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# Socio-Legal Aspects of Ragging in Educational Institutions with Special Reference to West Bengal

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Ragging, a persistent issue in educational institutions, involves acts of physical, mental, and emotional harassment by senior students toward their juniors. This socio-cultural practice has far-reaching consequences, including bodily harm, mental trauma, loss of self-esteem, and, in extreme cases, fatalities or suicides. Ragging is a manifestation of power dynamics and social acceptance and a reflection of institutional shortcomings in maintaining a safe learning environment. This paper examines the socio-legal dimensions of ragging and structural violence with special reference to West Bengal, where incidents of ragging continue to evoke concern. It explores the societal factors that perpetuate ragging and analyses the effectiveness of existing legal frameworks, such as the Raghavan Committee Report, Legal Aspects, Case Laws, UGC Guidelines, WB Prohibition of Ragging in Educational Institutions Act 2000 and Supreme Court directives, in curbing this menace. The study also evaluates state-specific initiatives in West Bengal to address the issue. By investigating the interplay between social behavior and legal enforcement, this paper emphasizes the need for comprehensive institutional policies, community involvement, and stringent legal measures to eradicate ragging. The findings emphasize that a coordinated effort between educational institutions, the legal system, and society is essential to ensure a safe, inclusive, and harassment-free environment for students.

Keywords: ragging, structural violence, harassment, social evil, learning environment.

#### **INTRODUCTION**

Ragging refers to disorderly conduct, whether spoken or written, or by an act which causes annoyance, hardship, or psychological harm, or raises fear or shame in a student.<sup>1</sup> It involves the practice of tormenting new students physically, psychologically, and emotionally by the seniors of that same educational institution. Ragging very often hides itself under the garb of introduction and acts of the genesis of the relationship between seniors and juniors. Ragging involves 'a systematic, sustained physical and sexual abuse of a fresh student at the college/university or any other educational institution at the hands of seniors of the same or other institutions.'<sup>2</sup> The history of ragging can be traced from the culture of humiliating newcomers in the sports community in ancient Greece.<sup>3</sup> This was done to inculcate in them the spirit of sportsmanship and make them psychologically strong. The prevalence of ragging can also be traced from the ancient centers of learning in Athens.<sup>4</sup> Ragging existed as a tradition in the Army Schools of England. This was later adopted by the military where ragging was employed to make young recruits adjust to the life of the army.<sup>5</sup>

This practice of ragging was quite popular in the army schools of England and spread rapidly in schools and universities after the First World War when military personnel and war veterans returned to colleges after the war. In India, the culture of ragging was a product of colonial legacy. Although we might find traces of ragging in Indian society in the medieval era, to a great extent, it was unidentified in Indian society. It was in the late 90s when different private

<sup>&</sup>lt;sup>1</sup> Laishom Indira Devi et. al., 'Ragging in Educational Institutions: A Fashion or an Abuse' (2021) 8(2) Journal of Emerging Technologies and Innovative Research < <a href="https://www.jetir.org/papers/JETIR2102127.pdf">https://www.jetir.org/papers/JETIR2102127.pdf</a> accessed 10 December 2024

<sup>&</sup>lt;sup>2</sup> Linda Serra Hagedorn, 'Cruel Environments: Sexual Abuse and Harassment in the Academy' in John C Smart and William G Tierney (eds), *Higher Education: Handbook of Theory and Research* (Springer Netherlands 1999)

<sup>&</sup>lt;sup>4</sup> University of Kerala v Council Principals' Colleges, Kerala (2009) 7 SCC 726

<sup>&</sup>lt;sup>5</sup> 'Higher Education: Ban on 'Ragging' (2007) 42(22) Economic and Political Weekly

<sup>&</sup>lt;a href="https://www.epw.in/journal/2007/22/editorials/higher-education-ban-ragging.html">https://www.epw.in/journal/2007/22/editorials/higher-education-ban-ragging.html</a> accessed 10 December 2024

institutions were flourishing in different universities, and the culture of ragging spread like wildfire. Only then did it catch the attention of our society and policymakers.<sup>6</sup>

