

REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 887 OF 2009

University of Kerala

...Appellant

Versus

Council, Principals' Colleges, Kerala and Ors.

...Respondents

JUDGMENT

Dr. ARIJIT PASAYAT, J.

1. Directions have been given from time to time to see that the ugly scar of ragging is obliterated from the face of educational institutions. Mr. Gopal Subramaniam, learned amicus curiae, Mr. P.P. Rao, Mr. Altaf Ahmed and others appearing in the matters have given suggestions which we have considered. Keeping in mind the recent incidents of ragging which have surfaced, and which have been dealt with by this Court, it becomes necessary that the following recommendations made by the Raghavan Committee be implemented immediately, namely:

(i) Recommendation No. 5.14: "We also recommend that every institution should engage or seek the assistance of professional counselors at the time of admissions to counsel 'freshers' in order to prepare them for the life ahead, particularly for adjusting to the life in hostels...";

(ii) Recommendation No. 5.16: "We recommend that on the arrival of senior students after the first week or after the second week as the case may be, further orientation programmes must be scheduled as follows (i) joint sensitization programme and counseling of both 'freshers' and senior by a Professional counselor; (ii) joint orientation programme of 'freshers' and seniors to be addressed by the principal/Head of the institution, and the anti -ragging committee ; (iii) organization on a large scale of cultural, sports and other activities to provide a platform for the 'freshers' and seniors to interact in the presence of faculty members ; (iv) in the hostel, the warden should address all students; may request two junior colleagues from the college faculty to assist the warden by becoming resident tutors

for a temporary duration; and , the UGC and other funding bodies should provide financial grants for meeting the expenditure on resident tutors (v) it is strongly recommended that as far as possible faculty members should dine with the hostel residents in their respective hostels to instill a feeling of confidence among the fresh residents.";

(iii) Recommendation No.5.18: “We recommend that every institution must have an Anti-Ragging Committee and an Anti - Ragging Squad. It is essential to have a diverse mix of membership in terms of levels as well as gender in both the Anti - Ragging Squad as well as the Anti - Ragging Committee. The Anti - Ragging Committee at the level of the institution should consist of the representatives of civil and police administration, local media, Non Government Organizations involved in youth activities, representatives of faculty members, representatives of parents, representatives of students belonging to the freshers' category as well as seniors, non - teaching staff and should be headed by the Head of the Institution. The Anti - Ragging Squad, in contrast, should be a body with vigil,

oversight and patrolling functions and should appropriately be by a smaller body which should be nominated by the Head of the Institution with such representation as considered necessary to keep it mobile, alert and active at all time. The Squad may be called upon to make surprise raids on hostels and other hot spots and should be empowered to inspect places of potential ragging. . The Squad should work under the overall guidance of Anti- Ragging Committee. The Squad should not have any outside representation and should only consist of members belonging to the various sections of the campus community."

(iv) Recommendation No. 5.28: "At the level of the District, we recommend a District level Anti - Ragging Committee, which should consist of the Heads of Higher Education Institutions as members. It should be headed by the District Collector / Deputy Commissioner / District Magistrate and should also have the Superintendent of Police / SSP of the District as member. The Additional District Magistrate should be a member - secretary of the Committee, which should also have representation of the local media and district level Non Government Organizations

actively associated in youth development programmes, as well as representations of all student organizations. The District level Committee should hold preparatory meetings during the summer vacation meetings to take stock of the state of preparedness of each institution and their compliance with the policies and directions or guidelines of the appropriate bodies, the university/State/ Central authorities; and this Court's guidelines in regard to curbing the menace of ragging. We have already emphasized on the need for publicity campaigns, summer months may be appropriate to launch such campaigns. Some of the role expectations from the District level Committees have already been mentioned in the preceding paragraphs dealing with activities at the level of Schools as well as higher education institutions and therefore are not being repeated."

(v) Recommendation No. 5.29: "We have thought through the suggestion that the District level Committee, should function as some sort of an appellate forum to the action taken by the institution level Anti - Ragging Committee. We feel that this is

neither necessary nor desirable. It is not necessary in the context of the recommendation that we propose to make in respect of, the scheme of penalty later in this Chapter. It is not desirable from the point of view that such a mechanism lends an extra – campus dimension to the tackling of intra-campus disciplinary matter. All matters of discipline within teaching institutions, in our opinion, must be resolved within the campus - except those impinging on law and order or breach of peace or public tranquility, all of which should be dealt with under the penal laws of the land; fortifying of which is being suggested by us later on."

(vi) Recommendation No. 5.30: "At the level of the University, we recommend that there should be a Monitoring Cell on Ragging, which should coordinate with the affiliated colleges and institutions under its domain. The Cell should call for reports from the Heads of institutions in regard to the activities of the Anti-Ragging Committee, Anti - Ragging Squads, Monitoring Cells at the level of the institution, the compliance with instructions on conducting orientation programmes,

counseling sessions, the incidents of ragging, the problems faced by wardens or other officials. It should also keep itself abreast of the decisions of the District level Anti - Ragging Committee. This Monitoring Cell should also review the efforts made by institutions to publicize anti - ragging measures, soliciting of undertakings from parents and students each year to abstain from ragging activities or willingness to be penalized for violations; and should function as the prime mover for initiating action on the part of the appropriate authorities of the university for amending the Statutes or Ordinances or Bye - laws to facilitate the implementation of anti-ragging measures at the level of the institution."

