

Combating Ragging: Unveiling its Menace and Legal Implications in India

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Abstract: *Ragging is menace inflicting trauma, humiliation, psychological damage on freshmen and society at large and has various forms with wide reaching consequences. It has been banned all over the world with Indian Courts and UGC stating clear laws and directives against the practice in order to stop it in the country. The article remains a humble review of the practice with a brief overview of legal and UGC provisions against ragging.*

Keywords: ragging, menace, measures, law, directives

1. Introduction

In common parlance, ragging means playing practical jokes on somebody or teaching someone a lesson. According to the Chambers English Dictionary,

Ragging was originally an outburst of organized horseplay, usually in defiance of authority, riotous festivity, especially of under - graduates in British Universities, associated with the raising of money for charity.

According to the Reader's Digest Great Encyclopedia Dictionary,

"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. "

The Hon'ble Supreme Court of India perhaps has given a more comprehensive meaning of ragging as under:

"Ragging 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, indulging in rowdy or indisciplined activities which cause or are likely to cause annoyance, hardship or psychological harm or to raise fear or apprehension thereof in a fresher or a 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 or a junior student. "

Forms:

It is said that man's imagination knows no bounds. Very true, but when it comes to ragging, it can be rightly said that man's perverted imagination too knows no bounds! From what was intended to provide good humour and harmless fun to students, ragging today has assumed torturous, vulgar and inhuman forms that defy all norms of decency and morality. Some of the most popular forms of ragging in colleges are:

1) Dress Code Ragging: The freshmen are asked to dress in a specific dress code for a particular period of time. But this isn't as easy as it seems. For the dress code prescribed is generally weird, eg., dressing totally in white or black with the hair oiled and combed in a particular style. The dress code ragging may make the freshmen feel awkward and uncomfortable as it often brings them unnecessary attention from everybody.

- 2) Formal Introduction: This involves asking the freshmen to introduce themselves in 'Shudh Hindi'. The introduction includes the freshmen's name, address, school, marks, etc.
- 3) Verbal Torture: Verbal torture involves indulging in loose talks. The freshmen may be asked to sing the lyrics of any vulgar song or use abusive language while talking to the seniors.
- 4) Sexual Abuse: This is the 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 freshmen have been asked to strip before the seniors.
- 5) Playing The Fool: The freshmen may be asked to enact scenes from a particular movie or mimic a particular film star. In many cases, the seniors may also ask the freshmen to do silly things like climbing a tree, kissing a tree, proposing to someone from the opposite sex, etc.
- 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 clothes, from fetching them water or milk to completing their assignments.
- 7) Drug Abuse: This can be the worst form of ragging wherein the freshmen are forced to try drugs thereby driving them into addiction.

Psychology of the abuser:

It is to be understood that ragging is not merely a socio - legal problem. It has a certain psychological basis too. Just as every crime has a motive, what is it that propels a 'professional ragger' to indulge in ragging? Let us examine some possible reasons that initiate ragging:

- 1) Ragging Gives A Sense of Authority: By having the freshmen always at his command, a senior student nurtures a sense of authority which boasts his morale and puts him on a high.
- 2) Ragging Can Be A Means Of Retaliation: A senior who has some previous history of ragging may like to get back by venting his frustrations on the freshmen.
- 3) Satisfaction Of Sadistic Pleasures: A potential ragger sees ragging as a good opportunity to satiate his sadistic pleasures all at the cost of a poor freshmen's imagination.

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- 4) Peer Pressure: It is also a reality that not all seniors who commit ragging enjoy doing it at their sweet will. Seeing most of their batch mates indulging in ragging, they fear being left out. So in order to avoid isolation, they too join the herd.
- 5) Ragging Makes A Fashion Statement: Many senior students live under the misconception that ragging makes a style statement and thus will put them in the 'influential crowd' of their college.

However, ragging does not spare even its perpetrators. Those found guilty of ragging may be suspended, blacklisted and even permanently expelled from college. Thus we see that the practice of ragging does good to none. From those who are victims of ragging to those who commit or encourage it, ragging spares none.

