

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).24295/2004

(From the judgement and order dated 24/06/2004 in WP No. 30845/2003 of the HIGH COURT OF KERALA AT ERNAKULAM)

UNIVERSITY OF KERALA

Petitioner(s)

VERSUS

COUNCIL, PRINCIPALS', COLLEGES, KERALA & ORS

Respondent(s)

(With appln(s) for intervention and modification and directions and impleadment as party respondent and with prayer for interim relief and office report)

WITH SLP(C) NO. 14356 of 2005

(With appln.(s) for exemption from filing O.T. and c/delay in filing counter affidavit and office report)

W.P.(CRL.) NO. 173 of 2006

(With appln.(s) for directions and exemption from filing O.T. and urging addl. ground and with office report)

SLP(C) NO. 24296-24299 of 2004

(With prayer for interim relief and office report)

Date: 16/05/2007 These Petitions were called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

Mr. Gopal Subramaniam, A.S.G. (A.C.)

Mrs. Sushma Suri, Adv.

Mr. Abhishek Tewari, Adv.

For Petitioner(s)

Mr. R. Sathish, Adv.

Dr. Sushil Balwada, Adv.

Mr. Satbir Tillania, Adv.

Mr. Anil Karnwal, Adv.

Mr. Prashant Kumar, Adv.

Ms. Pooja Dhar, Adv.

Ms. Ratna Kaul, Adv.

for M/s AP & J Chambers, Advs.

For Respondent(s)

Mr. Ranjit Kumar, Sr. Adv.

Mr. E.M.S. Anam, Adv.

Mr. Fazlin Anam, Adv.

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Mr. P.V. Dinesh, Adv.

Mrs. Sindhu T.P., Adv.

Mr. P.V. Vinod, Adv.

Mr. Sandeep B.K., Adv.

Mr. KH. Nobin Singh, Adv.

Mr. David Rao, Adv.

Mr. S. Biswajit Meitei, Adv.

Mr. Manoj Swarup, Adv.

Ms. Lalit Kohli, Adv.

for M/s. Manoj Swarup & Co., Adv.

Mr. T.V. George, Adv.

Mr. M.P. Vinod, Adv.

Mr. Ajay K. Jain, Adv.

Mr. Sjith P., Adv.

Mr. K.R. Sasiprabhu, Adv.

Mr. Ajit Kumar Sinha, Adv.

Mr. M.K. Michael, Adv.

Mr. M.K.D. Namboodiri, Adv.

Mr. V.G. Pragasam, Adv.

Mr. Shivaji M. Jadhav, Adv.

Mr. Radha Shyam Jena, Adv.

For Res.1-3 & 5

in WP 173/06:

Mr. Soli J. Sorabjee, Sr.Adv.

Ms. Vibha Datta Makhija

Mr. Manish Kumar, Adv.

Mr. Ansar Ahmad Chaudhary, Adv.

UPON hearing counsel the Court made the following

O R D E R

We have perused the Report of the Committee constituted

pursuant to this Court's order to suggest remedial measures to tackle with the problem of ragging in educational institutions. An elaborate report has been submitted by the Committee headed by Dr.R.K. Raghavan. According to the Committee, the following factors need to be focused to tackle with the problem:

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- (a) Primary responsibility for curbing ragging rests with academic institutions themselves.
- (b) Ragging adversely impacts the standards of higher education.
- (c) Incentives should be available to institutions for curbing the menace and there should be disincentives for failure to do so.
- (d) Enrolment in academic pursuits or a campus life should not immunize any adult citizen from penal provisions of the laws of the land.
- (e) Ragging needs to be perceived as failure to inculcate human values from the schooling stage.
- (f) Behavioural patterns among students, particularly potential

'raggers', need to be identified.

(g) Measures against ragging must deter its recurrence.

(h) Concerted action is required at the level of the school, higher educational institution, district administration, university, State and Central Governments to make any curb effective.

(i) Media and the Civil Society should be involved in this exercise.

The Committee has made several recommendations. For the present, we feel 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 First Information Report 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

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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 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 discouraged but also to be dealt with sternness.

In addition, we direct that 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 included in the teaching of the subjects

"Human Rights".

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 past or if it is noticed

later that he has indulged in ragging, admission may be refused or he shall be expelled from the educational institution.

The Central Government and the State Governments shall launch a programme giving wide publicity to the menace of ragging and the consequences which follow in case any student is detected to have been involved in ragging.

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.

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

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.

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.

Post these matters in September, 2007 for further directions on the recommendations received from the Committee.

I.A.No.5/2007 in S.L.P.(C) No.24295/2004:

Issue notice.

Response, if any, by the University shall be filed within four weeks. Rejoinder, if any, within four weeks thereafter.

Mr. Gopal Subramaniam, learned amicus curiae shall also indicate his views.

Writ Petition (Crl.) No.173/2006:

List this petition separately in September, 2007.

(N. Annapurna)  
Court Master

(Madhu Saxena)  
Court Master