

**SUMMARY OF THE JUDGMENT OF THE HON.
SUPREME COURT
DELIVERED ON THE 8th MAY 2009.**

1. The Hon. Supreme court ordered that a number of recommendations made by the Raghavan Committee be implemented immediately. These included
 - Confidence building measures such as appointment of counsellors, arrival of senior students a week or two weeks after the Juniors have arrived; joint sensitization programmes and counseling of both 'freshers' and seniors; joint orientation programme of 'freshers' and seniors to be addressed by the principal/Head of the institution, organization on a large scale of cultural, sports and other activities, make provisions for faculty members to dine with the hostel residents in their respective hostels etc.
 - Every institution must have an Anti-Ragging Committee and an Anti - Ragging Squad. There should be a Monitoring Cell on Ragging at the University Level that would coordinate with the affiliated colleges and institutions under its domain. There should be a Monitoring Cell at the level of the Chancellor of the State Universities.
 - In the, light of the increasing number of private commercially managed, lodges or hostels outside campuses, such hostels and management must be registered with the local police authorities and permission to start such hostels or register them must necessarily be recommended by the Heads of educational institutions. It should be mandatory for both local police, local administration as well the institutional authorities to ensure vigil on incidents that may come within the definition of ragging.
 - Wardens must be accessible at all hours and therefore it is important that they, be available on telephone and other modes of communication. Similarly, the telephone numbers of the other important functionaries - Heads of institutions, faculty members, members of the anti-ragging committees, district and sub-divisional authorities and state authorities where relevant, should also be widely disseminated for the needy to get in touch or seek help in emergencies.

- Brochures or booklet/leaflet distributed to each student at the beginning of each academic session for obtaining undertaking not to indulge or abet ragging, shall contain the blueprint of prevention and methods of redress."
 - The educational institutions shall ensure that each hostel should have a full-time warden who resides within the hostel, or at the very least, in the close vicinity thereof.
2. The Hon. Supreme Court acknowledged that The Ministry of Human Resource Development, Government of India, in consultation with UGC, MCI, AICTE and other similar regulatory bodies was in the process of setting up a central crisis-hotline and anti-ragging database in the manner suggested by Dr. Rajendra Kachroo. The Hon. Court , however, added that
- The task of monitoring the database be given to a nongovernmental agency, to be immediately nominated by the Union of India to build confidence in the public and also to provide information of non compliance to the regulatory bodies and to the Raghavan Committee.
 - The database shall be created out of affidavits affirmed by each student and his/her parents/guardians, which affidavits shall be stored electronically, and shall contain the details of each student.
 - The database shall also function as a record of ragging complaints received, and the status of the action taken thereon.
3. The Hon. Supreme Court ordered that the Draft Regulations on Curbing the Menace of Ragging, formulated by the UGC must be adopted by all other regulatory bodies, such as AICTE, MCI, DCI, NCI etc.;
4. The Hon. Supreme Court acknowledged that the incident involving the death of Aman Kachroo clearly indicated that the formulation of guidelines and regulations was not sufficient. Hence, the Hon. Court ordered that such regulations shall have to be enforced strictly, and penal consequences for the heads of the institutions/administration of the institution who do not take timely

steps in the prevention of ragging and punishing those who rag. In addition to penal consequences, departmental enquiries be initiated against such heads institutions / members of the administration / faculty members / non-teaching staff, who display an apathetic or insensitive attitude towards complaints of ragging;

5. The Hon. Supreme Court said that not only the students, but also the faculty who must be sensitized towards the ills of ragging, and the prevention thereof. Non-teaching staff, which includes administrative staff, contract employees, security guards etc., have also to be regularly sensitized towards the evils and consequences of ragging;
6. The Hon. Supreme Court ordered that the Principal or Head of the Institution/Department shall obtain an undertaking from every employee of the institution including teaching and non-teaching members of staff, contract labour employed in the premises either for running canteen or as watch and ward staff or for cleaning or maintenance of the buildings/lawns etc. that he/she would report promptly any case of ragging which comes to his/her notice. A provision shall be made in the service rules for issuing certificates of appreciation to such members of the staff who report ragging which will form part of their service record.
7. The Hon. Supreme Court noted that college canteens and hostel messes are also places where ragging often takes place. The employers/employees of the canteens/ mess shall be given necessary instructions to keep strict vigil and to report the incidents of ragging to the college authorities if any.
8. The Hon. Supreme Court said that it was necessary that parents/guardians of freshers assume responsibility for promptly bringing to the notice of the Head of the Institution any instance of ragging.
9. The Hon. Supreme Court said that the SHO/SP, within whose jurisdiction a particular college falls, shall be responsible for ensuring that no ragging takes place on the campus of the concerned college, and to effectively deal with incidents of ragging, should, any such incidents take place. Once a central database/crisis hotline is made operative then as soon as SHO/SP, within whose jurisdiction a