Consequences of Ragging:

It is said that the road to hell is paved with good intentions. This truly stands apt in the case of ragging. What begins from a friendly introduction in the name of ragging takes no time to assume disgusting and perverted overtones. Let us examine some shocking consequences of ragging:

How Ragging Affects The Victim:

- 1) An unpleasant incident of ragging may leave a permanent scar in the victim's mind that may haunt him for years to come.
- 2) The victim declines into a shell, forcing himself into ignominy and alienation from the rest of the world.
- 3) It demoralizes the victim who joins college life with many hopes and expectations.
- 4) Though incidents of physical assault and grievous injuries are not new, ragging also simultaneously causes grave psychological stress and trauma to the victim.
- 5) Those students who choose to protest against ragging are very likely to face ostracism from their seniors in the future.
- 6) Those who succumb to ragging may drop out thereby hampering their career prospects
- 7) In extreme cases, incidents of suicides and culpable homicide have also been reported.

How Ragging Affects The Victim's Family:

One can imagine the plight of a ragging victim's family, especially his or her parents who see their child suffering in pain and stress. Besides incurring medical and other incidental expenses to rehabilitate their child, they also have to bear the trauma of seeing his or her prospective career coming to an end.

How Ragging Affects the Educational Institution:

- 1) Severe media barrage in extreme cases of ragging lowers the character of the educational institution and destroy the respect and faith it commands from society.
- 2) Those who indulge in ragging bring a bad name to their college thereby hampering its reputation and goodwill in society.

Substantive Laws Prohibiting Ragging

Presently, there are only four state legislations in India that prohibit ragging. These are:

- 1) The Prohibition of Ragging Act, 1996. (Applicable in the State of Tamil Nadu).
- 2) The Kerala Prohibition of Ragging Act, 1998.
- 3) The Maharashtra Prohibition of Ragging Act, 1999.
- 4) The Prohibition of Ragging in Educational Institutes Act, 2000 (Applicable in the State of West Bengal).

The common essential features of the aforementioned legislations are:

- 1) Firstly, they provide a statutory definition of ragging. For instance, The Maharashtra Prohibition of Ragging Act, 1999 defines ragging as: "Ragging means display or disorderly conduct, doing of any act which causes or is likely to cause physical or psychological harm or raise apprehension or fear or shame or embarrassment to a student in any educational institution. " The Kerala Prohibition of Ragging Act, 1998 defines ragging as: "Teasing, abusing, playing practical jokes or causing hurt or asking a student to do an act which he is unwilling to do. "
 - 2) Secondly, they provide for setting up of Disciplinary Committees for taking immediate and effective steps against ragging.
 - 3) Thirdly, the legislations declare ragging to be a cognizable offence and prescribe punishment for the same. For instance, The Maharashtra Prohibition Of Ragging Act, 1999 says:

"Offenders of Ragging will be liable to a fine of Rs.5000 or two years of rigorous imprisonment or both. Offenders may also be expelled from their institutions without any scope for re - admittance. "

The Kerala Prohibition of Ragging Act, 1998 reads:

"Students found ragging directly or indirectly or abetting within or outside an educational institution are liable for imprisonment for a term which may extend up to two years with a fine which may be up to Rs.10, 000. Depending upon the severity of the case, the guilty can be either suspended or dismissed and can also be debarred from gaining admission in any institution for five years. "

Despite incidents of Ragging being reported from almost all states in India, only four states, namely, Tamil Nadu, Kerala, Maharashtra and West Bengal, have enacted legislations to deal with it. As for other states and union territories in India, Ragging is banned but only through circulars and administrative orders.

Preventing Ragging: Supreme Court Guidelines

With ragging becoming a national issue affecting thousands of students across India, the Hon'ble Supreme Court of India too could not remain silent and has seriously condemned the issue.

So far there have been two landmark judgments prohibiting ragging. These are:

- 1) Ragging of Freshers in Thiruvananthapuram Government Engineering College vs. State of Kerala
- 2) Vishwa Jagriti Mission through President vs. Central Government through Cabinet Secretary

The judgment in the case of Vishwa Jagriti Mission through President vs. Central Government, through Cabinet Secretary is particularly significant as the Hon'ble Supreme Court, while exercising its jurisdiction under Articles 32 and 142 of the Constitution of India, has laid down broad guidelines for colleges and educational institutes to prevent ragging. Very Briefly, these guidelines are:

1) Anti - Ragging Movements to be initiated by all colleges and educational institutes:

Anti - ragging movements should be initiated by the institutions right from the time of advertisement for admissions. The prospectus, the forms for admission and/or any other literature issued to aspirants for admission must clearly mention that ragging is banned in the institution and any one indulging in ragging is likely to be punished appropriately with punishment which may include expulsion or suspension from the institution or class for a limited period or fine with a public apology. The punishment may also take the shape of: (i) withholding scholarships or other benefits (ii) debarment from representation in events (iii) withholding results (iv) suspension or expulsion from hostel or mess, and the like. If there be any legislation governing ragging or any provisions in the Statutes/Ordinances they should be brought to the notice of the students/parents seeking admissions.

