

(2001) 07 SC CK 0005

In the Supreme Court Of India

Case No : Writ Petition (C) No. 656 of 1998

Vishwa Jagriti Mission through President

APPELLANT

Vs

Central Government through Cabinet Secretary and Others

RESPONDENT

Date of Decision : 03-07-2001

Acts Referred:

Constitution of India, 1950 — Article 142, 32

Citation : (2001) 3 AWC 2276

Hon'ble Judges : A. S. Anand, C.J.; R. C. Lahoti, J; K. G. Balakrishnan, J

Bench : Full Bench

Final Decision : Dismissed

Judgement

A.S. Anand, C.J.I., R.C. Lahoti and K.G. Balakrishnan, JJ.—Pursuant to our order dated 3.3.2001, the University Grants Commission has filed written submissions/guidelines. An advance copy has already been supplied to the learned Counsel opposite.

2. This public interest litigation highlights a menace pervading the educational institutions of the country which in spite of efforts made by the Central Government, the University Grants Commission, State Governments and some of the educational institutions is unfortunately showing an upwards trend. The Petitioner seeks directions of this Court so as to curb the menace of ragging.

3. The pleadings are complete. Inasmuch as the petition involves dealing with an issue which is likely to affect a large number of students and relationship of the students inter se belonging to different age-groups and coming from different social and cultural background as also the relationship of the students with the institution, the petition needs a detailed hearing. The issues arising for decision cannot be dealt with through a legalistic approach only; sociological and psychological factors shall have to be kept in view. However, all the learned Counsel appearing in the case have submitted that the Court is shortly closing for summer vacation and by the time it reopens most of the educational

institutions may have become functional and therefore, it would be in public interest if some guidelines by way of an interim order are laid down by this Court. Accordingly, we have heard the learned Counsel for the parties.

4. In exercise of the jurisdiction conferred by Article 32 and Article 142 of the Constitution, we issue the following guidelines:

(i) This Court views with concern the increase in the number of incidents of ragging in educational institutions. Some of the reported incidents have crossed the limits of decency, morality and humanity. Some of the States have acted by enacting legislations and making ragging as defined therein a cognizable and punishable offence. However, we feel ragging cannot be cured merely by making it a cognizable, criminal offence. Moreover, we feel that the acts of indiscipline and misbehaviour on the part of the students must primarily be dealt with within the institution and by exercise of the disciplinary authority of the teachers over the students and of the management of the institutions over the teachers and students. Students ought not ordinarily be subjected to police action unless it be unavoidable. The students going to educational institutions for learning should not remain under constant fear of being dealt with by police and sent to jail and face the Courts. The faith in the teachers for the purpose of maintaining discipline should be restored and the responsibility fixed by emphasising the same.

(ii) 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 indisciplined 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 student 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.

(iii) 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.

(iv) Ragging can be stopped by creating awareness amongst the students, teachers and parents that ragging is a reprehensible act which does no good to any one and by simultaneously generating an atmosphere of discipline by sending a clear message that no act of ragging shall be tolerated and any act of ragging shall not go unnoticed and unpunished.

(v) Anti-ragging movement should be initiated by the institutions right from the time of advertisement for admissions. The prospectus, the form for admission and/or any other literature issued to aspirants for admission must clearly mention that ragging is banned in the institution and any one indulging in ragging is likely to be punished appropriately which punishment may include expulsion from the institution, suspension from the institution or classes for a

limited period or fine with a public apology. The punishment may also take the shape of: (i) withholding scholarships or other benefits, (ii) debarring from representation in events, (iii) withholding results and (iv) suspension or expulsion from hostel or mess, and the like. If there be any legislation governing ragging or any provisions in the statute/ordinances they should be brought to the notice of the students/parents seeking admissions.

(vi) The application form for admission/enrolment shall have a printed undertaking to be filled up and signed by the candidate to the effect that he/she is aware of the institution's approach towards ragging and the punishments to which he or she shall be liable if found guilty of ragging. A similar undertaking shall be obtained from the parent/guardian of the applicant.

(vii) Such of the institutions as are introducing such a system for the first time shall ensure undertakings being obtained from the students and their parents/guardians already studying in the institutions before the commencement of the next educational year/session.

(viii) A printed leaflet detailing when and to whom one has to turn for information, help and guidance for various purposes, keeping in view the needs of new entrants in the institution, along with the addresses and telephone numbers of such persons, should be given to freshers at the time of admissions so that the freshers need not look up to the seniors for help in such matters and feel indebted to or obliged by them.

(ix) The management, the principal, the teaching staff should interact with freshers and take them in confidence by apprising them of their rights as well as obligation to fight against ragging and to generate confidence in their mind that any instance of ragging to which they are subjected or which comes in their knowledge should forthwith be brought to their knowledge and shall be promptly dealt with while protecting the complainants from any harassment by perpetrators of ragging. It would be better if the head of the institution or a person high in authority addresses meetings of teachers, parents and students collectively or in groups in this behalf.

(x) 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, and

(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 finding/recommendation/suggestions before the authority competent to take decision.

All vulnerable locations shall be identified and specially watched.

(xi) The local community and the students in particular must be made aware of

dehumanising effect of ragging inherent in its perversity. Posters, notice boards and sign-boards-whenever necessary, may be used for the purpose.

(xii) 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 wardenes/superintendents.

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

(xiv) 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.

(xv) 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.

(xvi) If an institution fails to curb ragging, the U.G.C./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.

(xvii) The Universities and the institutions shall at a reasonable time before the commencement of an academic year, and therefore, at such frequent intervals as may be expedient deliberate over and devise such positive and constructive activities to be arranged by involving the students generally so that the seniors and juniors, and the existing students and the freshers, interact with each other in a healthy atmosphere and develop a friendly, relationship so as to behave like members of a family in an institution. Seniors or juniors should be encouraged to exhibit their talents in such events so as to shed their complexes.

5. We make it clear that these guidelines are only illustrative and are not Intended to come in the way of the institutions and authorities devising ways and means to curb the ragging. If there are local laws governing ragging, they shall be implemented and knowledge and information about such laws shall also be disseminated. Ragging, if it becomes unmanageable or amounts to a cognizable offence, the same may be reported to the police. However, the police should be called in or allowed entry in the campus at the instance of the head of the institution or the person in charge. We expect the police also to deal with such incidents when brought to its notice for action by keeping in mind that they are dealing with students and not criminals. The action of the police should never be violent and be always guided by a correctional attitude.

6. The U.G.C. shall bring these guidelines to the notice of all educational institutions. Publicity may also be given by issuing press notes in public interest by U.G.C. and Central Government.

7. List after summer vacation.