



The menace of ragging in educational institutes: A human right perspective

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Abstract

The evil of ragging has been recognized as a social evil even by judiciary as well as by the legislature. Generally ragging is mostly found in medical, engineering and other professional colleges or universities or institutions. The fresher are traumatized both physically and mentally deriving sadistic pleasure by the seniors amounting to gross violation of basic human rights. Numbers of students every year are being forced to go through this experience. Media has been reporting various incidents of suicides, violence, physical injuries, sexual abuses and psychological disorders, resulting because of ragging. Ragging is traditional and systematic human right abuse in education field. It violates the fundamental rights which are ensured by our Constitution of India. It is clear cut violation of human rights which is unacceptable by Indian society and if such things are happens in the educational institution it may danger to the future of nation. In order to control ragging from the Colleges, University, the State Governments have enacted legislations to deal with ragging. The Indian judiciary has commendable steps taken to control and eradication of evil practice of ragging from the society, as well as sensitizing the society concerning the illegal activities against the fresher students.

Keywords: ragging, human rights, judicial activism, laws against ragging, education

Introduction

In India ragging was originally adopted from western society English Schools. But in course of time it turned into a psychopathic behavior and reflection of deviant personalities culminating into inhuman and barbaric behavior. The problem of ragging is mostly found in medical, engineering and other professional colleges or universities or institutions. The fresher are traumatized both physically and mentally deriving sadistic pleasure by the seniors amounting to gross violation of basic human rights. Even though this menace existing in educational institutions worsened and ruined many life's, Anti-ragging Movement emerged recently only in India. As part of this Anti-ragging movement several voluntary organizations came to conduct drive for public awareness and arrange for support for victims. Numbers of students every year are being forced to go through this experience. Media has been reporting various incidents of suicides, violence, physical injuries, sexual abuses and psychological disorders, resulting because of ragging. This issue has been attended by judiciary and Legislatures have debate over it and developed rules and regulations for eradication ragging. Supreme Court has commendable service in protecting and preserving the rights of the students as well as sensitizing the society against the ragging acts. Judiciary played dynamic role for protection and preservation the interest of students

Origin of Ragging

Ragging has been existence from since the Anno Domini era (A.D.) era. At that time it was not brutal, rather it existed in its mild form as a sort of tradition during the 8th century A.D. 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. They started practicing ragging on the new entrants in their community in a mild form. However, ragging became a major problem in the west after World War-I. During the World War ragging underwent massive transformations as new techniques were introduced. These were introduced by students who returned from war and rejoined college. These techniques were actually severe form of ragging which was practiced in army camps.

In India ragging along with the British Empire, where it was practiced mainly in the Army and English Public schools. It was in its mild form till the early 70's However, the 80's witnessed a rise in the practice of this practice. It was media which played vital role in influencing ragging. From there onwards it acquired a brutal form. Then during the 90's private engineering colleges and medical colleges were established in large numbers. It was during this period that ragging started showing its ugly face with South India being the central point of these activities. Tamil Nadu becomes the first state to introduce legislation against ragging during 1977.

Methodology

The researcher methodology used for the present research article doctrinal research method. As most of the information can be sought from the available literature, so the researcher has chosen doctrinal method as method of research for the present article and has used books, journals, research articles for preparation of the same.

Objectives of the study

The main objectives of the research work are:
1. To study the concept of ragging in detail.

2. To analyze the causes of ragging.
3. To find out ragging as a cause in violation of human rights.
4. To Study legislative measures for combat the evil of ragging.
5. To find out the judicial approach to curb the ragging activity.

Meaning of ragging

Supreme Court of India has defined ragging means It is 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 student, including in rowdy or undisciplined activities which causes or are likely to cause annoyance, hardship, or psychological harm or to raise fear to junior student and which has the effect of causing or generating a sense of shame or embarrassment so as to adversely affect the psyche of a fresher of a junior students ^[1]

Ragging means a noisy disorderly conduct, annual parade of students in fancy dress to collect money for charity, playing rough jokes, or throwing into wild disorder a person's room etc. ^[2], Ragging is a form of abuse of newcomers to educational institutions, wherein some senior of in terms of verbal, physical and sexual aggression.