2) Undertakings to be taken both from the freshmen and Their Parents/ Guardians:

The application for admission / enrolment shall have a printed undertaking to be filled up and signed by the applicant to the effect that he/she is aware of the institution's approach towards ragging and the punishment to which he or she shall be liable if found guilty of ragging. A similar undertaking shall be obtained from the parent/guardian of the applicant.

3) Undertaking to be taken from senior students and their Parents/Guardians too:

The institutions which are introducing such a system for the first time shall ensure undertakings being obtained from the students and their parents/guardians already studying in the institutions before the commencement of the next educational year/session.

4) Notices to be issued indicating where to approach for redressal in case of ragging:

A printed leaflet detailing when and to whom one has to turn for information, help and guidance for various purposes, keeping in view the needs of new entrants in the institution, along with the addresses and telephone numbers of such persons, should be given to freshers at the time of admissions so that the freshers need not look up to the seniors for help in such matters and feel indebted to or obliged by them.

5) Management, and the Teaching Staff to have personal interaction with the freshmen:

The Management, the Principal, the Teaching Staff should interact with the freshmen and take them in confidence by apprising them of their right as well as obligation to fight against ragging and to generate confidence in their mind that any instance of ragging to which they are subjected or which

comes in their knowledge should forthwith be brought to their knowledge and shall be promptly dealt with. It would be better if the head of the institution or a person high in authority addresses meetings of teachers, parents and students collectively or in groups in this behalf.

6) Practorial Committees to be set up:

At the commencement of the academic session, the institution should constitute a practorial committee consisting of senior faculty members and hostel authorities like wardens and a few responsible senior students:

a) to keep a continuous watch and vigil over ragging so as to prevent its occurrence and recurrence,

b) to promptly deal with the incidents of ragging brought to its notice and summarily punish the guilty either by itself or by putting forth its findings/recommendations/suggestions before the authority competent to take decision.

7) Ragging - Prone Zones To Be Identified And Carefully Guarded:

All vulnerable locations in the college such as the canteen, the playground, etc. shall be identified and specially watched.

8) Society to be sensitised on the issue of ragging:

The local community and the students in particular must be aware of the dehumanizing effect of ragging inherent in its perversity. Posters, notice boards and signboards wherever necessary, may be used for the purpose.

9) Failure to prevent ragging to be constructed as an act of negligence:

Failure to prevent ragging to be constructed as an act of negligence in maintaining discipline in the institution on the part of the management, the principal and the persons in authority of the institution. Similar responsibility shall be liable to be fixed on hostel wardens/superintendents.

10) Hostels/Accommodations to be carefully guarded:

The hostels/accommodations where freshers are accommodated shall be carefully guarded, if necessary by posting security personnel and placed in charge of a warden/superintendent who should himself/herself reside there, and wherein the entry of seniors and outsiders shall be prohibited before and after a specified hour of night except under the permission of the person in - charge. Entry at other times may also be regulated.

11) Migration Certificates to mention whether the student ever indulged in ragging:

Migration Certificates issued by every institution should have an entry apart from that of general conduct and behaviour whether the student had participated in, and in particular, was punished for ragging.

12) Withdrawal of financial assistance to institutes where ragging incidents are reported:

If an institution fails to curb ragging, the University Grants Commission/Funding Agency may consider withdrawal of financial assistance to such an institution till such time as it achieves the same. A university may consider disaffiliating a college or institution failing to curb ragging.

13) Students to first approach their colleges:

In case of any incident of ragging, the students must approach the Disciplinary Committee of their respective colleges first and only if the said Committee does not take cognizance of the matter or if they feel dissatisfied with its decision that they should approach the police. The objective behind this is to restore the faith in the ability of educational institutions to maintain discipline and protect the interests of their students.

14) Police not to follow a retributive approach while dealing with ragging culprits:

It may be important to note here that the above stated guidelines are only illustrative and are not intended to come in the way of the educational institutions and authorities devising ways and mean to curb ragging. If there are any local laws governing ragging, they should be implemented and knowledge and information about such laws should also be disseminated.

