

ITEM NO.42

COURT NO.5

SECTION XIA/X/XV

## 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 &amp; ORS

Respondent(s)

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

WITH

SLP(C) NO. 24296-24299 of 2004

(With prayer for interim relief and office report)

W.P.(Cr1) No.173/2006

(With application for directions and exemption from filing OT and  
office report)

SLP (C) No.14356/2005

(With application for exemption from filing OT and c/delay in filing  
counter affidavit and office report)

Date: 27/11/2006 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner(s)

Mr. R. Sathish,Adv.

Mr. Vivek K. Tankha, Sr.Adv.

Ms. Ratna Kaul,Adv.

Ms. Pooja Dhar,Adv.

Mr. Prashant Kumar,Adv.

for M/s. AP & J Chambers

Mr. Anil Karnwal,Adv.

Mr. Satbir Tilania,Adv.

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Dr. Sushil Balwada,Adv.

Contd.....2/-

For Respondent(s)/

Mr. Gopal Subramaniam, A.S.G.

Union of India

Mr. Abhishek Tewari,Adv.

Ms. Sushma Suri,Adv.

Mr. P. Parmeswaran,Adv.

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

Mr. K.R. Sasiprabhu,Adv.

Mr. G. Prakash,Adv.

Mrs. Beena Prakash,Adv.

Mr. K.D. Dileep Kumar,Adv.

Mr. T.G.Narayanan Nair,Adv.

Mr. M.P. Vinod,Adv.

Mr. Ajay K. Jain,Adv.

Mr. Dillip Pillai,Adv.

Mr. M.K. Michael,Adv.

Mr. S.M. Jadhav,Adv.

Mr. K. Rajeev,Adv.

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

Mr. Soli J. Sorabjee, Sr.Adv.

Mr. Arun Jaitley, Sr.Adv.

Mr. Philemon Nongbri,Adv.

Mr. Siddhartha Dave,Adv.

Ms. Vibha Datta Makhija,Adv.

Mr. Manish Kumar,Adv.

Mr. Ansar Ahmad Chaudhary,Adv.

Mr. Manoj Swarup,Adv.

Ms. Lalita Kohli,Adv.

Mr. Anubhav Kumar,Adv.

for M/s. Manoj Swarup & Co.

Mr. T.V. George,Adv.

Mr. N. Rajaraman,Adv.

Mr. Shail Kumar Dwivedi,Adv.

Mr. G.V. Rao, Adv.

Mr. P.V. Dinesh, Adv.

Contd.....3/-

UPON hearing counsel the Court made the following

O R D E R

We have heard Mr. Gopal Subramaniam, learned Additional Solicitor General. We notice with dismay that notwithstanding the concern shown by this Court in Vishwa Jagriti Mission through President Vs. Central Government through Cabinet Secretary and Ors. (AIR 2001 SC 2793), practically very little has been done to prevent the menace of ragging in educational institutions. Therefore, a Committee headed by Shri R.K. Raghvan, Ex-Director, C.B.I. be constituted immediately to make the recommendations as to how the provisions already enacted in several States and, Statutes framed to prevent the menace, can effectively eliminate

the

menace. Certain names have been suggested to be Members of the

Committee. They are:-

1. The present Director, I.I.T., Kanpur;

2. The present Principal of Dr. Maulana Azad Medical College,

New Delhi; and

3. The present Principal, Ramjas College, New Delhi.

The names suggested are accepted.

The Committee shall nominate two suitable persons from

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Bombay and Chennai to be included in the Committee.

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Mr. Sunil Kumar, Joint Secretary of the Ministry of

Human Resource Development shall be the Member Convenor

of the Committee.

The main attention of the committee shall be to focus on

the evils of ragging, the modalities how these can be prevented

and what stern action can be taken against the persons indulging in ragging. It shall also be suggested as to what action can be taken against the educational institutions where such ragging takes place and the authorities of such institutions. The Committee may be notified immediately and it would be appropriate if a Report is submitted within a period of four months from the notification of the Committee. It shall be open to the Committee to appoint such persons, as deemed proper, in respect of various States so that the ground realities of those States can also be brought into focus before the Committee.

Mr. Gopal Subramaniam, learned Additional Solicitor

General states that in terms of the previous order dated 20.11.2006, information was sought for from various States as to in how many cases sitting Judges have been appointed as Commissions, on the face of the judgment of this Court in T. Fenn Walter & Ors. Vs. Union of India and Ors. (2002 (6) SCC 184). It

is stated that unfortunately, none of the States have responded to

the queries raised about the number of

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sitting Judges who have been appointed as Commissions, and whether such appointments were made keeping in view the principles laid down in T. Fenn Walter's case (supra). The order dated 20.11.2006 was passed before learned Additional Solicitor General had submitted that notwithstanding the judgment of this Court in petty and routine matters, sitting Judges are being appointed as Commissions. In view of this statement, we direct that in no case a sitting Judge of any High Court shall continue as the Commission. This order shall not, however, operate in cases where the inquiry is at the fag end, i.e. only where the report is to be submitted.

W.P.(CrI.) No.173 of 2006

The proceedings before the concerned courts shall not get adjourned because of the pendency of the matter before this Court.

I.A. Nos.2 and 3

Response to I.A. Nos. 2 and 3 by the Union of India shall  
be filed within three weeks.

List all the matters after six weeks.

(Neena Verma)

Court Master

(Madhu Saxena)

Court Master