

COMBATING RAGGING IN INDIAN EDUCATIONAL INSTITUTIONS: THE ROLE OF THE ANTI-RAGGING LAW AND ITS IMPACT

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ABSTRACT

In a decade the cases of Ragging, harassing, bullying or intimidating freshers in an educational institution has increased which had impacted numerous students and freshers which had resulted to suffers from physical and mental abuse. To combat this issue, the Indian Government implemented the Anti-Ragging Law in 2009, which aims to prevent and eradicate ragging in all the educational institutions in India and outlines severe punishment for those found guilty of ragging. This paper examines the types of ragging prevalent in educational institutions and various challenges faced by the victim in enforcing a complaint such as lack of awareness, inadequate implementation mechanisms, and a lenient attitude of the educational institutions towards ragging for protecting the reputation of the institute. The paper emphasizes the need for a collaborative effort by the students, faculty, and administration for ensuring a safe and healthy environment for the fresher in the Educational Institution. The paper explains in detail the provision of the Anti-Ragging Law. Last, but not the least, the paper suggests that more awareness programs should be conducted in educational institutions to educate students and staff about the harmful effects of ragging. Overall, the Anti-Ragging Law is an essential tool in combating ragging in Indian educational institutions, and more efforts are needed to make it more effective.

Keywords: *Anti-Ragging, Ragging, Victim, Fresher, Junior, Abuse, Educational Institution, Institution, Forced, Involuntarily, Incident, Senior Student.*

INTRODUCTION

Ragging or bullying is the sad reality nowadays in schools, Colleges, and Universities where the students are been abused, harassed, and exploited in the name of fun or interaction by the seniors. Where generally students had performed certain tasks or acts assigned by a senior student. A Non-performance of the act or assigned task leads to more threats as making a problem in the academic career or harassment by any other means. Generally, harassment of

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a student is done who is a fresher or first-year student who is new in the college or university and is unaware of the surrounding the freshers try to know the habitually of the college or locality. Freshers may try to interact with seniors where they become victims. Freshers tolerate harassment because they are unaware of anti-ragging laws or may fear while approaching the authorities the situation may go worst so a fresher has only one way to escape the situation which is to complete the task and unwantedly becomes a victim of Ragging.

As a student who had come to study in college, University with numerous hopes and aspirations and coming from a far-off distance, the fresher comes while passing with hard financial problems having a ragging experience the victim suffers from humiliation and mental disturbance. Sometimes the victim suffers such the worst experience and is never treated such badly through life that the victim commits suicide. Such a case was seen in the Odisha state where an 18th-year girl pursuing first-year MBBS in a reputed college in Bolangir district commits Suicide after facing ragging by the senior college and leaves a note that did not mention the abuser's name and leaves note finds that she had been continuously tortured by three seniors and commits suicide¹. Another similar Incident took place at B.J Medical College where Seven Second year Postgraduate students of orthopedics alleged to the anti-committee that three senior students were continuously subjected to bullying and mentally tortured, the college suspended two students for the three semesters and one student for two semesters as third confessed so the committed got more lenient². Despite having legislation for Anti-Ragging laws of the University Grant Commission and some states the practice of ragging is still being continued.

MEANING OF RAGGING

In general, terms called the use of initiation rituals which is prevalent in Indian higher institutions. A similar practice has been a term to be hazing in North America, France, and some more countries with the same practice in higher educational institutions across the globe. It includes ill-treatment, dishonor, force, and threats to freshers by senior students. In

¹Debabrata Mohanty, 'Odisha girl student dies by suicide in hostel alleging ragging by seniors' (Hindustan times, 3 July 2022) <<https://www.hindustantimes.com/india-news/odisha-girl-student-dies-by-suicide-in-hostel-alleging-ragging-by-seniors-101656827626506.html>> accessed 2 May 2023

²BJ Medical College Ragging Panel finds three students guilty, suspends them' (Times of India, 30 December 2022) <<https://timesofindia.indiatimes.com/city/ahmedabad/bj-medical-college-ragging-panel-finds-three-students-guilty-suspends-them/articleshow/96609044.cms>> accessed 2 May 2023

1999, the Supreme Court of India defined the term ragging in the case Vishwa Jagriti v. Central Government.³

TYPES OF RAGGING THAT ARE SEEN IN EDUCATIONAL INSTITUTION

The following types of ragging are prevalent in the school, colleges, and universities.

