 of 1992

Pratul Kumar Sinha

APPELLANT

Vs

The State of West Bengal and Others

RESPONDENT

Date of Decision : 21-12-1994

Acts Referred:

Constitution of India, 1950 — Article 226, 32

Citation : (1995) 1 CALLT 223

Hon'ble Judges : Mukul Gopal Mukherji, J; Gitesh Ranjan Bhattacharjee, J

Bench : Division Bench

Advocate : Kazi Safiullah, Krishna Sen, Malay Kumar Basu and Bimal Jyotsna Chatterjee, Sadhan Roy Choudhury and Sandip Srimani, Sovanlal Hazra and Jaharlal Roy, Tapas Kumar Bhanja and Samrat Sen, for the Appellant; R.B. Mahato and S.K. Mahato, for the Respondent

Judgement

Mukul Gopal Mukherji, J.—This public interest litigation was initiated by Sri Pratul Kumar Sinha, an Advocate and a social activist before the Supreme Court by way of writ application under Article 32 of the Constitution of India. He referred, to the age old practice of ragging prevalent in Engineering, Medical Colleges and also in some other Colleges in India where the fresher 1st year students had to face ragging by the senior students in the shape of mental and physical cruelty and acts of violence. He submitted that usually the period of ragging continued in between 1 and 3 months from the very beginning of the session of the new entrant in the institution. Because of the psychological pressure and even physical violence many students have to give up their studies. He wanted that this evil system of ragging should be eradicated from the education system altogether. He was of the view that neither the Government nor the college authorities took adequate and proper or effective steps for combating the evil of ragging.

2. He referred to an incident of 1st August, 1991 which happened in one of the hostels of the Indian Institute of Technology, Kharagpur over which there were

newspaper reports.

3. He also referred to an incident of ragging on a girl student in a hostel of Ramjos College at Delhi. There it was also alleged that neither the college authorities nor the government took up proper and effective steps for combating the evil.

4. He prayed inter alia that the directions be issued so that (i) a commissioner may be appointed to enquire over the matter and (ii) adequate necessary police arrangements be made during the time of ragging in such institutional campus and (iii) that a direction be issued for creating congenial atmosphere so that the fresher students may be alleged of. the apprehension of facing ragging in the college hostel, (iv) He further advocated the framing of a scheme for eradication of the evil of ragging, (v) He further urged upon the Hon''ble Court to issue directions so that the actual culprits, despite their being students, be ousted from the college and be not admitted over again and (vi) suitable such other or further direction or directions be issued as may be deemed fit and proper.

5. The Supreme Court sent the case to this Hon''ble Court with a direction to hear out the matter as a public interest litigation deleting the Principal of Ramjos College, New Delhi from the category of respondents. The writ application was registered as an application under Article 226 of the Constitution of India before this Hon''ble Court and allotted to this Division Bench.

6. We sent various notices to the respective Vice-Chancellors of the different universities, the Rector and/or Director of the Indian Institute of Technology, Kharagpur and also to the Principal of B.E. College, Shibpur and other Engineering Colleges.

7. One Mr. Mrinal Kanti Kargupta, whose son as an engineering student, suffered humiliation in the hands of elder students and was a victim of ragging, also filed a specific application and intervened in the matter. We invited affidavits from the different heads of the Institutions and/or Vice-Chancellors of Universities, Rectors, Directors and Principals of Engineering Colleges. Whereas many of the heads of such institutions and/or the Vice-Chancellors and/or Rectors sought to give out their views in this public interest litigation, some however were conspicuous by their absence despite notice served on them. The Association for Protection of Democratic Rights (APDR), a voluntary organisation also intervened in the matter and gave out its views. We invited views from: the State Government and its Education Department (Technical Section) gave out its candid suggestions.

8. We asked Akasbani (All India Radio) and Durodarshan Kendra (Television Media) to take up adequate programmes deprecating the practice of ragging in different educational institutions of West Bengal. We are apprised by the learned Advocate for the Union of India that adequate programmes were taken up by both All India Radio and the Durodarshan Kendra, Calcutta in this regard. An office memo from the Government of India, Ministry of Human Resources,

Department of Education, apprised this Court that the Ministry supported the proposition of audiovisual shows through radio and television, deprecating the practice of ragging.

