

Ragging in India and its Impact on Education

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“Hazing and ragging is indeed a weed in the Garden of Academe.”

Hank Nuwer

I. Prologue:

It is rightly said by film director Mr. Manish Gupta that Ragging is a menace that has plagued our educational system for decades². Similarly, in today’s modern world, this menace of ragging has taken the shape of a serious human rights violation with even the most respected and disciplined educational institutes falling prey to it. Though it was practiced all around the world but it is now confined mainly to South-Asia (especially India and Sri Lanka). Country like India is unable to curtail and eradicate the menace of ragging which is rapidly eroding its educational system. The main reason behind it is that Ragging is a form of abuse on newcomers to educational institutions in Australia, Britain, India, Sri Lanka and in many other Commonwealth countries. Ragging, Hazing, Fagging, Bullying, Pledging, Horse-playing etc., are different terms used in different parts of the world to define ragging, but each signifying the same old practice of welcoming the fresher in a barbaric manner. In America, it is known as hazing³. Some senior students force the unorganized newcomers to undergo several forms of mental, physical and sexual abuses. Even US has failed to deal with ragging effectively⁴.

Incidents of Ragging in educational institutions in India, particularly at the undergraduate level, have been rampant. Ragging has achieved the connotation of inhuman physical and emotional torture of freshers in the name of introducing them to a new life in colleges and toughening them up. The menace of ragging rages on in spite of the Supreme Court of India banning any form of ragging in all educational institutions⁵. There have been number of incidents of ragging which

1 I/c Head, Department of Law, Shivaji University, Kolhapur, Maharashtra State.

2 ‘Ragging is a menace that has plagued our educational system’, appeared in The Times of India, Bangalore Ed., 18/07/2011.

3 Hazing is a ritualistic test and a task involving harassment, abuse or humiliation used as a way of initiating a person into a gang, club, military organization or other group. The definition can refer to either physical (sometimes violent) or mental (possibly degrading) practices. It may also include nudity or sexually oriented activities. The word “hazing” is most frequently encountered in the United States and Canada, source: <http://en.wikipedia.org/wiki/Hazing>.

4 Hank Nuwer, ‘How US failed to deal with ragging’, appeared in The Sunday Times of India, Bangalore Ed., 29/03/2009, p.10.

5 Source: <http://www.merineews.Com/catFull.Jsp;jsessionid=2E61DFE34908DCBB97B1B0390107D33A?articleID=15764656>

reflect the extreme torture (mental, physical and sexual), trauma, harassment and even loss of life of the juniors.

In spite of the judicial intervention and directions, ragging activities are unabatedly on the rise⁶. Some States have been issuing circulars against ragging, whereas some others are issuing banning orders against ragging. Therefore, it can be said that mere judicial intervention in tackling ragging is not enough, the problem of ragging needs to be approached with a human rights perspective.

In Aman Kachroo⁷ case the authorities have as usual woken up to the seriousness of the situation very late. Four third year students have been charged for murder and under anti-ragging ordinance and the Principal have been removed. The Supreme Court⁸ had issued notices to the governments of Himachal Pradesh and Andhra Pradesh asking for explanation for contempt of the Court and the circumstances leading to the incidents and the action taken as the Supreme Court had made ragging illegal and recording an FIR against the ragging students mandatory on May 16, 2007⁹.

It was a matter of a very sad fact that the college authorities had turned a deaf ear to Aman's complaints of torture and harassment, which shows the total breakdown of the institutional machinery. Despite the Supreme Court's rulings and guidelines, there was a complete collapse of authoritative responsibility in the command structure of the institution. In less than a week after Aman's death, a girl student of the Bapatla Engineering College in Andhra Pradesh attempted suicide after she was forced to dance nude by her seniors. This shows that ragging is a widely spread menace in our country. The Supreme Court has rightly asked the authorities concerned in Himachal Pradesh and Andhra Pradesh to explain why contempt proceedings should not be initiated against them. This paper attempts to highlight the seriousness of *ragging* as an issue of *Social Menace in Educational system* and calls upon all the citizens of India and the concerned authorities to address the issue not only from the law point of view but also from human rights

6 '...time has come to cut off government financial aid to those institutions which have failed to curb the menace of ragging as earlier directed by the apex court', appeared in The Time of India, Bangalore, Ed., 17/03/2009.

7 On 7 March 2009, Aman Kachroo, 19, a first year student of Dr Rajendra Prasad Medical College, Tanda, Kangra, HP, India, had repeatedly complained to his parents about the brutal ragging that took place on the Medical College campus— often by completely drunk third-year students. On Friday night and Saturday morning (March 6th-7th, 2009), the boy was beaten so badly that he died of brain hemorrhage.

