
(2000) 03 KL CK 0054

In the High Court Of Kerala

Case No : O.P. No. 31134 of 1999-S

Regarding Ragging of Freshers in Thiruvananthapuram
Government Engineering College

APPELLANT

Vs

State of Kerala

RESPONDENT

Date of Decision : 10-03-2000

Acts Referred:

Kerala Prohibition of Ragging Act, 1998 — Section 2

Citation : AIR 2000 Ker 245 : (2000) 2 ILR (Ker) 388 : (2000) KLJ 660

Hon'ble Judges : Arijit Pasayat, C.J.; K.S. Radhakrishnan, J

Bench : Division Bench

Advocate : Abraham, Vakkanal, Siby Mathew and Sumathi Dandapani, for the Appellant; Govt. Pleader and K. Sasikumar, for the Respondent

Judgement

Pasayat, C.J.—On the basis of a grievance made to one of us (Pasayat, C. J.) that students prosecuting studies in various educational institutions of the State are subjected to ragging by seniors, this petition was registered as a suo motu writ petition. Ragging is not a new phenomenon in the State, and elsewhere in the world. Taking note of grievances relating to ragging, in educational institutions, which is a matter of serious concern, Government has, in fact, enacted "Kerala Prohibition of Ragging Act, 1998" (hereinafter referred to as "the Act"). It is to be seen how far intended objectives have been fulfilled.

2. "Ragging" has been defined in the Act as doing any act, by disorderly conduct, to a student of an educational institution, which causes or is likely to cause physical or psychological harm or raising apprehension or fear or shame or embarrassment to that student and includes (i) teasing, abusing or playing practical jokes on, or causing hurt to such student; or (ii) asking a student to do any act or perform something which such student will not, in the ordinary course, willingly do. The Act provides for penalty, dismissal of student and suspension (Sections 4, 5 and 6). Ragging within or without any educational institution is prohibited under the Act. As indicated above, ragging is not a new phenomena.

As Chambers English Dictionary puts it, "ragging" is an outburst of organised horseplay, usually in defiance of authority; riotous festivity, esp. and orig. of under-graduates -- now, in British Universities, associated with the raising of money for charity. In Reader's Digest Great Encyclopaedic Dictionary, it is defined as noisy disorderly conduct (in some Universities) annual parade of students in fancy dress to collect money for charity; play rough jokes upon, throw into wild disorder (person's room, etc.) by way of practical joke. Ragging is supposed to have its creation in certain Universities in the western countries where practical jokes were played by seniors at the time of welcoming freshers to the institutions. They were done within the bounds of decency and were meant to be in good faith and Jovial spirit. But. In recent times, harrowing pictures are painted as to the tortures and humiliations, both physical and mental, which fresh entrants to institutions have to face. Instances are not few where because of such obnoxious treatment, students have fled away from institutions and are afraid of coming back. What was Intended to be in good faith and provide untainted fun is now characterised as physical torture with a sadistic tendency and sexual perversions. There are few reported cases of loss of life also. One thing is clear that ragging, which was originally thought of to be a mere joke, has crossed bounds of decency and has entered the arena of physical and mental torture. It needs to be dealt with with iron hands.

3. State has taken the right direction by enacting the Act. But enactment of stringent laws without effective implementation is meaningless. Not only those who indulge in ragging but also those who directly or indirectly aid and/or abate it have also to be penalised, in many Instances, authorities, in order to protect image of the institution by cajoling, intimidating, threatening and doing such other reprehensive acts, prevent affected students from making complaints which would necessitate action under the Act. Sometimes friends/relatives of persons involved in ragging do such acts in order to save them from statutory consequences. Suitable provisions are required to be made in respect of them also. They are as much guilty for ragging as those who do it.

4. Pursuant to our directions, a Cell called "CARE" has been constituted for anti-ragging efforts. It is brought to our notice that at different levels, Cells have been constituted and are functioning.

5. By order dated 10-12-1999, we had directed to ensure that names and addresses of persons giving information is kept confidential. In case any case is registered against any person for having indulged in ragging, he ts to appear before a police station (officer) to be fixed by the Cell every day until further orders from this Court. A record relating to attendance of concerned person was also directed to be maintained. It was further clarified that action should be taken against those who give malicious and frivolous information to the Cell.

6. From the reports submitted, we find that the Cells at different level are functioning smoothly. We, therefore, close this petition with the further following directions :

(i) in addition to the action taken as provided under the Act, the Cells shall take steps which are not in any way repugnant to the statutory provisions and continue to monitor the anti-ragging efforts;

(ii) in the case of those against whom cases have been registered and are produced before Magistrate, necessary orders shall be passed in line with the directions given regarding the daily attendance before police officer. After two months from the first date of attendance it shall be twice a week i.e. on Wednesday and Sunday and after four months, it shall be once a week i.e. on Sunday. This arrangement shall continue till completion of trial, if any. If the concerned Court feels that more stringent conditions, including remand to custody, are necessary, it shall be free to pass such orders;

(iii) Cases registered for ragging shall be taken on a priority basis considering its social impact; and

(iv) State Government shall examine desirability of having legislative measures in the line indicated above. Notwithstanding closure of the case, reports shall be submitted quarterly by concerned authorities for consideration by this Court. Same shall be placed before a Bench presided by Chief Justice.

We record our appreciation for the able assistance rendered by learned counsel, Shri Abraham Vakkanal, Shri Siby Mathew and Smt. Sumathi Dandapani, appointed to assist us and Shri Sasikumar, counsel for the State.