1. **Academic Ragging:** In this Ragging, victims are involuntarily forced to complete academic-related work. For example, the junior is informed to complete academic homework, projects, assignment, allotting presentation work.
2. **Financial Ragging.** In this form of Ragging the junior is abused financially and forced to pay a certain sum of payment as monthly or in total otherwise the junior is assaulted or receives academic threats.
3. **Physical Ragging;** In Physical Ragging, the juniors are forced to do push-ups and sit-ups, said to do running, seating for a long time in a murga position, forced to plank and hold for a long period, and forced to dance against their will. It also includes slapping, beating by the stick, or a cricket bat. Sometimes freshers are forced to slap to own batchmates. Also includes doing a scene of any drama or movie. So Physical ragging means the performance of any acts of task and being subjected wholly physically.
4. **Sexual Ragging:** In this form of ragging the juniors are exploited by the means of Sexually where the junior is stand in a naked position, stripped of their clothes. Boys were forced to do masturbation, forced to swallow urine, making sexual gestures. It also includes forcing sexually obscene, homosexual acts, etc.
5. **Verbal abuse;** The junior is forced to speak any movie dialogue, forced to speak adultery or dirty words, forced to sing a song, forcing to make sexual remarks for the female batchmate. The junior is greeted with a nickname or may be greeted with an abusive word.
6. **Dress Code Ragging:** where the junior is forced to wear specific attire or clothes in an institutional area. The dress code would be such that a common reasonable human being would not wear and seems too unusual and gives embarrassing remarks oneself.
7. **Drug Abuse:** This form of ragging is regarded as the worst form where the junior is forced to consume the drug, which might later result from the addiction of the junior, and in many cases, the junior is forced to sell or smuggle the drug substances involuntarily.

³ Writ Petition (civil) 656 of 1998

MAJOR CHALLENGES FOR ENFORCING THE ANTI-RAGGING LAWS

1. **Lack of Awareness:** The biggest problem in enforcing the anti-ragging laws is lack of the awareness among the students or freshers. Unawareness results in infilling of the complaints and incidents. Also, they may be unaware that how to file a report as now a ragging complaint can be filed online from Android, Ios phones, laptops, etc.
2. **Lack of Evidence:** Many times, after filing a ragging complaint to prove the incidents require evidence and when a physical ragging takes place it is on the victim to prove the incident. The result of it freeing of the perpetrators.
3. **Ineffective Implementation;** when times authorities are not in the approach of taking against the abuser, they assume a few drawbacks initially the reputation of the college is harmed which leads to a reduction of preference by the upcoming batch. In some cases, there is no proper involvement of the educational institution in the implementation of the anti-ragging laws.
4. **Tolerant Approach of Institution:** Many times, being found guilty of the offense of ragging the student is suspended for weeks or a semester. Here, the acts of educational institutions lack for taking strict actions which encourage others for practicing ragging.
5. **Traditional Acceptance:** There is a common acceptance of ragging by the fresher as assuming it to be a cultural practice and its tradition in a profession or college. This acceptance can make it difficult to enforce the law effectively and change the attitudes toward the practice.

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LEGISLATION

In 2001, A public interest litigation was filed before the Hon'ble Supreme Court of India by Vishwa Jagriti Mission⁴ where in response to the PIL Supreme Court declared the Ragging as an offence.

