



ISSN: 2249-894X
 IMPACT FACTOR : 5.7631(UIF)
 UGC APPROVED JOURNAL NO. 48514
 VOLUME - 8 | ISSUE - 8 | MAY - 2019



CAMPUS VIOLENCE IN INDIA AND ANTI RAGGING LAW A CRITICAL ANALYSIS

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ABSTRACT:

Over the years in all over the world and especially in South Asia the practice of Ragging in educational institutions has come to be meant as an extreme violation of Human Rights. The consequences of Ragging is teasing, harassment, fear, terror, physical, mental and sexual torture and in some cases death or suicide.

This research paper is an attempt to explore the nature of the now banned but continuing practice of ragging and it is helpful in curbing the meanance of ragging by the students.

In recent years educational institutions of India are facing a serious and systematized form of human rights abuse which is known as ragging. Behind the faced of welcoming

new students to the college, ragging in actuality is a notorious practice wherein the senior students get an excuse to harass their junior counterparts and more often than not, make them easy targets to satiate their own perverse sadistic pleasures. Apart sustaining grievous physical injuries those unfortunate students who succumb to ragging either develop a fear psychosis than haunts them throughout their lives, or wose, quite their college education even before it begins. For any student who slogs day and night to secure admission into a prestigious college ragging can be his or her worst nightmare come true would not be an exaggeration to say that today ragging has taken the shape of a serious human rights violation with even the most respected and disciplined educational institutions falling prey to it.

KEYWORDS: *terror, physical, mental and sexual torture .*

DEFINITION OF RAGGING:

Generally, ragging is a form of systematic and sustained physical, mental and sexual abuse of freshers or juniors students at the colleges, university and educational institutions at the hands of senior students and some times even by outsiders in campus and hostel. It is an act which calls for disciplinary action.

According to chambers English Dictionary.¹ "Ragging is an

outburst of organized horseplay, usually in defiance of authority, riotous festivity, especially of under graduates in British Universities, associated with the raising of money for charity." The some dictionary defines hazing as "excessive tasks, rough treatment or practical jokes."

Ragging has been defined in various states Anti Ragging legislations in India. The Tamil Nadu prohibition of Ragging Act, 1997 defines Ragging as "**Ragging means display of noisy, disorderly conduct and doing**

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 education institution and includes-

a)Teasing, abusing of, playing practical jokes on, or causing hurt to such students, or

b)Asking the student to do any act or perform something which such student will not, in the

ordinary course willingly do.”

States like Kerala, Maharashtra, West Bengal and Goa have used the definition of Tamil Nadu Act in their Anti ragging legislations respectively.

The prevention of Ragging in colleges and institutions Bill, 2005³ define Ragging as “Ragging means any display of 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 the student in any college or institution.”

The most suitable and enlarged definition of Ragging which covers all aspects has given by the Hon’ble Supreme Court in **Vishwa Jagriti Mission case**⁴ 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 other student, indulging in rowdy or undisciplined activities which causes or is likely to cause annoyance, hardship or psychological harm or to raise fear or apprehension there of in a fresher or a junior student or asking the students 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.”

History of Ragging:

It is termed with different names in different parts of the world e.g. –Hazing, fagging, pleading, horse playing, bullying etc. Today, ragging may have become deep rooted in the Indian educational setup, but it is originally a western concept. Ragging started in its mild form in the 8th Century A.D. during the Olympics in Greece. Later the armed forces of several countries started practicing this ritual. During the 18th century several students organizations were formed in the Europe and the U.S. and started practicing this with the new entrants in their community in its mild form. First ragging related death occurred in 1873 in Cornell University in the U.S.A.⁵

Ragging became a major problem in the west after World War I. Students who returned from war and rejoined college brought with them the techniques of severe form of ragging practiced in army camps. Gradually in the 20th century ragging related violence started to escalate in the west. Soon it became a tool to take out revenge between the blacks and whites.