9. One Kripa Sindhu Hait, a learned Advocate of this Court and a lecturer of the University Law College, Calcutta also submitted before us a copy of a script which was broadcast in All India Radio on the legal aspects of ragging and also placed before us a copy of a Law College Journal on the topic as to whether the students were a privileged class in matters of maintaining the law and discipline in the college campus. Mr. Bhanja, learned Advocate for APDR submitted before us a copy of a pamphlet written both in English as well as in Bengali allegedly issued by United Students Forum of I.I.T. The State Government of West Bengal also submitted its views on the question of eradication of the practice of ragging from the different colleges and university campus.

10. We made copious reference to the different newspaper reports appearing in the English and the language dailies conveying the reports about incidents of ragging taking place in various institutions. Some of the heads of the institutions however, denied the factual aspect of such incidents as reported in the newspapers. We were given to understand that there was a legislation regarding eradication of ragging in the State of Himachal Pradesh. We requested the State Government to give out to us a copy of such legislation for our perusal but unfortunately learned Advocate for the State Government could not secure such copies of the legislation promulgated in the State of Himachal Pradesh.

11. The head of the Jalpaiguri Government Engineering College submitted before us measures adopted by him for eradication of ragging which are as follows :

(1) All senior students were informed through notices that strong administrative measures would be taken against any student involved in ragging of the new entrants causing physical or mental torture.

(2) The Students' Union was asked to guard against this social crime - "ragging".

(3) Anti-ragging committees were formed with the heads of the departments, faculty members and Superintendent/Assistant Superintendent of hostels to visit the hostels regularly to restore the confidence among the new hosteller-students.

(4) Visual publicity media like posters and banners were displayed highlighting the evil effects of this pernicious practice of ragging.

(5) Senior level hostel boarders were directed to complete the reception of new students within two days of the admission of 1st year students.

12. It was reported to us that such measures were taken being very effective in the year 1992. There was practically not a single incident of ragging in the hostels and the new entrants were given reception in the hostels by the senior boarders within one day to the relief of the college administration and the guardians of all newly admitted 1st year students.

13. The Vice-Chancellor of Calcutta University submitted before us a written note on the problem of ragging which reads as follows :

"During the last few decades, ragging in the University/Institutes has attracted attention of teachers, students, guardians and the public in general. But nothing tangible has been done so far to punish those persons who take intense delight in such ugly and cruel revelry. Though the problem mainly concerns the residential Universities/Institutes, the infection has spread even to the non-residential centres of higher learning. It is not just assailing the freshers with bantering questions, playful satires or humourous raillery. They indulge in snaggy, uncouth and boisterous act in defiance of the authorities thereby exceeding all norms of human and civilised behaviour. There are reports that many students had to leave the institutions because of unbearable outburst of organised "horse-play".

It is not clear whether the practice of ragging can be contained by launching of special introductory programme for entrants to the University system as suggested in the note circulated by the U.G.C., since ragging is done by seniors and not by new entrants. Moreover, there are factors both social and psychological, on which the authorities of these institutions have no grip. As rioted above, ragging is particularly rampant among the students of the prestigious institutes. Most of the boys who join these centres of excellence come from the affluent Section of our society. Abundant wealth and guarantee of bright future make them behave in a bohemian way. Addicted to the culture of a so-called free society they question the social conventionalities and often go beyond the permissible limits. It is, however, useless to blame them. Fed with pornographic literature and commercial films with overdose of sex-crime-violence, they are not supposed to behave in a rational manner".

17. However, the following measures were suggested to contain ragging :

1. In each hall of residence of the Universities/Institutes there must be a Committee with the residential superintendent, the senior students and the new-comers, who will keep a round the clock vigil at the beginning of the session so that incidents of ragging may not occur. The Dean of the Students' Welfare shall be the Chairman of the Committee.
2. Opinion against ragging has to be created on each campus through a campaign against ragging. The academic administrators, teachers and students should jointly participate in these programmes.
3. For the purpose of introducing themselves to the new-comers, the senior students be encouraged to organise functions to welcome the new-comers (freshers welcome) in a befitting manner where members of the teaching and non-teaching staff should be invited.
4. A specific provision on ragging be incorporated in the code of conduct of students providing stern action against the offenders.