8 The verdict of Court so far: All four final year students of Tanda Medical College who were convicted in Aman Kachroo ragging case, have been awarded with four years rigorous imprisonment and a fine of Rs. 10,000 by the Trial Court. They were held guilty under Section 304 II (culpable homicide not amounting to murder), 452 (house-trespass after preparing for hurt, assault or wrongful restraint) and 34 (common intention) of IPC. Now the case is pending in the High Court.

9 *Supra* Note 4.

perspective.

II. Ragging:

“‘Ragging’ means the doing of any act which causes, or is likely to cause any physical, psychological or physiological harm of apprehension or shame or embarrassment to a student, and includes– (a) teasing or abusing of playing Practical joke on, or causing hurt to any student. or (b) asking any student to do any act, or perform any thing, which he/she would not, in the ordinary course, be willing to do or perform”¹⁰.

According to the Reader’s Digest Great Encyclopedia Dictionary, “Ragging means a noisy disorderly conduct, annual parade of students in fancy dress to collect money for charity, playing rough jokes, or throwing into wild disorder a person’s room etc. It seeks to create consent for other forms of exploitation in our society”¹¹.

On May 4, 2001 the Hon’ble Supreme Court of India¹², has defined ragging as 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 student, indulging in rowdy or undisciplined activities which cause or are likely to cause annoyance, hardship or psychological harm or to raise fear or apprehension thereof in a fresher or a junior student and which has the effect of causing or generating a sense of shame or embarrassment so as to adversely affect the psyche of a fresher or a junior student.

According to the Maharashtra Prohibition of Ragging Act, 1999 ragging is defined as a display or disorderly conduct, doing of any act which causes or is likely to cause physical or psychological harm or raise apprehension or fear or shame or embarrassment to a student in any educational institution.

The Kerala Prohibition of Ragging Act, 1998 defines ragging as acts of teasing, abusing, playing practical jokes or causing hurt or asking a student to do an act which he is unwilling to do.

III. History:

Ragging has its origin way back into as early as 7th or 8th century A.D. In Greek culture, for instance the new entrants to the sport community were subjected to all kinds of humiliations and teasing to inculcate a team spirit in them. But with the passage of time this technique was subjected to numerous modifications and was later on adopted by the military forces, from there it finally entered in the

10 Source: <http://en.wikipedia.org/wiki/>.

11 The Students’ Federation of India (SFI) all India president R. Arun Kumar, Albeena Shakeel, joint secretary and Nithin, CEC member have submitted the memorandum to the Supreme Court constituted committee against ragging in New Delhi on February 14, 2009, c.f. http://pd.cpim.org/2007/0225/02252007_sfi.htm:

12 See, Vishwa Jagriti Mission vs Union of India.

education system.

Ragging is originally a western product practiced in certain European Universities. It was an act where seniors played practical jokes on the juniors at the time of welcoming them to the educational institutions. This practice later on became very popular throughout the world. But, slowly started getting more and more serious and harmful and was therefore rigorously condemned all over the world.

From the time of its entrance into the educational field, ragging has been modified several times and finally it was converted into a prearranged type of campus brutality. The first ragging related death occurred in 1873 when a fresh student from Cornell University fell into a gorge as a result of ragging activities played on him by the seniors. Ragging became more brutal after the World-War I. During this time the soldiers returning from war re-entered the college and brought with them the technique of Hazing (ragging) learned in military camp subsequently it became a brutal and hazardous exercise. Gradually in the early 20th century ragging related violence started rising in the western countries.

Ragging was imported in India as free gift along with the English education. In its several years of existence ragging has done more harm than good. It has claimed lives of several thousand innocent students all across the world. Presently ragging is no longer exists in its brutal form at places where it actually originated as they have already enacted some of the strictest laws to ban ragging, but it is rapidly proliferating in the under-developed and developing nations of the world including India and Sri Lanka.

India has not been able to curtail, prevent or eradicate this ruthless menace of ragging till date. In fact it can be sadly said that one of the most horrible ragging takes place in the Indian educational institutes which is clearly evident from the repeated news of ragging incidents which are hitting the headlines of our daily news items recently. A recent survey by the Coalition to Uproot Ragging from Education (CURE)¹³ reveals that India and Sri Lanka are the only two countries in the world where ragging still exists in an uncontrollable manner with immunity.

IV. Causes of Ragging:

Freshmen after coming from schools into college environment are often unorganized and highly vulnerable to all sorts of bullying and exploitations from the seniors. This is where an opportunity is seized by the seniors to have an authority on them. Ragging can be the means of retaliation from the experience of ragging the ragger himself had during his juniorship. Ragging can be also be resorted by the seniors not because of their own will but because of the pressure from their

13 CURE is a non-profit organisation dedicated solely towards the elimination of ragging and promoting more positive ways of interaction among seniors and freshers in Indian universities and colleges.

other senior friends. The seniors are under a wrong impression that they can become famous among the college students if they are indulged in ragging business.