Ragging came to India during the British Empire and was practiced mainly in the army and English Public Schools. Till the early 70’s it remained in its mild form. From 1980 onwards media played a vital role in influencing ragging in India and it gradually become brutal in its form. Rapid mushrooming of private engineering and medical colleges during the 90’s made ragging more rampant and severe. South India became the hub of this activity.⁶

Today almost all countries of the world have enacted stern laws that ban ragging and it has completely eradicated in European countries and the western world like Canada, Australia and Japan. According to a study⁷ conducted by ‘CURE’ titled – *No Respite from Ragging*, Analysis of the case shows that in 2007 6 suicides, another 3 attempted suicides, 18 case of physical abuse and several other cases involving sexual, verbal and drug abuse, accrued due to ragging. According to this study India and Sri Lanka are the only two countries in the world where ragging exists. India which inherited ragging as a legacy British Raj has not been able to free itself from the clutches of this inhuman practice

Forms of Ragging:

The purpose of ragging was to make the freshers comfortable at the institution and to seek the help of senior in case need arises. But by passing of time this practice took a worse and vulgar form and freshers were asked to do those acts which were totally against their psyche and against the norms of civilized society. Some most popular forms of ragging in institutes and universities are⁸–

Dress Code Ragging – The freshmen are asked to dress in a specific dress code for a particular period of time. But this is not an easy as it seems. For the dress code prescribed is generally weird, e.g., dressing totally in white or black with the oiled and combed in a particular style. The dress code ragging

may make the freshmen feel awkward and uncomfortable as it often brings them unnecessary attention from every body.

Formal Introduction- This involves asking the freshmen to introduce themselves in 'Sudh Hindi'. The introduction includes the freshmen's name, address, school, marks, etc.

Verbal Torture- Verbal torture involves indulging in loose talks. The freshmen may be asked to sing the lyrics of any vulgar song or use abusive language while talking to the seniors.

Sexual abuse- This is the severest form of ragging that takes place in colleges. The seniors are mainly interested in juicy details such as the anatomical description of one's body parts, his or her sexual interests, etc. in many cases, the freshmen have been asked to strip before the seniors.

Playing the fool- The fresh man may be asked to enact scenes from a particular movie or mimic a particular film star. In many cases, the seniors may also ask the freshman to do silly things like climbing a tree, kissing a tree, proposing to someone from the opposite sex etc.

Hostel Ragging- Outstation students who stay in the hostel are most vulnerable to ragging. They may be asked to do all odd acts from cleaning the room of seniors to washing their clothes, from fetching them water or milk to completing their assignments.

Drug abuse- This can be the worst form of ragging wherein the freshmen are forced to try drugs thereby driving them into addiction.

A study into the various outcomes of ragging clearly shows that it is a menace to the society. 11 deaths and an additional 23 cases of injured students is extremely disturbing. We also see that 5 victims fled from college due to ragging, which is extremely sad and a challenge to a merit based system of admission. Cases of mental health problems are just representative and indicates long term and subtle mental instabilities a victim may experience in life. Finally, the violence and indiscipline ragging creates in the college inhibits the efficient delivery of education in colleges, which is their main purpose. These numbers show that claiming ragging as harmless fun is totally baseless and its oversimplification as an ice-breaker is problematic and immature.¹¹

Ragging in its manifold form has become a menace not only to the student community particularly to fresh entrants but also it has got its ramification in the society at large. In the year 2007, 9 suicides and 52 incidents has been reported in relation to ragging.¹² There are few heart braking instances and several thousand others who suffered and compromised with their self respect and dignity.

- Kamlesh Sarkar, a student of Noida district committed suicide in July 2005 due to excess ragging.
- Mohan Kartik Tripathi, a student of Engineering College, Tamil Nadu was found dead in his room in December 2004 due to ragging and indifference of college authorities.
- In November 2002, a female student of Maulana Azad College, New Delhi was gang raped opposite the college at Knife point.
- The Lucknow University authorities on 05.12.07 lodged FIR against four students and put them under suspension for their alleged involvement in a ragging incident.