Recently, the suicide of an underage student at Jadavpur University, which is one of the premium educational institutions in our country, has raised the question of ragging and has again put forward before our society the heinous and brutal face of ragging.<sup>7</sup>

#### **REASONS FOR RAGGING**

Ragging is a heinous offense that has percolated into the deep levels of our educational institutions. Ragging is a form of violence, and hence, the most prominent reason for the same can be traced from the concept of structured violence in society. But if it is done by a group of students, it can be considered a form of structural violence.<sup>8</sup>

# Apart from this, there are numerous individual reasons like:9

**Peer Pressure:** Many students get involved in the heinous act of ragging because of peer pressure. Peer pressure is a very crucial factor that leads an individual to commit ragging on juniors.

**Retaliation:** Many students indulge in ragging not just because it fulfills their sadistic pleasure but because they feel that their act of ragging retaliates for what they have suffered at the hands of their seniors when they were newcomers.

**Venting Frustration:** Our education system imparts education that is not very student-friendly, and hence, many students find life in colleges very difficult and are unable to cope with it. Hence, they try to vent out their frustration through different means, and ragging becomes one of them.

<sup>&</sup>lt;sup>6</sup> Ibid

<sup>7</sup> Ibid

<sup>&</sup>lt;sup>8</sup> Mohan Rao et. al., Psychosocial Study of Ragging in Selected Educational Institutions in India (2015)

<sup>&</sup>lt;sup>9</sup> Rohini Attri, 'An Analysis of Socio-Legal Aspects of Ragging in India' (2019) 9(10) International Journal of Research in Social Sciences <a href="https://www.ijmra.us/project%20doc/2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJRSS-OCTOBER2019/IJ

Apart from all these, there are many other reasons for which ragging persists in a society even after numerous attempts to weed it out. This is mainly because ragging occurs under a veil of secrecy, i.e. it takes place in the dark shadows of educational institutions. The existence of ragging is a well-kept secret by the students among them.<sup>10</sup> Ragging has developed as a subculture amongst the students of different educational institutions. Ragging establishes a cycle of hierarchy in these institutions and has become a tool for the expression of power in these institutions by a few powerful perpetrators.<sup>11</sup>

#### RAGHAVAN COMMITTEE REPORT

The Raghavan Committee report, constituted by the Supreme Court of India in 2006 and chaired by former CBI Director R.K. Raghavan, thoroughly examined the problem of ragging in educational institutions. Its primary objective was to propose effective strategies for preventing and addressing raging incidents. The report investigated various facets of the issue, including preventive measures, punitive actions for offenders, and the accountability of institutions in ensuring a safe environment for students.<sup>12</sup>

In 2007, following the recommendations of the Dr. R.K. Raghavan Committee, the Supreme Court of India mandated that academic institutions must file an official First Information Report (FIR) with the police upon receiving a complaint of ragging. This directive ensured that incidents of ragging would be investigated within the framework of the criminal justice system rather than by the institutions' internal committees.<sup>13</sup>

Subsequently, the University Grants Commission (UGC) introduced the UGC Regulations on Curbing the Menace of Ragging in Higher Educational Institutions, 2009, under Section 26 of the University Grants Commission Act, 1956. These regulations were made applicable to all UGC-recognized universities and colleges. Similarly, regulatory bodies such as the All-India Council for Technical Education (AICTE) and the Medical Council of India (MCI) established their anti-ragging regulations under their respective legislations. These regulations are

<sup>&</sup>lt;sup>10</sup> Ibid

<sup>&</sup>lt;sup>11</sup> Rao (n 8)

<sup>&</sup>lt;sup>12</sup> Ibid

 $<sup>^{13}</sup>$  Ibid

stringently enforced across technical and medical colleges throughout India to ensure compliance and safeguard students.<sup>14</sup>