particular college falls, is contacted by the crisis hotline staff, then such SHO/SP shall deal effectively with the incident and cooperate and communicate with the crisis hotline staff and/or the independent monitoring agency. This will build confidence and encourage people to report incidences of ragging without fear or delay;

10. The Hon. Supreme court said that once the database/crisis hotline is operative, State Governments shall amend their anti-ragging statutes to include provisions that place penal consequences on institutional heads.

SUMMARY OF UGC REGULATIONS ON CURBING THE MENACE OF RAGGING IN HIGHER EDUCATIONAL INSTITUTIONS, 2009.

1. **PREAMBLE:** In view of the directions of the Hon'ble Supreme Court in the matter of "University of Kerala v/s. Council, Principals, Colleges and others" in SLP no. 24295 of 2006 dated 16.05.2007 and that dated 8.05.2009 in Civil Appeal number 887 of 2009, and in consideration of the determination of the Central Government and the University Grants Commission to prohibit, prevent and eliminate the scourge of ragging.

2. **OBJECTIVE:** To eliminate ragging in all its forms from universities, deemed universities and other higher educational institutions in the country by prohibiting it under these Regulations, preventing its occurrence and punishing those who indulge in ragging as provided for in these Regulations and the appropriate law in force.

3. **WHAT CONSTITUTES RAGGING:** Ragging constitutes one or more of any of the following acts:
 - a) Any conduct by any student or students whether by words spoken or written or by an act which has the effect of teasing,

treating or handling with rudeness a fresher or any other student.

- b) Indulging in rowdy or indisciplined activities by any student or students which causes or is likely to cause annoyance, hardship, physical or psychological harm or to raise fear or apprehension thereof in any fresher or any other student.
- c) Asking any student to do any act which such student will not in the ordinary course do and which has the effect of causing or generating a sense of shame, or torment or embarrassment so as to adversely affect the physique or psyche of such fresher or any other student.
- d) Any act by a senior student that prevents, disrupts or disturbs the regular academic activity of any other student or a fresher.
- e) Exploiting the services of a fresher or any other student for completing the academic tasks assigned to an individual or a group of students.
- f) Any act of financial extortion or forceful expenditure burden put on a fresher or any other student by students
- g) Any act of physical abuse including all variants of it: sexual abuse, homosexual assaults, stripping, forcing obscene and lewd acts, gestures, causing bodily harm or any other danger to health or person;
- h) Any act or abuse by spoken words, emails, post, public insults which would also include deriving perverted pleasure, vicarious or sadistic thrill from actively or passively participating in the discomfiture to fresher or any other student.

- i) Any act that affects the mental health and self-confidence of a fresher or any other student with or without an intent to derive a sadistic pleasure or showing off power, authority or superiority by a student over any fresher or any other student.

4. MEASURES FOR PROHIBITION OF RAGGING:

There are a number of such measures at institution level, University Level, District level etc. Some of them that are important for students to know are as follows:

- No institution shall permit or condone any reported incident of ragging in any form; and all institutions shall take all necessary and required measures, including but not limited to the provisions of these Regulations, to achieve the objective of eliminating ragging, within the institution or outside.
- All institutions shall take action in accordance with these Regulations against those found guilty of ragging and/or abetting ragging, actively or passively, or being part of a conspiracy to promote ragging.
- Every public declaration of intent by any institution, in any electronic, audiovisual or print or any other media, for admission of students to any course of study shall expressly provide that ragging is totally prohibited in the institution, and anyone found guilty of ragging and/or abetting ragging, whether actively or passively, or being a part of a conspiracy to promote ragging, is liable to be punished in accordance with these Regulations as well as under the provisions of any penal law for the time being in force.