Anti Ragging Legislation of the World:

To curb the ragging various legislation have been made by several countries. In U.S.A. Ragging is called Hazing. All the 50 states of America has made Anti Hazing Laws.¹³ Under "*Prohibition of Hazing Laws of Washington*" Hazing is defined as: "Any wrongful act which causes bodily danger or physical harm or serious mental or emotional harm to any student of any educational institution is called Hazing."

Sri Lanka has also enacted an Act under the Title of "*Prohibition of Ragging and other forms of violence in Educational Institutions Act, 1998*". In Tamil ragging is called "Pakidi Vathi" and in Singhale, it is called "Navaka Vadhaya". By this Act, Now Ragging has become a serious criminal offence and a social stigma.

Anti Ragging Legislation in India:

In India ragging was imported from English Educational System. Print and Electronic Media, Film, T.V. Shows made ragging much more brutal and violent in 1980's. In fact ragging has become a passport for freshers to get an entry into the campus. New dimension of ragging has started into 1990. When new private medical, dental and engineering colleges were added. The administrative action taken so far have been found ineffective and therefore, the Parliament and Legislatures of the states was constrained to enact special legislation regarding prohibition of ragging.

Tamil Nadu, a state of South India, became the first state of India to enact specific legislation regarding the prohibition of ragging. "*The Tamil Nadu Prohibition of Ragging Act, 1997*" has been passed which is in force with effect from 19th December, 1996. Sec. 3 of the Act deals with ragging as –

"Ragging with in or without any educational institution shall be punished with imprisonment for a term which may extend to two years and shall also be liable to a fine which may extend to ten thousand rupees."

Upto 2007, December 9 states has enacted legislations to curb ragging⁻¹⁴

- 1) The Tamil Nadu Prohibition of Ragging Act, 1997.
- 2) The Andhra Pradesh Prohibition of Ragging Act, 1997.
- 3) The Kerala Prohibition of Ragging Act, 1998.
- 4) The Assam Prohibition of Ragging Act, 1998.
- 5) The Maharashtra Prohibition of Ragging Act, 1999.
- 6) The W.B. Prohibition of Ragging in Educational Institutions Act, 2000.
- 7) The Chattisgarh Shaikshanik Sansthan Me Pratarra (Ragging) Ka Pratishedh Adhiniyam, 2001.
- 8) The Goa Prohibition of Ragging Bill, 2006.
- 9) The Uttar Pradesh Prohibition of Ragging Bill, 2007.

Many states like Punjab, Gujarat etc. are in row for a specific regulation to prohibit ragging in educational institutions in their states. Almost all Central and State Universities by their code of conduct have banned ragging inside or outside the campus.

Paving the way for a total ban on ragging in educational institutions, the U.P. Government has proposed a bill. *The U.P. Prohibition of Ragging in Educational Institution Bill, 2007*.¹⁵ The Bill have punitive measures, including imprisonment, monetary fine for students indulging in ragging. Under the Bill those who found guilty could face upto two years in jail and a five of Rs. 10000. It permits students expelled from Institutions on ragging charges to appeal within 30 days before a commissioner, whose decision in the matter would be final. The provision holds that the institutions head should expel the offenders within a week and file a complaint with the area police station.¹⁶

To curb the menace of ragging from educational institutions in India Central Government had proposed Bill in Rajya Sabha Namely. "*The Prevention of Ragging in Colleges and Institutions Bill, 2005 (Bill No. XXI of 2005)*". The Bill was introduced in Rajya Sabha on the 6th day of May, 2005. In this bill the terms freshers, ragging seniors etc. have been defined. Bill says that the guilty shall be punished with rigorous imprisonment for three years and with a fine of rupees twenty-five thousand. If any institution fails to curb ragging or neglects to take action if may face legal proceedings.¹⁷

The Bill intends to abolish the practice of ragging or harassment for all colleges and institutions. The objective of the Bill is to make the campus areas free from any social injustice, mental, physical or sexual harassment that thousand of the students face each year during their first few months in college. The enactment of the Bill would see the decline and finally abolition of ragging on campus areas.