The institutional authorities are also responsible to a greater extent as they fail to entertain the complaints of ragging incidents by the freshers. They do not consider the incidents to be a serious matter. The authorities often fail to ensure the anonymity of the complainant of ragging incidents. This discourages the victims to come forward and fight against the menace hence they choose to tolerate it instead. Even their parents sometimes do not take ragging seriously as some of them believe in useless myths such as ragging makes their child bold etc¹⁴. This is the main reason why almost 99.99% of ragging incidents go unreported¹⁵. The outcome is that since there is no reporting of any ragging incidents, the college authorities will be under a wrong impression that there is no ragging in their institution.

Even facilities such as providing for a complaint box or expecting the fresher to report the incident to anti ragging cell/committee have proved to be a great failure as such provisions do not ensure the fresher of complete anonymity and his/her safety.

V. Effects of Ragging:

A simple fun or a joke played by the seniors may land a junior into a deep sorrow and may also ruin his career forever. Let us examine some of the effects of ragging on all those people who are directly or indirectly connected to it:

V. I. Effects on the Victims: The victim student suffers a severe mental trauma. It develops a fear psychosis that haunts him throughout his life, or makes him quit his college education even before it begins. He loses valuable year as he is too traumatized to return and join the institute thereby ruining his career opportunities¹⁶. Brutal ragging may also lead to some of the untoward incidents such as suicides¹⁷ and culpable homicides, etc¹⁸.

V. II. Effects on Victim's Family: The victim's family is left devastated and

14 A reference can be made to the incident of Aman Kachroo's death.

15 Source: <http://kalugu.com/2009/03/17/ragging-right-and-wrong>.

16 'Ragging: Who's to blame?', Source: <http://www.petitiononline.com/Ragging/petition.html>.

17 On the 12th March 2009 an agricultural engineering student of Bapatla in Guntur District of Andhra Pradesh was allegedly made to dance nude as part of ragging by her seniors following which the girl attempted to commit suicide, Source: <http://www.petitiononline.com/Ragging/petition.html>.

18 A 19-year-old medical student of Dr Rajendra Prasad Medical College, Tanda in Kangra, in Himachal Pradesh, has lost his life on 8th March, 2009, allegedly due to the brutal beating he received at the hands of merciless seniors. Reported in Times of India, Bangalore Ed., 11/03/2009.

traumatized due to the irreparable loss they have to suffer for the rest of their life¹⁹. Some parents have taken some drastic steps such as ending their own lives²⁰.

V. III. Effects the Educational Institution: Ragging may spoil the reputation and goodwill of the institution in the society. Its head may have a very tough time in controlling the situation and in grave circumstances he may also lose his job²¹.

V. IV. Effects on the Ragers: They may be blacklisted or suspended or rusticated from the college. Sometimes in grave offences like assault, rape or even murder, etc, they may be criminally prosecuted under the law²².

VI. Myths about Ragging²³:

VI. I. Ragging makes a student bold and prepares him for the difficult times in his lifetime.

VI. II. It makes them strong.

VI. III. It teaches them how to be exploited and mutely, non-resistively accept it.

VI. IV. It helps better interaction with the seniors and freshers which helps them to develop friendship between them.

VI. V. It generates a sense of unity and Oneness between them in the institution.

VI. VI. Severe Ragging is not prevalent anymore.

VI. VII. After the ban on ragging, colleges have geared up against it.

However the facts say something else. Ragging cannot be accepted in the present modern educational fields as it is one of the harshest ways of treating the juniors by seniors. Ragging may have many ill effects on the student's career opportunities.

VII. Anti-ragging Movement:

With the situation of ragging worsening yearly, there is emerging a spontaneous anti-ragging movement in India. Several voluntary organizations have emerged, who conduct drives for public awareness and arrange for support to victims.

Online groups like CURE, Stopragging, No Ragging Foundation became

19 A reference may be made to the recent incident a murder of Aman Kachroo on 8th March, 2009.

20 C. Lalitha, the mother of Mukesh ended her life due to the controversy surrounding the sexual abuse of her son during ragging (Andhra Pradesh, Sept 2006). Source: www.noragging.com

21 The Himachal Pradesh Government suspended Suresh Sankhyan, principal of Dr. Rajendra Prasad Medical College, on the directions of the Supreme Court, reported in The Times of India, Bangalore Ed., 31/03/2009.

22 Ibid, note 7 above.

23 See: www.noragging.com, visited on 29/03/2009.

the major Anti Ragging groups on the Internet. Among them, the No Ragging Foundation has transformed into a complete NGO and got registered as SAVE which is India's first registered Anti Ragging non profit organization (NGO)²⁴. These groups are working on issues related to ragging. Each of them is running anti-ragging websites and online groups.