The report recommended various actions and measures to be taken at the commencement of each academic session. These include the dissemination of information about ragging to the students and making them aware that anyone indulging in ragging will be punished. The report recommended designing a system of interaction between the seniors and the freshers. The report also recommended fixing the liability of the management of these educational institutions. The committee took into consideration that ragging takes place even outside the college accommodation. Hence, the committee recommended the registration of these places where the students stay outside the college premises with the local police. The local administration also had the duty to monitor these, and they must keep a vigil to ensure that incidents of ragging do not take place there. The committee also recommended setting up anti-ragging monitor cells. The committee also recommended the signing of undertakings by the students, and these undertakings must contain relevant information about ragging.<sup>15</sup> The committee also recommended a staggered entry of the freshers and senior students. It also recommended that ragging must be a factor in accrediting institutions by the central regulatory authorities like the Medical Council of India, the All-India Council for Technical Education, and the Dental Council of India. It also recommended exemplary punishment for the perpetrators of ragging.<sup>16</sup>

#### **KEY RECOMMENDATIONS**

- Central Regulatory bodies take the ragging situation as an important factor in the accreditation of educational institutions.
- Set up anti-ragging cells at the central, state, and college levels.
- Set up a toll-free helpline for victims of ragging.
- Strong laws against ragging with the responsibility to prove the perpetrator.

<sup>&</sup>lt;sup>14</sup> Raghavan Committee, *The Menace of Ragging in the Educational Institution and Measures to Curb It* (2007) <sup>15</sup> *Ibid* 

<sup>&</sup>lt;sup>16</sup> Dr Kirti Sharma and Dr. Ravi C Sharma, 'An Original Article on the Views of Medical Students about Ragging' (2017) 6(11) Global Journal for Research Analysis <a href="https://www.worldwidejournals.com/global-journal-for-research-analysis-GJRA/article/an-original-article-on-the-views-of-medical-students-about-ragging/Nzk5Mw==/?is=1">https://www.worldwidejournals.com/global-journal-for-research-analysis-GJRA/article/an-original-article-on-the-views-of-medical-students-about-ragging/Nzk5Mw==/?is=1">https://www.worldwidejournals.com/global-journal-for-research-analysis-GJRA/article/an-original-article-on-the-views-of-medical-students-about-ragging/Nzk5Mw==/?is=1">https://www.worldwidejournals.com/global-journal-for-research-analysis-GJRA/article/an-original-article-on-the-views-of-medical-students-about-ragging/Nzk5Mw==/?is=1">https://www.worldwidejournals.com/global-journal-for-research-analysis-GJRA/article/an-original-article-on-the-views-of-medical-students-about-ragging/Nzk5Mw==/?is=1">https://www.worldwidejournals.com/global-journal-for-research-analysis-GJRA/article/an-original-article-on-the-views-of-medical-students-about-ragging/Nzk5Mw==/?is=1">https://www.worldwidejournals.com/global-journal-for-research-analysis-GJRA/article/an-original-article-on-the-views-of-medical-students-about-ragging/Nzk5Mw==/?is=1">https://www.worldwidejournals.com/global-journal-for-research-analysis-global-journal-for-research-analysis-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-global-gl

- NCERT and SCERT school books to include a chapter on ragging.
- Psychological counseling on anti-ragging and human rights at the senior secondary level
- Colleges to organize interactive sessions between juniors and seniors in the presence of college staff.
- Staggered entry of freshers and seniors in colleges.<sup>17</sup>

However, despite these recommendations, the nation witnessed a tragic incident of ragging, which caused the death of a young student, Aman Karchoo. The death of Aman Karchoo\_is one of the most widely publicized cases of ragging. Aman Karchoo was 19 a 19-year-old first-year MBBS student at Dr. Rajendra Prasad Medical College, Tanda (Kangra) in Himachal Pradesh who was subjected to brutal ragging and died after succumbing to brutal injuries inflicted by his seniors. This incident has resulted in a country-wide anti-ragging movement and led to the intervention by the Supreme Court in this regard.<sup>18</sup>