Judicial Activism for Preventing Ragging:

Ragging become a national issue affecting thousands of students across India. Hon'ble Supreme Court and various High Court has seriously condemned the issue in cases dealt by them. A landmark judgment by the Supreme Court in 2001 was given in *Vishwa Jagriti Mission Vs. Central Government*.¹⁸ The court has remarked as–

"This court view with concern the increase in the number of incidents of ragging in educational institutions some of the reported incidents has crossed the limits of decency, morality and humanity.

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 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."

In the exercise of the Jurisdiction confirm by Article 32 and 142 of the constitution the Hon'ble Court has made certain guidelines to be followed in campus. Some of these are–

- Anti ragging Movement should be initiated by the institutions from the time of advertisement for admissions. the prospectus for admission and other literature issued to aspirants for admission must clearly mention that ragging is banned in institution. Anyone indulging in ragging is likely to be punished appropriately with punishment which may include expulsion or suspension from the institution or class for a limited period or fine with a public apology.

- The application for a enrolment shall have a printed undertaking to be filled up and signed by the applicant to the effect that he/she is a institutions approach towards ragging and the punishment to which he or she be liable if found guilty of ragging similar undertaking shall be obtained from the parent of the applicant.

- At the commencement of the academic session the institution should make a practional committee consisting of senior faculty members and hostel authorities like wardens and a few responsible students to keep a continuous watch and vigil over ragging so as to prevent its occurrence and recurrence and promptly deal with the incidents of ragging brought to its notice and summarily punish the guilty either by itself or putting forth its findings or suggestions before the authority competent to take decision.

- Incase of any incident of ragging, the students must approach disciplinary committee of their respective colleges first, and only if the said committee does not take cognizance in the matter or if they feel dissatisfied with its decision that they should approach the police. The objective behind this is the faith in the ability of educational institutions to maintain discipline and protect the interests of their students.

Despite the land mark judgment of Hon'ble Court incidence of ragging was not come to end. Although some High Courts have decided cases to curb it but they were not able to put a cap. Due to these situations another leading case on ragging came before court. In the case of *Errakullam University of Kerala Vs. Council, Principals, College*¹⁹ Kerala the Hon'ble Court has ordered a formation of a committee to suggest remedial measures to tackle with the problem of ragging in educational institutions. The ministry for Human Resource development (HRD) has form a committee under the chairmanship of **Dr. R.K. Raghavan**, former Director CBI. Committee has made a report and tabled before the court on May 2007. It has recommended many recommendations. The court has ordered that the following recommendations should be implemented without any further lapse of time–

1. The punishment to be meted out has to be exemplary and justifiably harsh to act as a deterrent against recurrence of such incidents.

2. Every single incident of ragging where the victim or his parent/guardian or the Head of institution is not satisfied with the institutional arrangement for action, a FIR must be filed without exception by the institutional authorities with the local police authorities. Any failure on the part of the institutional authority or negligence or deliberate delay in lodging the FIR with the local police shall be construed to be an act of culpable negligence on the part of the institutional authority. If any victim or his parent / guardian of ragging intends to file FIR directly with the police that will not absolve the institutional authority from the requirement of filing the FIR.

3. Courts should make an efforts 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.

4. In addition, the possibility of introducing in the educational curriculum a subject relating to ragging shall be explored by the National Council of Educational Research and Training (NCERT) and the respective State Council of Educational Research and Training (SCERT). This aspect can be include in the teaching of the subjects "Human Rights".