Ragging means any act 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 thereof in a fresher or a junior student or asking the students to do any act or perform something which such student will not 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 ^[3].

Causes of ragging

It is observed that, the main causes for indulging in ragging are:

- a. Importance the seniors get in the initial stages of admission by helping and guiding the new comers for various things in the absence of or ineffectiveness of institutional mechanism to help them at that point, resulting in their getting indebted to seniors and thereby feeling compelled to do their biddings.
- b. An attitude of backlash a do-unto- others what others did to you
- c. Eagerness of seniors to show off their power, authority and superiority and influence over there junior students.

Forms of ragging

There are some of the existing forms of the ragging observed in the colleges as follows-

1. **The verbal torture:** Verbal torture involves including in loose talks. The fresher men may be asked to sing the lyrics of any vulgar song or use abusive language while talking to the seniors.
2. **Dress code ragging:** The fresher men asked to dress in a specific dress code for a particular period to time. The dress code ragging may make the fresher men fell

awkward and uncomfortable as it often brings them unnecessary attention from everybody.

3. **Formal Introduction:** This involves asking the fresh men to introduce themselves in different styles.
4. **Sexual Abuse:** This is 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 fresh men have been asked to strip before the seniors.
5. **Playing the fool:** The fresher men may be asked to enact scenes from a particular movie or mimic a particular film stat. In many cases, the seniors may also ask the fresher men to do silly things.
6. **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 cloths, from fetching them water or milk to completing their assignments.
7. **Drug Abuse:** This can be the worst form of ragging wherein the fresher men are forced to try drugs thereby driving them into addiction etc.

Violation of human rights

Ragging is traditional and systematic human right abuse in education field. It violates the fundamental rights which is ensured by our Constitution of India i.e. right to education ^[4], right to equality ^[5], right to life and liberty ^[6], right to have dignified life, etc. It is clear cut violation of human rights which is unacceptable by Indian society and if such things are happens in the educational institution it may danger to the future of nation.

It is fundamental right of a student to feel safe in colleges and to be secured of any kind of oppression, international humiliation which is implied in ragging. Supreme Court also stated that ragging as human rights abuse in essence directed all educational institutions to take stringent anti-ragging measures, including filing criminal cases against erring students ^[7]. Ragging activity is a violation of victim's fundamental human rights which is declared by various national and international documents. As per declaration 'Education shall be directed that, to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms ^[8]. As per United Nation Organizations, Universal Declaration of Human Rights Provides Article 16(1) stated that, Arbitrary or unlawful interference with his or her privacy, family, home or correspondence and a to unlawful attracts on his or her honor and reputation. Also in article 19(1) stated all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parents, legal guardians or any other person who has the care of the child ^[9].

It is also observed that, our Indian Constitution through Article 21 and Article 19 right to life and right to freedom respectively have protect their human rights of the citizens. Ragging adversely affects to the dignity of victim, especially the rural students who make their ways to higher education by their day-night hard work fall prey to this society by the senior students. As the students of rural area are unaware about the social or cultural behavior of society of urban area, the senior

students always feel pleasure to harsh them. Even some of the students hesitate to go educational institute because of some ragging activity. Ragging activity is a violation of fundamental rights and it is affront to human rights.

The Legislative Measures

In order to control and eradication of evil practice of ragging from the colleges and academic character The State Governments have enacted legislations to deal with ragging and made some effective provisions in these legislations but implementation of this legislations can be prevent menace of ragging. UGC have suggested some Guidelines in 2009 to curb the evil of ragging. Following are the important legislations in the states to deal with it.