The Indian media has been playing a crucial role by exposing ragging incidents and the indifference of many concerned institutions towards curbing the act. The Honbl. Supreme Court of India has directed, in its interim judgement, that action may be taken even against negligent institutions.

VIII. Ragging and the Law:

Dr. Kushal Banerjee, founder of SAVE, calls ragging as an organised crime. A Bill, tabled in 2005 to prevent ragging, is yet to become a law. But it will need more than a law to change the mindset or deter those who indulge in ragging and care two hoots for the law²⁵.

In 1997, the state of Tamil Nadu was the first state to pass laws related to ragging. Subsequently, a major boost to anti-ragging efforts was given by a landmark judgement of the Supreme Court of India in May 2001, in response to a Public Interest Litigation filed by the Vishwa Jagriti Mission.

The Ministry of Human Resources Development (MHRD), following a directive by the Supreme Court, appointed a seven member panel headed by ex-CBI director Dr. R. K. Raghavan to recommend anti-ragging measures. The Raghavan Committee report, submitted to the court in May 2007, includes a proposal to include ragging as a special section under the Indian Penal Code. The Supreme Court of India interim order (based on the recommendations) dated May 16, 2007 makes it obligatory for academic institutions to file official First Information Reports with the police in any instance of a complaint of ragging. This would ensure that all cases would be formally investigated under criminal justice system, and not by the academic institutions own ad-hoc bodies.

The Supreme Court has taken a strong stand to prevent ragging. In 2006, the court directed the H.R.D. Ministry of the Govt. of India to form a panel which will suggest guidelines to control ragging. The panel, headed by the former director of C.B.I. Dr. R.K.Raghavan, met victims, guardians and others across the country. The Raghavan committee has placed its recommendation to the Supreme Court, which has given its order on the issue.

Presently, there are only four state legislations in India that prohibit ragging. These are:

1. The Prohibition of Ragging Act, 1996, passed by the State of Tamil Nadu.

²⁴ See: http://en.wikipedia.org/wiki/Ragging_in_India#cite_note-8#cite_note-8, visited on 17/03/2009.

²⁵ Available at <http://www.digitalbhoomi.in/forums/showthread.php?t=8849>

2. The Kerala Prohibition of Ragging Act, 1998.
3. The Maharashtra Prohibition of Ragging Act, 1999.
4. The Prohibition of Ragging in Educational Institutes Act, 2000, passed by the State of West Bengal.

These Acts provides for the definitions of ragging and provide for the setting up of Disciplinary Committees for taking immediate and effective steps against ragging. They also declare ragging to be a cognizable offence and prescribe the appropriate punishments.

The Maharashtra Prohibition of Ragging Act, 1999 for instance says that the offenders of ragging will be liable to a fine of Rs. 5000 or two years of rigorous imprisonment or both. Offenders may also be expelled from their institutions without any scope for re-admittance.

Similarly, the Kerala Prohibition of Ragging Act, 1998 also provides that any students found ragging directly or indirectly or abetting within or outside an educational institution are liable for imprisonment for a term which may extend up to two years with a fine which may be up to Rs.10,000. Depending upon the severity of the case, the guilty can be either suspended or dismissed and can also be debarred from gaining admission in any institution for five years.

From the above analysis of the Acts it can be said that even though many incidents of Ragging are reported from almost all states in India, only a few States, such as, Tamil Nadu, Kerala, Maharashtra and West Bengal, have taken positive steps and managed to enact laws to deal with ragging. In the rest of the country ragging is banned not by legislations but by circulars and some of the administrative orders²⁶.

IX. Judicial Approach towards Ragging:

The death of 19-year-old Aman Kachroo, a medical student, is one of the evidences of the serious turn ragging can take. The Supreme Court has passed two orders, in 2001 and 2007 on the basis of recommendations made by an SC-appointed expert panel headed by former CBI director R K Raghavan, to curb ragging, even labeling it a criminal offence and directing the police to file FIRs within 24 hours of receiving a complaint, but so far this hasn't proved a deterrent which is evident from the recent reported incidents of some of the brutal ragging.

The Division Bench of Justices R C Lahoti and Brijesh Kumar in 2001 distinguished the root cause of ragging as “deriving sadistic pleasure or showing off power, authority or superiority by the seniors over their juniors or freshers”.

The Raghavan Committee squarely blamed state governments and heads of educational institutions, mostly private ones, for the problem. The Committee

26 “Ragging a fellow student can end one’s academic career with University Grants Commission (UGC) recommending debarring of a guilty student from getting admission for life...”, appeared in The Times of India, Bangalore Ed., 23/03/2009. Also cf. The Times of India, Bangalore Ed., 31/03/2009.

reported that firstly there are very few states that have enacted laws in respect to ragging but even these few existing state laws are sadly lacking in provisions intended to prevent ragging. The SC's intervention, it says, has had hardly any effect on sexual and physical ragging. Interestingly, the panel suggested that presence of college politics reduces ragging as it gives a sense of democracy within the institution.