- The telephone numbers of the Anti-Ragging Helpline and all the important functionaries in the institution, including but not limited to the Head of the institution, faculty members, members of the Anti-Ragging Committees and Anti-Ragging Squads, District and Sub-Divisional authorities, Wardens of hostels, and other functionaries or authorities where relevant, shall be published in the brochure of admission/instruction booklet or the prospectus.
- The application for admission, enrolment or registration must be accompanied by an Anti Ragging affidavit signed by a student in a prescribed format and another Anti Ragging Affidavit signed by a Parent/Guardian. *(Both these Affidavits can be downloaded from the Web)*
- Any distress message received at the Anti-Ragging Helpline shall be simultaneously relayed to the Head of the Institution, the Warden of the Hostels, the Nodal Officer of the affiliating University, if the incident reported has taken place in an institution affiliated to a University, the concerned District authorities and if so required, the District Magistrate, and the Superintendent of Police, and shall also be web enabled so as to be in the public domain simultaneously for the media and citizens to access it.
- On receipt of the recommendation of the Anti Ragging Squad or on receipt of any information concerning any reported incident of ragging, the Head of institution shall immediately determine if a case under the penal laws is made out and if so, either on his own or through a member of the Anti-Ragging

Committee authorised by him in this behalf, proceed to file a First Information Report (FIR), within twenty four hours of receipt of such information or recommendation, with the police and local authorities, under the appropriate penal provisions.

- The Commission shall maintain an appropriate data base to be created out of affidavits, affirmed by each student and his/her parents/guardians and stored electronically by the institution, either on its or through an agency to be designated by it; and such database shall also function as a record of ragging complaints received, and the status of the action taken thereon.
- The Commission shall include a specific condition in the Utilization Certificate, in respect of any financial assistance or grants-in-aid to any institution under any of the general or special schemes of the Commission, that the institution has complied with the anti-ragging measures.
- Any incident of ragging in an institution shall adversely affect its accreditation, ranking or grading by NAAC or by any other authorised accreditation agencies while assessing the institution for accreditation, ranking or grading purposes.
- The Commission may accord priority in financial grants-in-aid to those institutions, otherwise eligible to receive grants under section 12B of the Act, which report a blemishless record in terms of there being no reported incident of ragging.

5. ADMINISTRATIVE ACTION IN THE EVENT OF RAGGING: The institution shall punish a student found guilty of ragging after following the

procedure and in the manner prescribed here in under:

- The Anti-Ragging Committee of the institution shall take an appropriate decision, in regard to punishment or otherwise, depending on the facts of each incident of ragging and nature and gravity of the incident of ragging established in the recommendations of the Anti-Ragging Squad.
- The Anti-Ragging Committee may, depending on the nature and gravity of the guilt established by the Anti-Ragging Squad, award, to those found guilty, one or more of the following punishments, namely;
 - a) Suspension from attending classes and academic privileges.
 - b) Withholding/ withdrawing scholarship/ fellowship and other benefits.
 - c) Debarring from appearing in any test/ examination or other evaluation process.
 - d) Withholding results.
 - e) Debarring from representing the institution in any regional, national or international meet, tournament, youth festival, etc.
 - f) Suspension/ expulsion from the hostel.
 - g) Cancellation of admission.
 - h) Rustication from the institution for period ranging from one to four semesters.
 - i) Expulsion from the institution and consequent debarring from admission to any other institution for a specified period.

- Provided that where the persons committing or abetting the act of ragging are not identified, the institution shall resort to collective punishment.
- An appeal against the order of punishment by the Anti-Ragging Committee shall lie, (i) in case of an order of an institution, affiliated to or constituent part, of a University, to the Vice-Chancellor of the University; (ii) in case of an order of a University, to its Chancellor. (iii) in case of an institution of national importance created by an Act of Parliament, to the Chairman or Chancellor of the institution, as the case may be.
- Where in the opinion of the appointing authority, a lapse is attributable to any member of the faculty or staff of the institution, in the matter of reporting or taking prompt action to prevent an incident of ragging or who display an apathetic or insensitive attitude towards complaints of ragging, or who fail to take timely steps, whether required under these Regulations or otherwise, to prevent an incident or incidents of ragging, then such authority shall initiate departmental disciplinary action, in accordance with the prescribed procedure of the institution, against such member of the faculty or staff. Provided that where such lapse is attributable to the Head of the institution, the authority designated to appoint such Head shall take such departmental disciplinary action; and such action shall be without prejudice to any action that may be taken under the penal laws for abetment of ragging for failure to take timely steps in the prevention of ragging or punishing any student found guilty of ragging.