STATE LEGISLATIONS

State of Andhra Pradesh, Maharashtra, Karnataka, Uttar Pradesh, Chandigarh, Tripura, Tamil Nadu, Assam, Kerala, West Bengal, Goa, Jammu, and Kashmir have their Ani-Ragging laws to stop the ragging in Educational Institutions.

⁴2001 (3) SCR 540

Tamil Nadu in 1997 passed an anti-ragging law and become the first state to have an anti-ragging law in their state⁵.

CENTRAL LAWS

INDIAN PENAL CODE

Section 294⁶ defines the offence of obscene acts or words in public places. Any individual in a public place or within public view utters any obscene words or gestures or acts contributing to obscene with the intention of insulting the character of any person shall be punished with imprisonment extending to three months or fine or both.

Section 323⁷ defines punishment for voluntarily causing hurt by any individual to any other person except by section 334 which deals with grave provocation and found guilty shall be punished with imprisonment extending to three months or a fine extending to one thousand rupees or both.

Section 324⁸ defines voluntarily causing hurt by dangerous weapons or means except in the case provided in section 334, anyone causes hurt using any instrument of shooting, stabbing, fire, explosive substance or any corrosive substance or any substance which is deleterious to the human body to inhale or swallow or receive to any blood or any means of animal or by any means causes which is likely to cause death general shall be imprisonment with the term may extending to three years or fine or both.

Section 325⁹ defines punishment for voluntarily causing grievous hurt except in the case provided by section 335, any individual who causes grievous hurt shall be imprisoned extending to seven years and shall also be liable to a fine or both.

Section 326 defines voluntarily causing grievous hurt by dangerous weapons or means except in case of section 335 and any individual causes grievous hurt by means of any instrument of shooting, stabbing, fire or any heated substances, by means of poison or any corrosive substance or any substance which is deleterious to the human body to inhale or swallow or receive to any blood or any means of animal or by any means causes which is likely to cause

⁵'Ragging' (Wikipedia) <<https://en.wikipedia.org/wiki/Ragging>> accessed 4 May 2023

⁶ Indian Penal Code 1860, S. 294

⁷ Indian Penal Code 1860, S. 323

⁸ Indian Penal Code 1860, S. 324

⁹ Indian Penal Code 1860, S. 325

death and causes grievous death shall be imprisonment for life or imprisonment with the term may extending to ten years or fine or both.

Section 339¹⁰ defines wrongful restraint as where any individual is subjected to obstruction or restriction for going in a particular direction where the individual or person has the freedom or right to go would be considered as wrongful restraint. The punishment for the same is provided in section 341 which is simple imprisonment for a term extending to one month or a fine extending to five hundred or both.

Section 340¹¹ defines punishment for wrongful confinement the term itself gives the idea that the person is confined from all the four directions in which the person has the right to proceed or freedom to go. The punishment for the same is provided in section 342 which is imprisonment for a term extending to one year or a fine extending to one thousand or both.

With wrongful restraint the person is restricted to proceed in only one direction where he has the option to proceed in another direction whereas in wrongful confinement the person is restricted to proceed from all four direction and the person is subjected to confinement and have no means of escaping.

UNIVERSITY GRANT COMMISSION REGULATION

UGC Regulation on Curbing the Menace of Ragging in Higher Educational Institutions, 2009 was established Under section 26 (1) (g) of the University Grants Commission Act, 1956¹².

Section 4 (f)¹³ of the Act introduced the District Level Anti-Ragging Committee headed by the District Magistrate and regulated by the state government for controlling anti-ragging institutions within the jurisdiction of the district.

S. 6.1(a)¹⁴ contains provisions such as making a public declaration of every institution using electronic or audio-visual print by expressly stating the institution prohibits ragging totally. And describing in the brochure/ Booklet of the institution that the institute prohibits ragging by the student by all means and strict disciplinary action would be taken in finds of ragging.