5. In the prospectus to be issued for admission by educational institutions, it shall be clearly stipulated that in case the applicant for admission is found to have indulged in ragging in the part or if it noticed that he has indulged in ragging admission may be refused or he shall be expelled from the educational institution.
6. The Central Government and State Government shall launch a programme living wide publicity to the menace of ragging and the consequences which follow in case any student is detected to have been involved in ragging.
7. It shall be the collective responsibility of the authorities and functionaries of the concerned institution, and their role shall also be open to scrutiny for the purpose of finding out whether they have taken effective steps for preventing ragging and in case of their failure, action can be taken; for example, denial of any grant-in-aid or assistance from the State Governments.
8. Anti-ragging committees and squads shall be forthwith formed by the institutions and it shall be the job of the committee or the squad, as the case may be, to see that the Committee's recommendations, more for particularly those noted above, are observed without exception and if it is noticed that there is any deviation, the same shall be forthwith brought to the notice of this Court.
9. The Committee constituted pursuant to the order of this Court shall continue to monitor the functioning of the anti-ragging committees and the squads to be formed. They shall also monitor the implementation of the recommendations to which reference has been made above.

CONCLUSION AND SUGGESTIONS:

After the Supreme Court interim judgment based on Raghavan Committee, incidence of ragging has not stopped. A study conducted by CURE has found that 52 cases of ragging reported in the online editions of National English Media since May, 2007 to Sept. 2007. Now it is clear that situation is still severer and recommendations of the Raghavan Committee have been unable to act as any deterrent to prevent senior students from breaking the law. CURE reported as—²⁰

"It is clear that the Supreme Court interim judgment has not been implemented in letter and spirit by the law enforcement agencies and other stake holders. It also observes that despite the Supreme Court emphasizing the need for educating the society and spreading awareness on this issue, not much seems to have been done at the national level."

To curb the practice of ragging, we have to take the following important suggestions:-

1. Ragging is any from inside or outside the campus of all educational institutions should be banned by State Governments or the Central Government and universities.
2. Power to administer the students' discipline in educational institution should be given to the heads of the institutions.
3. Those seniors who found guilty of ragging should be punished with a fine or may be subject to expulsion / suspension/ rustication as they deemed fit.
4. A high level standing committee / disciplinary action committee consists of faculty members, senior students, administrative officers or members of management committee be set up with the head of the educational institution as Chairman to keep a periodical watch on the situation and investigation of act of ragging in the institution.
5. Full publicity or intimation about ban and punishment of ragging should be given or intimated to the students through open circulars, notices on campus and hostel board, admission form, publicity material etc.
6. To prevent ragging from hostel patrolling squads consisting of wardens, some senior students, security staff and other administrative officers should do regular patrolling in the nights in the hostels where freshers are residing at least for the first five months of the start of the academic session.
7. Human rights activists and non-government organizations students, teachers, parents, Governments, educational institutions, University Grant Commission, police, journalist all should take necessary steps and find ways for eliminating the menace of ragging in all its forms, because due to

these malpractices (various forms of ragging) many students have suffered unspeakable trauma, destroyed their bright future and careers or committed suicides.

8. If fresher are facing ragging then they are advised not to hesitate, in informing their warden / dean / principal / member (s) of disciplinary action committee. If it is not possible then they can directly write to higher authorities of their institutions including Vice-Chancellor of University, Governor of State, Chief Minister or other officials of State, District Magistrate or Senior Police Officers, U.G.C., All India Council for Technical Education, Medical Council of India and State, Ministry of Human Resource Development, print and electronic media.

At last, Ragging is a problem of the students and by the student, and therefore, the solution to it also lies with the student, it cannot be combated by deterrence alone. The psycho-social aspects of ragging need to be understood thoroughly and ragging needs to be tackled through a three-pronged approach involving education and awareness, providing alternate means of interaction along with strict implementation of deterring laws.

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