

Smaran, Mohabir Mohapatra, Bismay Dash and Puja Das should be made to run concurrently.

The respective parents/guardians of the above students who are inflicted with punishment should be summoned by the Principal to the College and they should be asked to desist their wards from indulging in any type of criminal activity/ragging/assault in the Law College or the hostel and ensure good behaviour of their wards in future. An undertaking in this regard should be obtained from each of them separately. If any of the parents/guardian fail to give such undertaking or will fail to attend the meeting called for by the Principal, without any lawful excuse, compulsory C.L.C. should be given to their wards.

No punishment to Alisha Patnaik is suggested since she had passed out and had taken C.L.C before starting of the enquiry and the existing rules do not prescribe awarding of any punishment to such pass out students.)

RECOMMENDATIONS.

In the foregoing Chapters I had come to the conclusion basing on the statements of the students that ragging has its deep root existence in the institution. The 1st year students of 2012 had narrowly escaped the ragging of any higher magnitude by their immediate seniors due to en-mass protest by them in shape of presenting a written report to the Principal, the timely interference by the administration before it was too late and the hidden inter se fighting for hegemony in between some students of the two senior batches. Possibility of ragging surfacing with uglier face cannot be ruled out.

The Apex Court in the case of University of Kerala Vrs. Council, Principals, Colleges, Kerala and others by accepting in totality the report of Dr.R.K.Raghavan mandated in its order that:-

- (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 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 F.I.R. directly with the police, that will not absolve the institutional authority from the requirement of filing the F.I.R.
- (3) XXXX XXXX XXXX

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 programme giving wide publicity to the menace of ragging and the consequence which follow in case any student is detected to have been indulged 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 President of India way back on 25th June, 2009 had expressed grave concern over spreading of ragging both across educational institutions and the length and breadth of our country. According to her Highness- "It is orderly aggressive and inhuman conduct on the part of senior students inflicting physical cruelty and mental torment on the fresher has outraged the society at large". The President of India has also endorsed that it is the primary responsibility of the management of the institution and teachers to prevent ragging and had also desired that the parents and guardians of the students are to be mobilised to counsel their wards to behave more responsible and be supportive in their dealings with their juniors and a constant supervision and vigil by the University and college authority is required.

Keeping in view the directions of the Apex Court, the desire of the President of India and the need of the time I feel a wider definition should be

given to the word "ragging". According to me, ragging should constitute any one or more of the following-

(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/freshers or any other student;

(b) indulging in rowdy or undisciplined behaviour 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/freshers 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 physique of such fresher or any other student;

(d) any act by any student that prevents, disrupts or disturbs the regular academic activity of any other student or a fresher;

(e) exploiting the services of a fresher/freshers 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 the senior student/ students;

(g) any act or 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, posts, public insults which would also include deriving perverted pleasure, vicarious or sadistic thrill from actively or passively participating in the discomfiture to fresher/freshers or any other student;

(i) any act that affects the mental health and self-confidence of a fresher/freshers 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/freshers or any other student.

STEPS TO BE TAKEN BY THE AUTHORITY FOR PREVENTION OF RAGGING.

1. a) Every students of the University Law College should be issued with Identity Cards and it should be made compulsory to hold it and also to put on prescribed uniform while attending the college.

b) The compound wall of the college should be raised and the Main gate should be strengthened and security guards should be posted to prevent entry of any outsiders in to the college campus and pass system to outsiders for entry should be introduced.

c) The advertisement for admission or for readmission shall clearly mention that ragging is totally banned in the institution and anybody found guilty of ragging and/or abetting ragging by the anti-ragging committee will be liable for any punishment prescribed under the Rules.

d) The definition of ragging and also punishments prescribed must find place in the prospectus and other admission related documents.

e) Introduction session of the freshers with the senior students in batches should be completed within 15 days of the beginning of the session on the specified dates to be notified by the Principal and such introduction session should be done only in presence of two staff members to be nominated by the Principal.

2) One affidavit by the candidate taking admission/re-admission shall be furnished, mentioning therein that the candidate has read over and understood the Rules regarding prohibition of ragging including decision of the Supreme Court as well as the punishments prescribed and that if he/she is found guilty for committing ragging and/or abetting ragging is liable for punishment as deemed fit by the anti-ragging committee.

3) Another affidavit by the father/mother/guardian of the student taking admission/readmission should also be taken with a declaration that he/she is also aware of the law regarding ragging and agrees to abide by the punishment meted out to his/her ward in case the latter is found guilty of ragging and /or abetting ragging.

4) A student seeking admission into the hostel shall be required to file another affidavit along with his/her application for hostel accommodation that he/she is also aware of the Rules as regards ragging and agrees to abide by the punishment meted out if he/she is found guilty of ragging and/or abetting ragging in the hostel as well.

5) Each batch of freshers should be divided into small groups and each such group shall be assigned to a Member of the staff and such staff member should personally interact with each member of the group assigned to him/her on daily

basis at least for first three months compulsorily and once in a week for rest of the period of the academic year to ascertain the problems/difficulties if any, faced by the fresher in the institution and extend necessary help.

6) In case of fresher/freshers of the group admitted into any hostel, it shall be the responsibility of the Teacher in-charge of the group to coordinate with the Warden of the hostel and shall make surprise visits to the rooms in the hostel where the members of his/her assigned group resides.

7) As far as possible steps should be taken to accommodate all the freshers in one hostel and the access of the senior students to their rooms should be strictly monitored.

8) A professional councillor may be engaged to counsel the freshers in order to prepare them for the life ahead, particularly for adjusting the life in hostel.

9) Every fresher admitted into the college shall be given a printed booklet detailing when and whom he/she has to turn to for help and guidance for various purposes including head of institution, warden, members of the anti-ragging committee, District Police authorities and local police station having jurisdiction. The address and Telephone No. of each of such person or authority shall also be supplied.