15. The Welfare Branch of the Relief and Welfare Department Government of West Bengal expressed the view that it has no scope to offer any observation in the matter and referred the matter exclusively to the Education Department. The Education Department observed inter alia as follows :

The inhuman, and barbaric practice of ragging has all along been decried by Government and several measures have been taken to deprecate such savage practice in Government Colleges and Institutes. Yet several cases of ragging have been brought to the notice of Government.

In order to deprecate ragging the following measures may be taken, as preventive measures :

(1) Audio visual shows deprecating the practice of ragging may be arranged through T.V. :

(2) Discussions through radio be arranged where principals and senior professors and officers may take part ;

(3) In every colleges and institutes meetings be held. The principals, senior professors and prominent leaders may deliver lectures, against the practice of "ragging ;

(3) The authorities may arrange group discussions where teachers and the representatives of the student's union may take the leading role."

16. In the affidavit-in-opposition sworn by the Deputy Secretary, Education Department, Technical Branch it was observed inter alia :

(a) The State of West Bengal deprecates any sort of ragging in any educational institutions and is very much alert regarding the problems arising out of it.

(b) The State of West Bengal has taken all possible measures to stop ragging in all educational institutions.

(c) After careful deliberations on the problem the following measures have been suggested to prevent ragging.

(i) Audio Visual shows should be arranged through Television deprecating the practice of ragging and focussing the evils of ragging.

(ii) Discussions through radio should be arranged with the participations of Principals, senior professors, high officials and eminent educationists, regarding evils of ragging and suggestions for short term and long term measures for total prevention of ragging.

(iii) In every college and educational institution, regular meeting should be held with active participation of principals and prominent leaders delivering lectures against the practice of ragging.

(iv) The authorities of every educational institution should arrange group

discussion with leading roles by teachers and representatives of the students' union together.

(v) Posters deprecating ragging may be placed on notice boards and other prominent places of the colleges and other educational institutions.

(vi) The principal and other senior teachers should visit the hostel blocks at regular intervals and also pay surprise visits at night occasionally, particularly at the beginning of each session.

(vii) Internal monthly assessment of the conduct of each student should be recorded and in case of unsatisfactory conduct of any student, he may be debarred from appearing at the Annual/Final examination and a written bond/undertaking should be taken from every student to the effect at the time of admission.

17. It was denied by the Government of West Bengal that neither the Government nor the college authorities did take proper effective steps for combating the evil of ragging. On the other hand it was reiterated that the Government is taking effective and proper steps for combating the situation.

18. The Director of Indian Institute of Technology, Kharagpur through an affidavit filed by Assistant Registrar placed before us the steps taken by the Indian Institute of Technology, Kharagpur :

Policy of the Institute :

"Ragging in any form is banned". As is to be made explicit and clear to all concerned in unequivocal terms. It stands already incorporated in the academic regulation as a gross violation of the code of conduct liable to attract disciplinary action which could lead to outright expulsion from the institute. That it is banned should be widely publicised and made known to everyone in the institute-students/teachers and non-teaching staff/the campus community and the parents of the students and public in general, and everyone should be requested to take an unambiguous stand against ragging.

Considering a bearing that it has on ragging, a similar clear cut policy stand and stringent disciplinary follow up action should be taken against possession, distribution and consumption of alcoholic drinks and any kind of hallucinogenic drugs in the hall premises and unacceptable behaviour under the influence of alcoholic drinks/drugs within the halls/institute premises.

Rules regarding conduct and discipline in the academic regulations should be amended to explicitly and separately and in bold letters, state that ragging is banned and ragging and other offences mentioned under above would attract exemplary punishment, including where considered necessary, expulsion from the institute.

Steps to be taken by the Authorities of the Institute ;

At the beginning of the autumn semester, as soon as the senior students arrive in the campus, the Director in the presence of functionaries like the Dean of Students' affairs, Dean of Academic affairs, President, TSG, Chairman, HCC, the Heads of Departments/Centres, Wardens and others may formally meet all senior students and address them on some relevant issues concerning the institute, seeking the support of the student community to help the institute to uphold its fair name and attain greater heights in terms of excellence etc. and finally again reminding them about institute's stand against ragging in any form and the likely severe disciplinary action to follow in case of breach. The Heads of Departments and the wardens may likewise meet senior students of their departments/halls, each time reminding them of the institute's stands against ragging while talking of relevant issues concerning the departments/halls respectively.

