

# SUMMARY OF THE JUDGMENT OF THE HON. SUPREME COURT DELIVERED ON THE 8<sup>th</sup> MAY 2009.

- I. The Hon. Supreme court ordered that a number of recommendations made by the Raghavan Committee be implemented immediately. These included
  - Confidence building measures such as appointment of counsellors, arrival of senior students a week or two weeks after the Juniors have arrived; joint sensitization programmes; joint orientation programme of 'freshers' and 'seniors' to be addressed by the principal/Head of the institution; organization on large scale of cultural, sports and other activities; make provisions for faculty members to dine with the hostel residents in their respective hostels etc.
  - Every institution must have an Anti-Ragging Committee and an Anti - Ragging Squad. There should be a Monitoring Cell on Ragging at the University Level that would coordinate with the affiliated colleges and institutions under its domain. There should be a Monitoring Cell at the level of the Chancellor of the State Universities.
  - In the, light of the increasing number of private commercially managed, lodges or hostels outside campuses, such hostels and management must be registered with the local police authorities and permission to start such hostels or register them must necessarily be recommended by the Heads of educational institutions. It should be mandatory for both local police, local administration as well the institutional authorities to ensure vigil on incidents that may come within the definition of ragging.
  - Wardens must be accessible at all hours and therefore it is important that they, be available on telephone and other modes of communication. Similarly, the telephone numbers of the other important functionaries - Heads of institutions, faculty members, members of the anti-ragging committees, district and sub-divisional authorities and state authorities where relevant, should also be widely disseminated for the needy to get in touch or seek help in emergencies.
  - Brochures or booklet/leaflet distributed to each student at the beginning of each academic session for obtaining undertaking not to indulge or abet ragging, shall contain the blueprint of prevention and methods of redress."

- The educational institutions shall ensure that each hostel should have a full-time warden who resides within the hostel, or at the very least, in the close vicinity thereof.
2. The Hon. Supreme Court acknowledged that The Ministry of Human Resource Development, Government of India, in consultation with UGC, MCI, AICTE and other similar regulatory bodies was in the process of setting up a central crisis-hotline and anti-ragging database in the manner suggested by Dr. Raj Kachroo. The Hon. Court, however, added that
    - The task of monitoring the database be given to a nongovernmental agency, to be immediately nominated by the Union of India to build confidence in the public and also to provide information of non compliance to the regulatory bodies and to the Raghavan Committee.
    - The database shall be created out of affidavits affirmed by each student and his/her parents/guardians, which affidavits shall be stored electronically, and shall contain the details of each student.
    - The database shall also function as a record of ragging complaints received, and the status of the action taken thereon.
  3. The Hon. Supreme Court ordered that Regulations on Curbing the Menace of Ragging, formulated by the UGC, must be adopted by all other regulatory bodies, such as AICTE, MCI, DCI, NCI etc.;
  4. The Hon. Supreme Court acknowledged that the incident involving the death of Aman Kachroo clearly indicated that the formulation of guidelines and regulations was not sufficient. Hence, the Hon. Court ordered that such regulations shall have to be enforced strictly, and penal consequences for the heads of the institutions/administration of the institution who do not take timely steps in the prevention of ragging and punishing those who rag. In addition to penal consequences, departmental enquiries be initiated against such heads institutions / members of the administration / faculty members / non-teaching staff, who display an apathetic or insensitive attitude towards complaints of ragging;
  5. The Hon. Supreme Court said that not only the students, but also the faculty must be sensitized towards the ills of ragging, and the prevention thereof. Non-teaching staff, which includes administrative staff, contract employees, security guards etc., have also to be regularly sensitized towards the evils and consequences of ragging;

6. The Hon. Supreme Court ordered that the Principal or Head of the Institution/Department shall obtain an undertaking from every employee of the institution including teaching and non-teaching members of staff, contract labour employed in the premises either for running canteen or as watch and ward staff or for cleaning or maintenance of the buildings/lawns etc. that he/she would report promptly any case of ragging which comes to his/her notice. A provision shall be made in the service rules for issuing certificates of appreciation to such members of the staff who report ragging which will form part of their service record.
7. The Hon. Supreme Court said that it was necessary that parents/guardians of freshers assume responsibility for promptly bringing to the notice of the Head of the Institution any instance of ragging.
8. The Hon. Supreme Court said that the SHO/SP, within whose jurisdiction a particular college falls, shall be responsible for ensuring that no ragging takes place on the campus of the concerned college, and to effectively deal with incidents of ragging, should, any such incidents take place. Once a central database/crisis hotline is made operative then as soon as SHO/SP, within whose jurisdiction a particular college falls, is contacted by the crisis hotline staff, then such SHO/SP shall deal effectively with the incident and cooperate and communicate with the crisis hotline staff and/or the independent monitoring agency. This will build confidence and encourage people to report incidences of ragging without fear or delay;
9. The Hon. Supreme court said that once the database/crisis hotline is operative, State Governments shall amend their anti-ragging statutes to include provisions that place penal consequences on institutional heads.