In 2001, the Supreme Court saw ragging as a sociological issue, rather than a criminal offence. It directed the police to treat students as students and not criminals. It further prescribed the punishment for ragging, which included threat of expulsion from college, withdrawal of scholarships or other benefits, withholding exam results, suspension or expulsion from hostel or mess. The court, however, was lenient as far as criminal action against students indulging in ragging went. The Bench noted that police should be involved in the matter only if the ragging becomes unmanageable.

Six years later, the Raghavan panel, observed in its report to the apex court that the 2001 recommendations had not curbed ragging, and there was a rise in sexual and physical ragging. In 2007, the Supreme Court finally accepted ragging as a crime, often involving cognisable offences. The Bench led by Justice Arijit Pasayat made it mandatory for the police to file an FIR within 24 hours of receiving a complaint about an incident of ragging.

The Supreme Court clearly stated that Ragging is a crime. It has directed the educational institutions that since ragging is an offence so; they can register criminal cases against those students involved in ragging activities. It also stated further that FIR should be registered if ragging happens in any institution. It also directed that the local courts should hear such cases on priority basis. It has also advised that an anti-ragging committee should be set up in all states to restrict the punishable acts.

Supreme Court directed educational institutions to adopt a "zero tolerance" policy to ragging and expel students found guilty of maltreating freshers. A bench of Justices Arijit Pasayat and Aftab Alam said that ragging is plaguing not merely government educational institutions but private educational institutions too and there is no reason why it should be not curbed.

Supreme Court has asked the central and state governments to implement the court's earlier directions²⁷ to arrest the menace of ragging in private educational institutions, including professional colleges on medicine, engineering, dental science, management, pharmacy and agriculture.

The court directed bodies like the Medical Council of India, Dental Council of India and Bar Council of India to suggest guidelines to it to curtail ragging of junior students by seniors. It has asked educational institutions to include a condition

²⁷ Ibid, In a series of directions issued in May 2007 and in February 2009, SC had asked the college management to take steps like launching criminal prosecutions and rustication of students including in ragging.

and warning in their admission forms saying that any student found indulging in ragging would be expelled after being given a chance to explain his act.

The apex court has asked the Additional Solicitor General Gopal Subramanian, who is assisting the court in the matter as amicus curie, to file a fresh status report on its earlier directions for implementation of the Ragahvan Committee report to check ragging in educational institutions. In its directions in May, the court had said ragging, which sometimes involves violence, abuse and even sexual harassment, is unacceptable and deserves severe punishment. The Supreme Court has sent a chilling signal to rowdy seniors in colleges, warning them of dire consequences if they indulged in ragging, even if for the first time²⁸.

Unhappy over poor implementation of its recommendations, Supreme Court appointed anti-ragging panel pulled up UGC (University Grants Commission), MCI (Medical Council of India) and other regulatory bodies and favoured the idea of starting a national call centre for providing assistance to students.

The committee headed by former CBI chief R K Raghavan asked the regulatory bodies to take punitive action against errant institutions. The punitive action could include curtailing grants to the institutes and withdrawing their recognition. The Supreme Court said that the regulatory bodies could withdraw grants to institutes for not taking anti-ragging measures. The committee had submitted a series of recommendations two years ago to the apex court for curbing ragging. The recommendations stipulated that institutes should form anti-ragging committees and squads and cases of ragging should be considered as criminal offences.

Following is the chart showing the Anti-Ragging Committee constituted by the Shivaji University, Kolhapur, Maharashtra, as per the directives of Supreme Court of India in SLP No.(S)24295 of 2006, dated 16th May 2007 (As prescribed in 5.18 of Raghwan Committee Report):

1. **ANTI-RAGGING COMMITTEE**
 - a. Head of the Institution - Chairman
(The Vice-Chancellor)
 - b. Representative of the Civil Administration - Chairman
(District Supply Officer)
 - c. Representative of the Police Administration - Member
(D.S.P.)
 - d. Representative of Local Media - Member
 - e. Representative of NGO - Member
(Press Reporter and Social Worker)
 - f. Representative of the Faculty - Member
 - g. Representative of Parents - Member

28 See: 'SC acts tough, warns colleges against ragging', Halsbury's Law, Monthly, Vol. 03, Issue 03, March, 2009, p.59.

- h. Representative of the Senior Students - Member
 - i. Representative of the Fresh Student - Member
 - j. Representative of the Non-Teaching Staff - Member
(Assistant Registrar of University)
 - k. Registrar - Member Secretary
- 2. ANTI-RAGGING SQUADS (BOYS HOSTEL)**
- a. Registrar - Chairman
 - b. Chief Rector - Member
 - c. Incharge Rectors - Member
 - d. Director D.S.W. - Member Secretary
- 3. ANTI-RAGGING SQUADS (GIRLS HOSTEL)**
- a. Registrar - Chairman
 - b. Chief Rector - Member
 - c. Incharge Rector - Member
 - d. Director D.S.W. - Member Secretary