(vii) Recommendation No. 5.31: "At the State level, we recommend that there should be a Monitoring Cell at the level of the Chancellor of the State Universities, who may also coordinate with those of the Central Government institutions located in the State in which the Governor has a defined role under the relevant law. Governors, in their capacity as Chancellors of State Universities, can leverage the influence of

their office to ensure that the State Government as well as the university authorities are suitably instructed to be alert in regard to ragging. The involvement of Governors would also ensure that the autonomy of institutions of higher learning is not compromised. In addition, Governors of States are associated with Central Universities in their role as Chief Rector /Chancellor etc. and can oversee the function of coordination where required vis-a- vis the office of the President of India in his capacity as the Visitor of the Central Universities and also the Central Government in the Ministry of Human Resource Development. The State level Monitoring Cell should receive periodically, and at such frequencies that it may lay down, status reports from the University level Monitoring Cells and Districts level Anti - Ragging Committees."

(viii) Recommendation No. 5.22: "We recommend that 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. Managements of such private hostels should be responsible for non-reporting of cases of ragging in such premises. Local authorities as well as the institutional authorities should be responsible for action in the event of ragging in such premises, just as they would be for incidents within campuses. The Committee also recommends that besides registering private hostels as stated above, the towns or cities where educational institutions are located should be apportioned as sectors among faculty members, as is being done by some institutions, so that they could maintain vigil and report any incidents of ragging outside campuses and en route while 'freshers' commute."

(ix) Recommendation No. 5.27: "Wardens must be accessible at all hours and therefore it is important that they, be available on telephone and other modes of communication - therefore, we

recommend that wardens must be issued mobile phones by the institutions and the details of their telephone number must be widely publicized. 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. The Committee recommends that 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. State of Himachal Pradesh has submitted that the creation of a separate cadre for warden would not be beneficial for this purpose. But it is desirable that institutions should provide necessary incentives for the post of full-time warden, so as to attract suitable

candidates. It has been pointed out that UGC, in its Draft Regulations on Curbing the Menace of Ragging; has also provided accordingly.

(x) Recommendation No. 5.43: "The committee recommends that at the national level, the UGC should fund, a toll - free Helpline which could be accessed by students in distress owing to ragging related incidents. The Ministry of Communication and Information Technology should facilitate the establishment, infrastructure and operation of the proposed Helpline. Any distress message should be simultaneously relayed to the Head of the Institution, warden or officer of the Hostels, District authorities including the Superintendent of Police, and should be web-linked so as to be in the public domain simultaneously for the media and citizens to access it. A genuine message of distress from the victim of ragging should make it obligatory for the Head of the institution and civil authorities to initiate action on the lines already suggested by us."

2. Learned amicus curiae has submitted that the Ministry of Human Resource Development, Government of India, in consultation with UGC, MCI, AICTE and other similar regulatory bodies is in the process of setting up a central crisis-hotline and anti-ragging database in the manner suggested by Dr. Rajendra Kachroo to the Raghavan Committee and the UGC. 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 Draft Regulations on Curbing the Menace of Ragging, formulated by the UGC, should be implemented with the urgency it deserves and to be adopted by all other regulatory bodies, such as AICTE, MCI, DCI, NCI etc.;

4. The recent incident involving the death of Aman Kachroo clearly indicates that the formulation of guidelines and regulations is not sufficient. 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. 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 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. It is seen, 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. Each batch of freshers should be divided into small groups and each such group shall be assigned to a member of the staff. Such staff member should interact individually with, each member of the group on a daily basis for ascertaining the problems/difficulties if any faced by the fresher in the institution and extending necessary help. By building up rapport with each member of the group teachers or other members of the staff would be able to infuse confidence in the freshers and make them feel at home so as to enable them to report incidents of ragging or bullying. Each group in-charge shall maintain a diary of his/her interaction with the freshers under his/her charge;

9. In the case of freshers admitted to a hostel it shall be the responsibility of the teacher in charge of the group to coordinate with the warden of the hostel and to make surprise visits to the rooms in the hostel where the members of the group are lodged;

10. Freshers shall be lodged in a separate hostel block, wherever possible, and where such facilities are not available, the college/institution shall ensure that seniors' access to freshers' accommodation is strictly monitored by wardens, security guards and college staff;

11. A ragging takes place mostly in the hostels after the classes are over in the college. A round the clock vigil against ragging in the hostel premises shall be provided;

12. It is necessary that parents/guardians of freshers assume responsibility for promptly bringing to the notice of the Head of the Institution any instance of ragging;