¹⁰ Indian Penal Code 1860, S. 339

¹¹ Indian Penal Code 1860, S. 340

¹² UGC Regulations on Curbing the Menace of Ragging 2009

¹³ UGC Regulations on Curbing the Menace of Ragging 2009, S. 4

¹⁴ UGC Regulations on Curbing the Menace of Ragging 2009, S. 6.1 (a)

S. 6 (d)¹⁵establishes mandatory submission of an Affidavit and signed by the applicant during the time of enrolment or admission in English or Hindi language or any regional language known to the applicant contain in Annexure-I to the regulation or any other laws. Annexure-I states the applicant had read and understood the regulation for the prohibition of ragging and punishment prescribed and maintaining discipline in the premise of the institution. clause 3 of the Act defines Ragging which is present in the affidavit.

S. 6 (e)¹⁶establishes mandatory submission of an Affidavit signed by the applicant's parents/guardians during the time of enrolment or admission in English or Hindi language or any regional language known to the applicant contain in Annexure-I to the regulation and under the penal laws. Annexure-I states the applicant's parents/ guardians had read and understood the regulation for the prohibition of ragging and punishment prescribed and were aware of the anti-ragging law and his/her wards would be maintaining the discipline in the premise of the institution and his/her ward be liable to proceeding under the anti-ragging laws. His/her ward would not indulge in any form of ragging means. The affidavit mentions clause 3 which defines Ragging.

S. 6(f)¹⁷directs the Institution will take a document such as a character certificate/school leaving certificate /transfer certificate/ which describes the character of the student in the previous school.

S. 6(g)¹⁸says that any student or individual seeking to live in a hostel for a temporary period shall require to sign Annexure-I by the student/individual self and Annexure-II by the student's parents/Guardians of the Individual/ student both are in the forms of an Affidavit.

S. 6(i)¹⁹the institution shall encourage the student for having a large community to the student who is aware of the anti-ragging practice on the premise of the college.

S. 6.2(a)²⁰each student should provide a leaflet by the Institution describing how to deal with ragging when they have such experience and guidance step by step. The leaflet should describe how the victim can file an online complaint and reach the Anti-ragging committee. Also aware of their rights in the leaflet.

¹⁵UGC Regulations on Curbing the Menace of Ragging 2009, S. 6.1 (d)

¹⁶UGC Regulations on Curbing the Menace of Ragging 2009, S. 6.1 (e)

¹⁷UGC Regulations on Curbing the Menace of Ragging 2009, S. 6.1 (f)

¹⁸UGC Regulations on Curbing the Menace of Ragging 2009, S. 6.1 (g)

¹⁹UGC Regulations on Curbing the Menace of Ragging 2009, S. 6.1 (i)

²⁰UGC Regulations on Curbing the Menace of Ragging 2009, S. 6.2 (a)

S. 6.3(a)²¹ establishes an Anti-Ragging Committee in each educational institution headed by the Head of the Institution which shall comprise the representatives of the civil and political administration, local media, non-government institutions, representatives of the parents and students belonging to the fresher year as well as the senior student.

S. 6.3(b)²² it is the duty of the anti-ragging committee to follow and abide by the ragging regulation in the strict sense as well as abide by other laws of ragging regulation provided under the penal code.

S. 6.3(c)²³ Each institution should perform a smaller body called an Anti-Ragging Squad which would conduct surprise visits in the Institution to check on there is no means of practice on the premise of the Institution. Also, would make on-spot inquiries and reports shall send to the head of the Institution.

S. 6.3(f)²⁴ To ensure all the bodies such as the ragging committee, squad committee, and regulation committee are working properly upper them a Monitoring Committee should be formed which shall consist of students volunteering to be the mentors of the fresher.

S. 6.3(h)²⁵ The monitoring cell shall make good efforts to review the conduct of the committee as all the affidavits are collected, awareness campaigns are conducted, public declarations are announced and anti-ragging leaflets are distributed among the freshers.

S. 7²⁶ deals with all the actions of the head of the institution. Initially receiving any incident of ragging the head of the institution should decide with the anti-ragging committee that the matter falls under penal law or under ragging shall immediately file an FIR (First Information of Report) within twenty hours.