X. UGC and MCI on Ragging:

To root out ragging in all its forms from universities, colleges and other educational institutions in the country²⁹, UGC issued some regulations under the heading The UGC Regulation on Curbing the menace of Ragging in Higher Educational Institutions, 2009. The University Grants Commission (UGC) and the Medical Council of India (MCI) have also issued various directions and guidelines to the educational institutions across the nation in order to take steps to curb and eradicate ragging. A few of them have been reproduced as under:

X. I. Guidelines by UGC³⁰:

- Access to mobile phones and public phones shall be unrestricted in hostels and campuses, but the Jammers will be installed in classrooms, seminar halls and libraries.
- Welcome parties are to be organised in each department, preferably within the first two weeks of the academic session.
 - Freshers are to be brought out properly in the presence of faculty.
 - UGC will consider providing special / additional annual financial grants-in-aid to institutions that have a spotless ragging-free record.
 - UGC shall consider instituting a category of financial incentives for institutions which take stringent action against ragging.
 - There shall be incentives provided for the post of warden to attract candidates.
 - Punishment for Ragging:
 - o Cancellation of admission

²⁹ In exercise of the powers conferred by clause (g) of Sub-Sec. (1) of Sec. 26 of the University Grants Commission Act, 1956.

³⁰ Times News Network, 'UGC rings in mobiles to curb ragging', Times of India, Bangalore Ed., 03/04/2009.

- o Suspension from attending classes
 - o Withholding / withdrawing scholarship / fellowship, other benefits
 - o Debaring from appearing in any exams
 - o Withholding results
 - o Suspension / expulsion from hostel
 - o Rustication for a period ranging from 1 to 4 semesters
 - o Consequent debaring from admission to any other institution
 - o Fine of Rs.25,000.
- Institutions must utilize the vacation period to campaign against ragging.
 - Institutions shall provide all wardens with mobiles so they are accessible at all the time.
 - **Collective punishment:** In case the persons committing or abetting the crime of ragging are not identified, the institution shall resort to collective punishment as a deterrent to ensure community pressure on potential raggars.

X. II. Guidelines by MCI:

- Medical colleges/universities across the country must now seek character certificate from every student, which will give detailed information regarding their behavioural pattern.
- Every college/university must take an annual undertaking signed by each fresher/senior and parents that they will not indulge in ragging. If found guilty, college can proceed against the students.
- Colleges/universities must alter their academic calendar to ensure that there is a one-or two-week gap between the date of joining for freshers and seniors. This is to ensure that classes for seniors commence later so as to enable freshers familiarise themselves with campus environment and adjust to sudden change over from schools to higher education.
- Institutions must constitute 'mentoring' cell to oversee and involve senior students as mentors for freshers.
- Every college must have an anti-ragging committee and anti-ragging squad comprising of teachers or police.
- At the beginning of the academic year, principal must have joint sensitisation programme with anti-ragging committee members.
- Institutions must ensure that private lodges/hostels outside campuses must be registered with local police. Permission to start such a hostel or their registration must be recommended by the heads of institutions.
- In case ragging victim and his/her parent/guardian are not satisfied with action taken by college/university, institutions must file FIR.
- Every institution must ensure remedial action is initiated and completed within a week of the incident to ensure that evidence is not tampered.
- Complaint can be oral hand-written and even from third parties.
- College must conduct anonymous random survey across entire first year

batch every fortnight during first three months of academic year.

- Every institution must engage professional counsellor during admission time to counsel freshers to prepare them for life ahead, especially for life in hostel.
- Brochures/prospectus must have regulations against ragging and consequences of indulging in it.

XI. Recent Steps taken by Government of India:

Recently, the Government of India has considered framing a special central law to effectively curb ragging menace. It has decided to enact a completely new law exclusively dealing with the cases relating to ragging incidents. Besides, the President of India also has decided to write to all the Governors, who are also chancellors of their respective states universities, asking them to allow a group of activists³¹ to sensitize students about ragging.

Similarly, the Central Government has started a 24 hour toll-free helpline service with a number 1800-180-5522 under the name of “*Anti Ragging Helpline*”. The students who are being or would be the victims of ragging incidents can call the above emergency number and lodge their complaints directly to the concerned authorities. All the Public and Private Educational Institutions will have to be registered on the above helpline to facilitate speedy help to the victims. It is also planning to start another helpline with a number 155222 within 3 months and one e-mil address i.e., helpline@antiragging.net. Besides, by virtue of Supreme Court direction on 8th May 2009, the Central Government has also constituted a special committee to detect and raid the places where the incidents of ragging often occur.