UGC directives to curb ragging in institutions of higher education

UGC Regulations on 'Curbing the Menace of Ragging in Higher Educational Institutions, 2009' are mandatory and all higher education institutions are required to take necessary steps for its implementation including the monitoring mechanism. Any violation of these regulations will be viewed seriously. If any institution fails to take adequate steps to prevent ragging or does not act in accordance with these Regulations or fails to punish perpetrators of incidents of ragging suitably, it will attract punitive action against itself by the UGC.

The requisite mandatory action for curbing the menace of ragging in all Higher Educational Institutions in India consists of the following:

- Strengthen and augment anti - ragging mechanism by way of adequate publicity through various mediums
- Constitution of Anti - Ragging committee and Anti - Ragging squad
- Establish Anti - Ragging Cell
- Install CCTV cameras at vital points
- Organise anti - ragging interaction, workshops and seminars for the freshers and the senior students
- After the commencement of the academic year organised professional counselling of the students
- Ensure identification of trouble triggers and take appropriate action
- Mention of Anti - Ragging warnings in the institution's E - prospectus and E - information booklets/ brochures
- Conduct surprise inspections of hostels, students, accommodation, canteens, rest cum recreational rooms, toilets, bus stands, and all other strategic locations
- Undertake all other measures that would augur well in preventing/ quelling ragging and any uncalled - for behavior and the incident.
- Website with nodal officers' complete details
- Universities/ colleges have to display the email address and contact number of the Nodal Officer of the Anti - Ragging

- Committee of their university/ college on their website and campus areas like Admission Centre, Departments, Library, Safe canteen, Hostel, Common facilities, etc.
- Universities and colleges are requested to insert a mandatory column in their university/ colleges admission form where both the student and the guardian will tender an undertaking regarding awareness of ragging as a crime and its punishment along with a refusal to be engaged in such unlawful activities.
- Every public declaration of intent by any institution in electronic, audio - visual, online, social media, print, website, admission prospectus/ booklet or any other media should expressly mention that ragging is totally prohibited in the institution at the time of admission of students in any course.
- The brochure of admission/ instruction booklet or prospectus, whether in print or electronic format, shall prominently print these regulations in full.
- Institutions should display posters in all prominent locations showcasing the provisions of penal law applicable to incidents of ragging.
- At the end of each academic year, the institution should send a letter to the parents/ guardians informing them about the Regulations and any law for the time being enforced prohibiting ragging and its punishments.
- Institutions can issue public notices in the newspapers, update their websites with the nodal officer's complete details.
- Every fresher should be provided with a printed leaflet with all the information to seek help and guidance from all authorities and agencies, and a calendar of events and activities laid down by the institution to facilitate and complement the familiarization of freshers with the academic environment of the institution.
- Institutions should conduct joint sensitisation and orientation programmes for both freshers and senior students.
- Institutions should constitute Anti - Ragging Committee and Anti - Ragging Squad which will be responsible for spreading awareness and preventing the occurrence of ragging.
- Meeting of all staff, functionaries and agencies before the commencement of the academic session.
- Institutions should launch a publicity campaign against ragging before the commencement of the academic year.
- After the commencement of the academic year, the batch of freshers should be divided into small groups and assigned to the faculty for difficulties and guidance.
- Random anonymous survey should be done among students about ragging, and it should be a regular practice in the institution.

2. Conclusion

With the situation of ragging worsening yearly, there is emerging a spontaneous anti - ragging movement in India. Several voluntary organisations have emerged, who conduct drives for public awareness and arrange for support to victims. Online groups like CURE, Stop ragging, No Ragging Foundation became the major Anti Ragging groups on the internet. Among them, the No Ragging Foundation has transformed into a complete NGO and got registered as

Society Against Violence in Education (SAVE) which is India's first registered Anti Ragging nonprofit organisation (NGO). These groups are working on issues related to ragging. Each of them is running anti ragging websites and online groups. However, ragging is a problem of the students and by the students; and therefore, the solution to it also lies with the students. With ragging becoming rampant in colleges, it is about time that the student community awakens its conscience to this inhuman practice before more and more innocent students become victims of it and before more and more educational institutes are degraded by it. The primary responsibility to curb ragging would vest with the educational institutions. There is a requirement to active participation of media and civil society as well in controlling them. To combat the scourge of ragging, it is only necessary to instil in students the value of good character, as well as the value of love and affection for their juniors and fellow beings.

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