10) The information booklet shall also tell the freshers about their right as bonafide student and clearly instruct them that they should desist from doing anything against their will even if ordered by the seniors and that they have nothing to fear as the institution cares for them and shall not tolerate any atrocity administered against them.

- 11) To make the community at large and students in particular aware of the de-humiliating effect of ragging and approach of the institution towards those involving in ragging, shall be prominently displayed on all Notice Boards and also in the hostel and also at vulnerable places.
- 12) Security guards, at least for 1st three months of admission should be deployed at vulnerable places of the college building for strict vigil and tighten the security. If found necessary intense policing shall be resorted to at such vulnerable place/places, at odd hours during early months of the academic session.
- 13) Mobile phones and other communication devices may be permitted in all hostels to provide access to the freshers and other students to reach out for help for teachers, parents and institution authorities.
- 14) One of the main reasons of the student's unrest is the frustration about their future. To avoid this I would like to recommend the authorities to consider engaging an experienced M.B.A. (H.R.) professional to explore the possibility of employment of the Law Graduates of the college in private sector, law firms and companies including multinationals and also to motivate the students of their positive aspects.
- 15) More seminars and moot courts of inter-se classes and inter-se colleges should be conducted to divert the attention of the students towards study and to keep them engaged round the year.
- 16) C.C cameras are to be affixed in the class rooms and at vulnerable places to monitor the activities of the students

MONITORING MECHANISM

A) AN ANTI-RAGGING COMMITTEE -

An anti-ragging committee should be constituted with the Principal as the Chair person and consisting of a representative of the local police of the rank of ACP to be nominated by the D.C.P, two Faculty Members to be nominated by the principal, one representative of the parents of the freshers and one representative of the parents of the senior students to be nominated by the principal.

Anti-ragging committee meeting shall be held at least once in a fortnight for first couple of months at the beginning of the academic session and whenever necessary and as felt by the Principal to review the situation. It shall be the duty of the Anti-ragging committee to ensure compliance with the provisions of the Regulation as well as provisions of any law for the time being in force concerning ragging, make enquiry and find out the culprit /culprits of ragging and inflict punishment and also to interfere and over-see the performance of anti-ragging squad in prevention of any ragging in the institution.

B) ANTI-RAGGING SQUAD.

The Principal shall constitute a small body known as Anti-ragging squad taking two students from each year and 50% should be woman students and two members each from teaching and non-teaching staff. It shall be the duty of the Anti-ragging squad to make surprise raids in the hostel and other places vulnerable to such incident and having the potential for ragging and shall be empowered to have access to such places. It shall also be the duty of the Anti-ragging squad to conduct an on the spot enquiry in to any incident of ragging,

referred to it by the Head of the institution or any member of the faculty or any member of the staff or any student or any parent or guardian or any employee or any service provider or by any person, as the case may be and submit its report along with the materials/ evidence collected by them, to the Anti-ragging committee for regular enquiry.

C) MONITORING CELL

The institution shall at the end of each academic year, in order to promote objectives of these Regulations, constitute a Monitoring Cell consisting of students volunteering to be mentors for freshers in the succeeding academic year and there shall be as many levels or tiers of mentors as the number of the batches in the institution, at the rate of one mentor for five freshers and one mentor of a higher level for six mentors of the lower level.

In every single incident of ragging of heinous nature/assault, which constitutes an offence under any criminal law in force, an F.I.R. should invariably be filed with the local police by the head of the Anti-ragging committee.

A provision shall be made in the Service Rules for issuing certificate of appreciation or increase in increment to such members of the teaching and non-teaching staff who report of ragging without any loss of time.

Departmental enquiry shall be initiated against the head of the institution/ Faculty members/non-teaching staff that display an apathetic or insensitive attitude to-wards complaints of ragging and would not take timely steps in prevention of ragging and punish those who rag.

ACTIONS TO BE TAKEN AGAINST STUDENTS FOR INDULGING AND ABETTING RAGGING.

The Apex Court has directed that the punishment to be meted out to the persons indulged in ragging has to be exemplary and justifiably harsh to act as a deterrent against recurrence of such incidents. Depending upon the nature and gravity of the offence as established, the possible punishments for those found guilty of ragging in the college or the hostel, shall be any one or combination of the followings

- i) *Cancellation of admission*
- ii) *Suspension from attending classes for a specified period ranging from one to four months*
- iii) *Withholding/withdrawing scholarship/fellowship and other benefits*
- iv) *Debarring from appearing in any test/examination or other evaluation process*
- v) *Withholding results for a period extending up to one year.*
- vi) *Debarring from representing the institution in any regional, national or international meet, tournament, youth festival etc.*
- vii) *Suspension/expulsion from the hostel.*
- viii) *Rustication from the institution for a period ranging from 1 to 4 semesters*
- ix) *Expulsion from the institution and consequent debarring from admission to any other institution.*

- x) *Collective punishment: when the persons committing or abetting the crime of ragging are not identified, the institution shall resort to collective punishment as a deterrent to ensure community pressure on the potential raggers.*
- xi) *Withdrawing Degree certificate for a period ranging from 1 to 12 months, of the pass-out students if subsequently he/she is found guilty of ragging by the Anti-ragging Committee, while he was a student.*
- xii) *C.L.C. to any student should not be issued if any enquiry concerning ragging or assault is pending against him/her.*
- xiii) *The fact of awarding of punishment should get mentioned in the character certificate of the concerned student while issuing C.L.C.*

An appeal against the order of punishment passed by the Anti-ragging committee shall lie to the Vice-Chancellor of the University.


(J.J.PATRA) 9.9.13.