Periodic seminars, lectures etc. against ragging and other social evils may be arranged to create and maintain strong opinion against the same, under the auspices of the institute. Lectures by respected leaders of men who can inculcate proper value systems to the youth may be regularly arranged on the pattern of the institute seminars.

Posters against ragging, as in past should be extensively exhibited within Institute's hall and other public places in the campus every year, by the time the senior students come for registration to the autumn semester.

The Dean (Students' Affairs) should, as in the past, write letters to senior students through their parents/guardians and to their parents/guardians separately making the policy of the Institute against ragging and consequences clear, every year during the summer vacation, well before to the return of the senior students to the campus for rejoining the Institute, with a tear out slip to be returned to the Institute, to ensure receipt of the same by them.

The policy of the Institute that ragging in any forms banned may also be got printed in the registration card of the students.

Freshers and their parents should be written to and on their arrival should also be met formally at Hall/Department/Institute level by relevant functionaries to assure them of the Institutes' stand on ragging and steps taken to eradicate the same. They must be told about procedures to be adopted to report, confidentially any case of ragging, and reassured of total support that they would receive in case any complaint is brought to the notice of the appropriate authorities, who will deal with the matter without disclosing the source of the complaint.

The Wardens where possible or volunteer teachers/staff should be available, along the Hall council members & Prefects to receive freshers and their parents in the Halls as they arrive.

A well thought out reception-cum-induction plan for 2/3 days for the freshers and their accompanying parents should be officially organised by the Dean of

Students' Affairs, President TSG and the Chairman, HCC in cooperation with the wardens, senior students and other organs of the institute administration. All relevant information on academic, corporate and campus life of the institute should be presented through.

(a) Distribution of publications and pamphlets.

(b) Lectures and discussion sessions.

(c) conducted tour of the Institute/Departments/Centres|Central facilities, Gymkhana and sports facilities and other facilities like market/post office/banks etc.

(d) Cultural programmes/Video Pictures on the Institute in the evenings at Institute/Halls etc.

During this period the freshers and their accompanying parents may be introduced the host family and the prefects (3.6.2) as created for the freshers to interact with as many other teacher and administrative staff as possible.

During this period assistance may also be provided for making of identity cards, library cards, medical cards, registration, opening of bank accounts etc.

A voluntary group of senior students and staff may have to be inducted to assist the Dean of students' affairs in the tasks at 3.2.7 and 3.2.8.

The Senate should set up a separate counselling cell in the first fortnight, when the first year students join, in a prominent place in the Institute Main Building, to attend to any queries or difficulties faced by the freshers in the process of settling into the new environment in the campus.

The Annual Convocation should be held only on or after August 18th every year so that the halls do not get overcrowded with senior students soon after the arrival of freshers.

Role of Faculty and Academic staff.

The host family system should be reintroduced. On a voluntary basis teachers and academic staff may be requested to accept one or two freshers each, to look after them as host family/local guardian, not only for the initial period of the first year but for all 4 or 5 years of their stay here. Ideally each family eventually will have one first year, one second year, one third year and one fourth year B.Tech./ M.Sc. student and perhaps one first year M.Sc. student in addition, as their local wards. This will help create a homely feeling and help inculcate positive cultural values/views in the student community of the Institute. The parents of the students may be introduced to the host family.

Faculty and their family members should take an active part in all student functions whether at the Gymkhana or the Halls. Students should be encouraged to invite the faculty and their families for their functions and interest with them.

No recommendation letters should be issued by faculty to students who have been punished for ragging offences.

"Ragging" of freshers during freshers' introduction functions in departments should be stopped.

Faculty particularly younger colleagues, should be encouraged to take up assignments as wardens, Gymkhana Advisers etc. and to associate themselves with student activities and their contributions in this regard should be rewarded.