S. 8²⁷ talks about all the duties and responsibilities of the Commission and the councils: the Commission shall provide a toll-free number anti-ragging helpline number to all the students. Upon receiving ragging information, immediate action should be taken by the authorities. Receiving any incident hostel warden, head of the institution and nodal officer shall inform immediately. Proper checking should be conducted for the working of the helpline number.

²¹UGC Regulations on Curbing the Menace of Ragging 2009, S. 6.3 (a)

²²UGC Regulations on Curbing the Menace of Ragging 2009, S. 6.3 (b)

²³UGC Regulations on Curbing the Menace of Ragging 2009, S. 6.3 (c)

²⁴UGC Regulations on Curbing the Menace of Ragging 2009, S. 6.3 (f)

²⁵UGC Regulations on Curbing the Menace of Ragging 2009, S. 6.3 (h)

²⁶UGC Regulations on Curbing the Menace of Ragging 2009, S. 7

²⁷UGC Regulations on Curbing the Menace of Ragging 2009, S. 8

S. 9²⁸ talks about all the administrative actions in the event of Ragging. If one is found to be guilty under the Anti-ragging regulation then the decision should be taken according to the nature, gravity, and facts of each case by the Anti-ragging committee.

STRATEGIES FOR ENFORCING THE ANTI-RAGGING LAW

1. **Effective Implementation:** The major concern is with the implementation as there would be in the strict sense but there are useless unless they are implemented for which a central body should be established for keeping all the records and checking all the authorities are working properly. Also, the central body should conduct surprise visits to Institution and hostel. Surprise visits should ask questions to freshers whether there is a total ragging-free environment.
2. **Awareness Campaigns:** The Anti-Ragging committee should conduct awareness campaigns more often and regularly only then ragging incidents would be reduced and the student and teacher-related should teach more regarding the anti-ragging laws. Also, aware the students that how they can file a complaint.
3. **Reporting Mechanism:** An effective reporting mechanism should be formed which encourages students, teachers, and staff to report incidents of ragging. The mechanism should ensure confidentiality so the complainant is protected.
4. **Strict Punishment:** Often Educational institution keeps a lenient approach when one is found guilty. Many times, the committee develops emotion and frees the accused. Whereas in any scenario strict punishment should be given as per the anti-ragging provision.
5. **Counselling and support:** Educational Institutions should provide counselling and support to students who are victims of ragging and the counselling should overcome the trauma of the victim.
6. **Collaboration with the local authorities:** The collaboration of Educational Institutions with the local Authorities such as the police department and administrative departments makes the implementation law effective which would result in the working of the laws in a rapid form.

²⁸ UGC Regulations on Curbing the Menace of Ragging 2009, S. 9

CONCLUSION

The Anti-Ragging Law is a crucial measure to ensure a safe and healthy environment for the fresher students in India. Data show a total of 2790 complaints of ragging have been reported between 2018-2019 only in 1296 cases action was taken²⁹. Ragging causes physical and psychological effects on the victims. As responsible members of society, we must prioritize the well-being of our students and ensure safety under the premise of educational institutions. So, it is important to ensure no student is subjected to the trauma of ragging.

Law sends a strong message that bullying and harassment of any kind will not be tolerated in educational institutions. Also, ensuring the effective working of the anti-ragging laws is a crucial job in educational institutions it fails there is no meaning of having anti-ragging laws as having anti-ragging and not having a anti-ragging law are the same thing. It is the responsibility of each educational institution for having a regular anti-ragging campaign on the premises. Also ensuring the committees are working properly and keeping their interest to eradicate Ragging.



²⁹ Saurabh Sharma, 'Issue of Ragging in Educational Institutes in India' (ETV Bharat) <<https://www.etvbharat.com/english/bharat/issue-of-ragging-in-educational-institutes-in-india/na20220915160953469469665>> accessed on 8 May 2023