XII. Ragging from the Constitutional Perspective:

The preamble of the Constitution of Indian state that the purpose of the Constitution is to secure to all citizens Justice, Liberty and Equality and to promote Fraternity assuring the Dignity of the individual and the Unity and Integrity of the Nation. Therefore, every citizen of India has a right to live with human dignity. It also provides that no person shall be deprived of his life or personal liberty except according to procedure established by law³². Article 21 of the Constitution has been stretched by the Supreme Court of India to such an extent that almost every aspect of human life has been included in it. Article 21 includes fundamental rights such as right to human dignity, right to personal liberty and right to privacy. The Supreme Court has innumerable times, declared that ‘right to life’ does not merely mean animal existence but means something more, namely, the ‘right live with

31 The activists of Aman Movement, led by Rajendra Kachroo, father of Aman Kachroo who died in the ragging incident, met the President and requested her to ask the chancellors to allow them to make presentations in campuses against ragging, appeared in the Times of India, Bangalore Ed., 4/5/2009.

32 Article 21 of the Indian Constitution.

human dignity'. Similarly the article also provides for right to privacy, that is, right to be left alone. Therefore, a new comer in an educational institution has fundamental rights to live with dignity and also to be left alone in the college campus or in the hostel, etc.

The Indian educational institutions have not categorised ragging as a social menace. Ragging is spreading its tentacles in almost every educational system in India, but till date it has failed to recognize it as an issue of human fundamental rights violation as guaranteed by the Constitution.

Ragging, a colonial legacy is widespread in India's education. Various State Legislatures in India have been passing anti-ragging legislations, yet the issue is far from being resolved. Indian legal fraternity has yet to approach the problem of ragging from a perspective other than that of "crime." In the absence of any serious research to that effect, ragging is hardly recognized as an issue under human rights; human rights fraternities in India do not seem to bother about "ragging" which is in fact a sad reality. However, the United Nations has considered ragging as an issue of human rights in education.

The Supreme Court of Sri Lanka decided in April 1998 observed that the victimization of students, especially newcomers, through verbal abuse should be outlawed, the Court affirmed, adding, "Ragging has far too long been cruel, inhuman and degrading. Our society has been unable to deal with the root causes of ragging, and the anxieties, fears and frustrations of youth on which ragging has fed and flourished".

XIII. Prevention of Ragging – Some Remedies:

Ragging needs to be considered as a social menace by the Indian educational system and should be heavily opposed and condemned. To prevent and stop the menace of ragging following steps may be adopted:

XIII. I. Ragging must be taken seriously: Ragging and its ill effects must be discussed with the newly admitted students almost everywhere be it in the classrooms, sports and other groups.

XIII. II. Proper Education: The college/university administrators, leaders of groups or organizations, families, and students must be well educated about ragging and its consequences.

XIII. III. Standards must be met: The colleges/university must require their students to meet behavioral as well as academic standards to continue in extra-curricular groups. A record of strong disciplinary actions in cases of ragging must be maintained by the concerned colleges/universities.

XIII. IV. Direction and / or Guidelines of the Supreme Court and UGC etc must be strictly followed: Educational institution must strictly follow the directions and guidelines by SC and the UGC to avoid contempt proceedings and other consequences such as withdrawal of grants, affiliations or recognitions.

XIII. V. Appointment of Anti-Ragging Committees: The Institutes whether there is ragging or not in their campus must compulsorily appoint anti-ragging committee and some of the responsible faculty members as well as the representatives of the student's community must be appointed to run such committee. The Committee must take note of even a simple incident of ragging and the perpetrators must be punished accordingly. This will create a sense of fear in the minds of the other raggers and hence the incidents of ragging can be controlled largely.

XIII. VI. Establishment of anti-ragging rules with clearly defined consequences: Providing opportunities for parents and students to talk about what ragging is and what behaviors are appropriate and inappropriate, requiring students and/or parents to sign contracts that make it clear that ragging is wrong and will not be tolerated³³. Strict anti-ragging rules and written policies must be adopted by the colleges/universities.

XIII. VII. Awareness: only passing laws and regulations will not be sufficient in combating the evil menace of Ragging. Students must be informed what Ragging is before any problem arises. It must be made clear that Ragging is wrong. Therefore, proper awareness regarding ill-effects of ragging is the key. This can be achieved by distributing pamphlets giving details about the provisions of punishment, etc. The freshers are required to make aware about the existence of anti-ragging committee. They are required to be supplied with detailed information of the committee members to facilitate them to have an easy access or about the contact details of anti-ragging committee members. Information such as the meaning and types of ragging, its origin and development, its ill effects, and consequences.

XIII. VIII. Healthier interaction between the juniors and seniors: The institutions need to introduce better alternative and healthier means of interaction between the seniors and the juniors. The authorities must monitor freshers' party seriously to avoid any unwanted incidents of ragging.