Role of the Wardens :

The wardens would be the king-pin in the Institute's effort for the eradication of ragging. Within their overall responsibility in the management of the hall, the team of wardens should have enough time to know each and every student in the hall well enough to serve as a philosopher and a guide in their academic as well as the cultural/social value front through extra curricular activities etc. In this effort wardens must be given the total administrative support by the Institute in form of necessary finance, facilities and personnel.

Specifically, it was brought to the notice of the Committee that a substantial amount of time of Wardens now towards physical maintenance of the Hall. It is suggested that the Institute may consider facilitating physical maintenance of the halls through adequate financial and personnel support. Each Hall may be provided with a competent full care taker to look after the up-keep of the Hall, and mechanical fittings and its premises, handing over and taking over of rooms etc. An annual cleaning and maintenance of the halls may be done in summer vacation for which the halls should be fully vacated.

The Wardens, for the first fortnight and occasionally throughout the year should join the students at meal times, particularly dinner.

If teachers opt, they may be encouraged to stay in the halls having the power of Resident Wardens/Resident Asst. Wardens, at least for the first few weeks, for which all necessary arrangements be made.

Special steps for vigilance against Ragging in Halls.

Vigilance Committees at the Hall levels should be set up by the Warden with senior students including the President, the Prefects (3.6.2) and other hall Council members and volunteer teachers and staff who should go round the Hall at all odd hours to keep a watch.

An Institute level Vigilance Committee should similarly be set up consisting of the Dean (SA), Chairman, HCC, President, TSG and other volunteer teachers and senior students like VP, Office Bearers of TSG etc, who should go around different halls, at odd hours.

Teachers who volunteer to stay in the Halls or take up vigilance duties as above should be clearly briefed on steps to be taken on encountering instances of

ragging.

It must be enforced that beyond 10 p.m. there are no activities which will keep freshers away from their respective rooms.

Formal introduction of the freshers to everybody at the Hall level must be made a part of the first 2/3 days of the induction programmes as given above.

The unauthorised imposition of a "Dress-code" or a "conduct-code" on freshers by the seniors, which is an obvious act of ragging, should be banned and the ban strictly enforced.

Role of Responsible Senior Students ;

Senior students can and do play a very major positive role in eradication of ragging. As Gymkhana or Hall office bearers they must help to uphold and enforce Institute policy of banning ragging. They can play a role in Vigilance Committees.

The Committee suggests that one senior student be made the Prefect Incharge of each floor in each block (A+B,C & D) in the Hall. The Prefects should be chosen out of senior most students with good academic and moral standing in the Hall by the Warden, in consultation with the Hall Council members. They should have unblemished record of ideal behaviour. They would assist the Warden in maintaining all round discipline in the Hall including ragging related indiscipline and breach of discipline related to consumption of alcoholic drinks and drugs. Each of them can take charge of a few freshers for the year. Parents of freshers should also be introduced to those Prefects. In addition to assistance to the warden in disciplinary matters, as senior and respected students in the Hall, their wise counsel will be also available to the Hall Council members and Wardens for creating and maintaining a healthy creative, academic, and corporate life at the Hall level.

The chosen Prefects for an academic year should be exempted from paying scat rent for the Hall. Their services should also be otherwise recognised.

Role of Gymkhana /Hall Council/Departmental Societies ;

All students who stand for any election whether for Gymkhana, Hall Council or Departmental Societies must be required to give a written undertaking that they are against ragging in any form and they would also take a leadership role to eradicate ragging from the campus.

No student who has been punished for a ragging offence, even at the Hall level by the Warden, should be allowed to hold any post in the Gymkhana/ Hall Council/Departmental Society.

Formal introduction of the freshers at the departmental level should be completed as a part of the first 2 to 3 days induction programme as above.

Opportunities should, however, be provided to the fresher to discover their

talents, by inducting them into the various Hall and Gymkhana activities in phases spread over their first semester at the Institute. However, under no circumstances should the students be required to be engaged in such activities beyond 10 p.m., in their first semester at the Institute.

Role of Campus Community in ensuring a Healthy Corporate life.

The Campus Community in general must be involved in creating the right type of cultural and moral climate against ragging, against consumption of alcoholic drinks and drugs and other undesirable habits. This can be achieved by reviving old and creating new Gymkhana and community functions like Hall days, sport and cultural functions, get together, such as common tea, common dinners, farewell dinners, welcome tea etc. to be organised by Halls, Gymkhana, Departmental Societies, representative bodies like Associations and Unions, campus Clubs etc.