The Tamil Nadu Prohibition of Ragging Act, 1997

The Andra Pradesh Prohibition of Ragging Act, 1997

The Assam Prohibition of Ragging Act, 1998

The Kerala Prohibition of Ragging Act, 1998

The Maharashtra Prohibition of Ragging Act, 1999

The A.P. Prohibition of Ragging in all Educational Institutes Rules, 2000

The Chhattisgarh Shaikshanik Sansthaon Me Prataran (Ragging) Ka Pratishedh Adhiniyam, 2001

Judicial Response

The Indian judiciary has commendable steps taken to control and eradication of evil practice of ragging from the society, as well as sensitizing the society concerning the illegal activities against the fresher students. The researcher through some case laws attempt to focus upon the role of the judiciary relating to ragging. In 1984 where the issue of ragging came before the Supreme Court, it refused to issue direction to legislature on the basis of doctrine of separation of powers and supremacy of legislature over the domain of legislation, even though the Himachal Pradesh High Court had directed state legislature to pass a suitable legislation to curb the menace of ragging^[10]. Subsequently many States had enacted legislations to curb ragging. In *Pankal Shrivastava v. Principal, MLNR Engineering College, Allahabad and another*^[11] The High Court said that, the disease of ragging is polluting the campus, it is dangerous and adequate. *Vivek Kumar v. Vice-Chancellor, B. H. U. and others*^[12] in this case court held that, ragging should be prohibited, disregarding whether it is committed outside or inside the campus. In another case *Sawen Prakesh v. Yenopoya Dental College*^[13]. It is observed that, ragging is considered as offence under the Indian Penal Code. *University of Kerala v. Council of Principals College in Kerala*^[14] in this case Supreme Court explained that, ragging is the form of systematic and sustained physical, mental and sexual abuse of fresh students at the college/ University any other educational institution at the hands of senior students of the same institutions and sometimes even by outsiders. It also means causing, including, compelling or forcing a student, whether by way of a practical joke or otherwise, to do any act which detracts from human dignity or violates his person or exposes him to ridicule or to forbear from doing any lawful activity, intimidating wrongfully restraining, wrongfully confining or by injury or by using criminal force to him or by holding him any threat of such intimidation, wrongful restraint or confinement or injury or the use of criminal force. Even verbal

ragging comes within scope of the term.

The Principal Government Engineering College, Trichur v. John K Kurien^[15] in this case the High Court stated that, in academic disciplinary proceeding for ragging The principles of natural justice should not be applied with strict standards, provided the proceedings are substantially fair. The head of the institution is empower to take action of suspension of student, if prima face he is of the opinion, after due enquiry that ragging has been practiced. Existence of complaint, in writing with the educational institution, is not mandatory. The purport of the section^[16], also in case *Rahul s/o Pandurang Khadatkar and others v. State of Maharashtra and others*^[17] High court stated that, whenever head of the institution comes to know of practice of ragging in his institution he shall take action. Whether the complaint is received by him or whether it is received by the police immaterial. It is also noted that the names and address of persons giving information about ragging are kept confidential^[18] also in *Vishwa Jagriti Case*^[19] the Supreme Court has laid down the number of guidelines in curbing the menace of ragging in educational institutions.

Suggestions

1. There should be more accountability of the college staff in case of ragging incidents. All faculty members should be arranging surprise visit to the hostel, library etc. and there is strong awareness need in the society against the ragging as well as in the fresher and senior students.
2. Ragging should be treated as sever nature of crime and abuse of human rights,
3. The existing legal system should be made more strong and affirmative.
4. There should be pro-active monitoring to identify the ragging cases.
5. Anti-ragging committee should be established in educational institutions.
6. There should be providing moral supports to the victims of ragging.
7. The educational institutional and campus should be should be encourage activities in which the students can engage themselves in intellectual and physical and cultural activities
8. Institution must take steps to arrange Closed Circuit Television (CCTV)

Conclusion

Ragging is an inhuman and barbaric evil practiced by senior upon juniors. This practice cannot be curbed only by enactment of legislation, but there are need of proper implementation of laws and follows preventive measures suggested by the Supreme Court in different cases, and guideline published through the regulation published by the University Grant Commission. There should be strict rules and punishments for those who are involved in ragging activity, which may include expulsion or suspension from the university or college or classes, fine, public apology, withholding scholarships or other benefits or suspension form hostel and mess etc.

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