XIII. IX. Maintain anonymity of the Complainant: The authorities in the educational institutes must encourage the fresher to report any incident of ragging by ensuring him/her that their names shall be kept confidential.

XIII. X. Constant Campus Survey: There must be a regular survey conducted by a responsible college authority every weekly or so to find out whether there is any ragging incidents is going on in the campus. They should also maintain anonymity of the complainants while attending to their complaints. Besides, the school/college

33 Seethalakshmi S., "*Ragging – onus now on parents*", reported in The Times of India, Bangalore Ed., 20/03/2009. The Medical Council of India (MCI) has issued fresh guidelines. Every college/university must take an annual undertaking signed by each fresher/senior and parents that they will not indulge in ragging. If found guilty, college can proceed against the students.

authorities should ensure that no outsiders or any unauthorized should person enters the educational institution. This is to avoid any political influence and unlawful drug trafficking or alcohol consumption etc. on the college or school campuses.

XIII. XI. Immediate action must be taken: Immediate action should be taken on complaints. Action should be taken on the students indulging in ragging irrespective of their background.

XIII. XII. Psychological study of Ragging: Ragging is a psychological problem. Ragging sometimes converts the victim himself into a culprit as he is subject to the same treatment. Therefore, there is a need to go into the deep roots of this menace, understand its psychology, and decide the adequate solution.

XIII. XIII. Role of Media: One of the best means of dissemination of right information is through media. However, so far it has failed to make the public aware about the essential information of ragging. It is only after some of the serious incidents like that of Aman Kachro's death or sexual harrasment of woman students that the media becomes over active and sensationalise the atmosphere for some time³⁴. Media's role today is to peak up some sensational issues and entertain the public hence ignoring some of the other important issues³⁵. Moreover, mass media such as films and TV media instead of promoting ragging with the help of its entertaining serials and programmes, should spread proper awareness about ragging, encourage, and suggest ways of prevention the menace through such programmes.

XIII. XIV. Iron Hand Approach: The perpetrators of serious ragging such as physically assault, rape, abettment to suicide etc., must be dealt with iron hands. However, in the case of small incidents of ragging this approach should be resorted to as a last resort and must be exercised very carefully.

XIII. XV. Role of the Courts: Courts should make an effort to ensure that cases involving ragging are taken up on a priority basis to send the correct message that ragging is not only to be discourages but also to be dealt with sternness.

XIV. Conclusion:

It is a matter of fact that ragging especially in the teaching institutions is not

34 Since the Supreme Court judgment in 2007, the role of the media with regard to ragging has been more to spread sensation.

35 See: *University of Kerala Petitioner(S) Vs Council, Principals, Colleges, Kerala & Ors Respondent(S)*, Though there is a long list of guidelines made in the Raghavan Committee report but media chose to highlight only few sensational ones. Today all that the country knows about the Raghavan Committee report is about provision of filing an FIR or about provision of sending director of a college to jail but is completely ignorant about the dozens of other important recommendations/guidelines which can be key to solve the problem of ragging appearing at <http://kalugu.com/2009/03/17/ragging-right-and-wrong>.

being taken seriously until any serious incidents take place. Even if it happens to be taken seriously, the action that will be initiated is that the concerned institutions and their administration will be held responsible and some action will be initiated against them. The culprits get caught and punished according to the legal norms as per the prevailing circumstances of the incident. However, some of the serious incidents such as murder or culpable homicide of the juniors through ragging, or abetting some young student to commit suicide or making them to perform insulting acts such as sexual harassment on other juniors etc., cannot be termed as minor incidents and hence should not be ignored. Therefore, these incidents are required to be seriously dealt with and harshest of harsh penalty should be imposed on the perpetrators. The recent murder of Aman Kachroo or an attempt by a girl to commit suicide after ragging has crossed the height of brutality in the so-called temples of knowledge.

Unless and until we act seriously against the social menace of ragging, the college authorities will continue to label ragging deaths as suicides due to academic pressure. Majority of the ragging incidents will continue to go unreported. The seniors and teachers will continue to believe in the myth that ragging is a healthy interactive and personality development exercise. The media will continue to report only sensational news about ragging. Parents, relatives and society will fail to understand the pain of the ragging victim, and because of all this, the harsh provision to curb ragging might soon lose its deterrent effect and we may never be able to solve this problem effectively.

It is clear that ragging is a criminal problem, which has psychological roots and a social ignorance around it. Unfortunately, ragging does not have a quick-fix solution. Passing a law or even implementing it will not solve the problem. We must understand that unless the society condemns it, ragging cannot be completely eliminated. We require a focused and concentrated effort to educate the masses about ragging and its ill effects organizing the extensive awareness programmes such as seminars, conferences, presentations, etc. in the campuses of all the educational institutions.