Functions organised by the Halls and Gymkhana should be terminated at a definite point of time in the evening. Basically those should be based on the talents of students and/or staff together, as available in the campus. The essential idea is to bring everybody together so that one can have a better and healthy campus life.

Occasionally functions inviting reputed artists can be organised at the Institute level, if necessary by everybody paying for it to meet the necessary expenses.

Participation of the campus community in student activities should be encouraged.

Some other steps may help the Institute tackle at their own level disciplinary problems associated with ragging.

There is a need for a dynamic public relations set up at the Institute.

The Institute needs to establish proper communication with the outside world to project its image as one which encourages discipline in its student community. It has to take steps, therefore, to build bridges of understanding with people and earn their good-will.

The public relations of the Institute with special groups have to be strengthened so that we create and sustain a permanent store of good will in the community near and far. Specific groups which must be carefully nurtured are the alumni, parents of students, employers, industries and other organisations who can contribute to Institute building, the local community and local authorities in addition to the press, the State Government and the Central Government.

Relationship between the Institute and parents of students should be strengthened.

Parents of students (seniors and freshers) constitute a very important interest group related to the Institute who can contribute to its welfare in many ways as

ambassadors of good will spread all over the country. They must feel that they are welcome at the Institute by extending facilities in the Campus on reasonable payment.

Correspondence must be maintained with the parents on the academic progress and welfare of their wards by way of letting them know, for example, the examination results and other achievements or deficiencies on health or extra curricular fronts.

Separate Hall for Freshers.

Segregation of freshers in separate hall was thoroughly debated by the committee, keeping in mind views expressed by a number of respondents on this issue, in response to the request of the committee for their suggestions and views. The Committee came to an unanimous conclusion that such segregation may not actually solve the problem of ragging. Ragging may not be postponed to 2nd year or may be shifted from the halls to Institute premises or campus (or even outside). Further students of the Institute may not be segregated year wise, with bad boys among them. More than anything else it was felt that this principle of segregation is artificial and unnatural (discouraging healthy interaction among the young people, seniors and Juniors) and will not, for reasons stated earlier, help in solving the ragging problem at the roots. It was felt that eradication of ragging can only be tackled at the cultural, psychological and academic levels coupled with administrative measures for prevention of ragging and exemplary deterrent punishment of the guilty.

The Committee, however, felt that the freshers could be segregated in one wing in the hall, to have a better supervision if considered necessary.

The Committee also felt that it will be an advantage if senior, post graduate students, are also put in U.G. Halls,, as it may have a sobering influence on the younger students.

Disciplinary Measures :

The existing disciplinary rules empower Wardens to award punishments for ragging or any other form of indiscipline like possession, consumption or distribution of alcoholic drinks or drugs etc. HCC should evolve detailed norms following which the Wardens can effectively exercise the authority. Preventive measures taken by the Wardens as well as punishment meted out, if any, be made known to the Dean of Students' Affairs, in writing, for his record. The Dean in turn can compile a summary of all such cases and report the same to Senate once in a year.

A clear cut procedure for referring of cases (beyond Wardens) to the Dean (SA) and Standing Institute Conduct and Disciplinary Committee should be evolved by the HCC and Dean (Students' Affairs) and presented for the approval of the Senate, so that there is no confusion on jurisdiction.

In any case Institute level authorities like Deans or Heads of Departments should be able to take cognizance of breach of discipline including ragging on their own and refer the matter to the Dean (Students' Affairs) who in turn may either refer the same to the Wardens for investigation and reporting or punishment at the Warden's level as the case may be or take up the investigation at the Standing Institute Conduct and Disciplinary Committee depending upon the seriousness of the charge.

In case of any breach, the punishment must be prompted adequate as per the pronounced policy stand of the Institute and be made widely known to all, including parents of the involved students.

A public apology for indulging in ragging by the student concerned in the presence of Hall/Departmental Colleagues and in appropriate cases in front of all students of the Institute/ should form a part of any punishment for ragging.

It was felt that the existing Disciplinary Committee be reconstituted with inclusion of two more members namely the concerned Head of Department/ Centre and the Professor Incharge of T &P.

Some concluding Remarks :

It may be desirable that Deans (Students' Affairs) presents to the Senate a review of measures taken and success achieved in eradication of ragging each year, at an appropriate time, to enable the Senate to take stock of the situation and suggest further steps as considered necessary from time to time for the total eradication of ragging from the campus.

Eradication of a practice like ragging, without affecting the natural desire of youngsters staying together in a campus to know each other and contribute together to the development of their personality and inter-personal skills is something that is possible only if there is sustained efforts on the part of one and all year after year. The Committee would therefore like a full scale debate on their proposals and wish that what are accepted be implemented in letter and spirit and followed up year after year, with necessary reviews from time to time.

It was suggested that there should be a total segregation of the first year students in a separate hall of residence. The Code of Conduct for studentship at I.I.T., Kharagpur is to be maintained vigorously and scrupulously. There should be a Standing Disciplinary Committee for dealing exclusively with violation of Code of Conduct where adequate punishments should be given out to the errant students violating norms of discipline.

19. The Principal, B.E, College, Shibpur, Howrah delineated in his affidavit as follows :

"I consider ragging as an act of threatened evil perpetrated by a handful of senior students lacking in moral and social senses, to innocent freshers who come to a university/institution for higher studies with high hopes of building

their career. The way in which the senior students banter the freshers to derive pleasure often expresses their sadist mentality. So, I consider that the menace of ragging in a university/institution should be combated with rigorous measures treating unsparingly the delinquent students and at the same time, arrangement should be made for continuous propagation of moral values among the students in general for their mental upliftment.

That I have taken the following steps for the eradication of the evil of ragging in the campus of the B.E. College, Shibpur :

(i) As the first step all guardians of existing 2nd, 3rd and 4th year students are informed well in advance before the date fixed for admission of first year students to the effect that if their wards are found involved in any manner in any incident of ragging, their wards would be summarily expelled from this institution. The guardians are specifically requested to advise their wards not to indulge in ragging of any kind.

(ii) Secondly for each hostel situated in the campus a team is formed with 4 faculty members and two senior student members to go round the hostel from evening till late hours of the night from the date the first year students occupy the hostels in the college campus and to see that no incident of ragging takes place in the hostels and to report to the authorities, if any, such incident occurs, promptly.

(iii) In addition to the above a team is formed consisting of the Principal, the Vice-Principal and the P.I.C.&A.A. to make frequent surprise visits to hostels from evening till late hours of the night and enquire whether there is any incident of ragging in any manner on first year students.

(iv) The senior students in each hostel are directed to complete freshers" welcome within 10 days from the date of arrival of the first year students. It has been observed that after completion of freshers" welcome both existing students and newcomers adjust themselves and mix freely with each other. "

20. The Dean of the Jadavpur University in his affidavit however claimed that there was no incident of ragging in the University campus and no credible information about any such report was there after prolonged opinion campaign, convention and group meetings the evil of ragging has been focussed and the students" unions have also come forward to support to the university authorities with a view to eradicating ragging totally. As the Dean of students he undertakes surprise visits in the university hostels, canteens and common rooms so that the students are always kept under vigil. Whenever any sort of nuisance or ragging is reported or detected, the guardians of the evil doers is called upon to face warning in respect of their wards and in some cases such students were driven out of the university.

21. The Ministry of Human Resources wanted to know from the university as to what steps were taken by way of preventing the incidents of ragging. However,,

over an incident of ragging published in the daily "Bartaman" he conducted an enquiry in course of which he received a report from the Superintendent, M.E. Workshop and also from some boarders of New Block Hostel that the allegation was baseless.

22. The Secretary of Association for Protection of Democratic Rights, however, claimed in his affidavit that there was an extortion of money by the elder students from the freshers, so as to give an exemption or reprieve from ragging. In the name of ragging the elder students demanded "parties" and other sorts of extortion in very many fields were perpetrated. The authorities and the teachers did not view ragging as a problem at all but as an inseparable part of the state of affairs and hence there was a total apathy towards eradication of the problem. The affidavit referred to several informations given to the Association by different students' unions like Jadavpur, Shibpur, Durgapur, Jalpaigury and Kharagpur. While we asked the Association to disclose the source of information, such sources were not disclosed and we cannot treat the information as authentic. We cannot also place reliance on the nexus between some of the teachers and some of the senior students in allowing extortions in the name of exemptions being given from ragging. Even though the information may be otherwise helpful and saucy without the source being given out, we cannot place sufficient reliance on the same.

23. On this entire gamut of evidence we must admit the help rendered by two books, one by Professor Shivshankar Mishra on "Ragging in Medical Colleges" published by Parimal Prakashan, Aurangabad, and other by Shri S. K. Ghosh, a Retired Inspector General of Police on "Ragging-Unquiet Campus" published by Ashish Publishing House, New Delhi. Both the books placed before us sufficient research materials on the prevalent practice of ragging and the problem of its eradication.

Conclusions :

(1) The State Government may appoint a high level Commission or an Anti-Ragging Committee comprising of academicians, civil servant-cum-administrators including high ranking police officers, sociologists and psychologists to frame a uniform policy to meet the problem of eradication of ragging in the various institutional campuses including medical and engineering colleges.

(2) It is on the basis of the report of the Commission or the Anti-Ragging Committee that the Government may think of introducing a proper legislation on the field.

Keeping in view the ratio of the decision in State of Himachal Pradesh Vs. A Parent of a Student of Medical College, Simla and Others, we should be conscious that a public interest litigation is a weapon, which has to be used with great care and circumspection. Judiciary has to be extremely careful to see that under the guise of redressing a public grievance, it does not encroach upon the sphere reserved by the Constitution to the Executive and the legislature.

The legislature in its wisdom including the State Legislature may think of bringing a sufficient amendment to the Indian Penal Code so as to define "ragging as a penal offence and to provide punishment therefor, so that many such acts of intimidation, insult or annoyance of injury which go by the name of "ragging" may not still continue to be beyond the gaze of police interference. As the matter stands today such acts on some occasions at best may amount to non-cognizable offence where a specific complaint before a criminal court before initiating a criminal proceeding may be found necessary and police may find itself helpless to initiate a proceeding suo motu. It is in the fitness of things that such offences should be made cognizable unless the entire bundle of facts make out such a case, as otherwise it will fail to achieve its object. We reiterate what has been said in *Himachal Pradesh v. A parent of a Student of Medical College, Shimla and Ors* (ibid) that it is entirely a matter for the executive branch of the Government to decide whether or not to introduce any particular legislation on the field. Of course any member of the legislature can also introduce legislation but the court cannot certainly mandate the executive or any member of the legislature to initiate legislation, howsoever necessary or desirable the court may consider it to be. That is not a matter which is within the sphere of the functions and duties allocated to the judiciary under the Constitution. We cannot indirectly require the executive to introduce a particular legislation or the legislature to pass a legislation or we cannot also assume to ourselves the supervisory role of the law making activities of the executive or the legislature.

(3) All educational institutions who have already taken out a programme for eradication of ragging may continue the same in the future.

(4) We would be content in present state of affairs to direct the Education Department (Technical Branch) of the State of West Bengal to appoint an Anti-Ragging Committee or a Commission to find out the ways and means for eradicating the problem and may only humbly request the legislature to take into consideration, our suggestions to introduce "ragging" as a criminal offence and to provide punishment therefore by way of a suitable amendment in the penal statute and nothing beyond, treating the same as a cognizable offence, if deemed fit and proper, irrespective of its magnitude.

(5) We would direct All India Radio (Akashbani) and the Doordarshan Authorities to continue their programmes on the problem of eradication of ragging every year at the time of admission of the freshers in the Engineering and Medical Colleges preferably in the months of July to October.

(6) We may direct a copy of our Judgement to be sent to the Speaker of the West Bengal Assembly, the Leader of the Opposition and the Chief Whip as well as the Hon'ble Chief Minister of West Bengal and the Minister for Higher Education and a copy to the Union Ministers for Human Resources and for Education for giving the matter a considerable thought for a proposed all India legislation.

Let a copy of this judgement be also handed over to all the parties who intervened in the matter as well as the petitioner and the State Government.

Let an appropriate writ in the nature of Mandamus issue accordingly. There will be no order as to costs.

G.R. Bhattacharjee, J.

24. I agree.