#### **CASE LAWS**

Inspector of Police, Tamil Nadu v John David on 20 April 2011 (Pon Navarasu Case):<sup>19</sup> Pon Navarasu, a first-year medical student at Rajah Muthiah Medical College, Annamalai University, was brutally murdered on November 6, 1996, in a case that shocked the nation. During a ragging session, senior student John David assaulted Navarasu in the hostel room when the latter refused to strip and lick footwear. Following the assault, Navarasu's body was dismembered, and the parts were scattered across Tamil Nadu, causing a public outcry. David later confessed to the crime after surrendering and a week-long interrogation. Witnesses described David as a habitual bully, and the court noted an ego clash stemming from Navarasu's refusal to comply with the senior's demands.<sup>20</sup>

The incident spurred the Tamil Nadu government to pass an anti-ragging ordinance, later formalized as the Tamil Nadu Prohibition of Ragging Act, 1997, making Tamil Nadu the first Indian state to criminalize ragging in educational institutions. John David was initially

<sup>&</sup>lt;sup>17</sup> Raghavan Committee (n 14)

<sup>&</sup>lt;sup>18</sup> State of H P v Dr. Suresh Sankhayan (2019) LPA No 224/2012

<sup>&</sup>lt;sup>19</sup> Inspector of Police, Tamil Nadu v John David (2011) 5 SCC 509

<sup>&</sup>lt;sup>20</sup> Ibid

convicted and sentenced to a double life term in 1998, but the Madras High Court acquitted him in 2001. However, the Supreme Court overturned the acquittal in 2011, reinstating the conviction and ordering the sentences to run concurrently. David surrendered and is currently serving his sentence.<sup>21</sup> This case highlighted the horrific consequences of ragging and significantly shaped anti-ragging laws in India. Navarasu's parents also established an anti-ragging organization in his memory.

Vishwa Jagriti Mission v Central Government:<sup>22</sup> In the Vishwa Jagriti Mission v Central Government case, the honorable Supreme Court described ragging 'as any disorderly conduct that involves teasing, treating, or handling fellow students with rudeness, engaging in undisciplined activities, causing annoyance or psychological harm, or generating fear among junior students.' The Court also noted in its judgment that the motives behind ragging often include 'deriving sadistic pleasure, showcasing power, authority, or superiority by seniors over freshers.' It also advised the initiation of an anti-ragging movement and provided for punishment like a public apology, cancellation of scholarship, suspension, expulsion, etc. It also proved to make an anti-ragging undertaking by students. Identification of vulnerable spots for ragging. It also held that failure to prevent ragging amounts to an act of negligence on the part of the management of the institution.

University of Kerala v Councils, Principals' Colleges, Kerala and Ors: In the 'University of Kerala v Councils, Principals' Colleges, Kerala and Ors' case the honorable Supreme Court held, in light of the increasing instances of Ragging and the tragic incident of the death of Aman Karchoo directed 'the Medical Council of India, Bar Council of India to act in terms of the guidelines formulated by the Raghavan committee. The MCI and BCI were directed to act in consultation with the UGC and frame regulations which shall be binding on the institutions. These must be indicated to the students at the time of admission, along with the consequences of violation of the same. The honorable Supreme Court also directed the immediate implementation of the recommendations of the Raghavan Committee like joint sensitization of

<sup>&</sup>lt;sup>21</sup> Tamil Nadu Prohibition of Ragging Act 1997

<sup>&</sup>lt;sup>22</sup> Vishwa Jagriti Mission v Central Government (2001) 6 SCC 577

<sup>&</sup>lt;sup>23</sup> University of Kerala v Council, Principals' Colleges, Kerala (2009) 15 SCC 301

the freshers and seniors by a professional counselor and joint orientation of seniors and juniors, organization on a large scale of cultural, sports and other activities to provide a platform for the 'freshers' and 'seniors' to interact in the presence of faculty members, in the hostel, the warden should address all students, etc. Also, there must be a systematic sensitization of non-teaching staff about the evils and consequences of raging. The Honorable Supreme Court also recommended the creation of an Anti-Ragging committee and squad in every institution. Creation of a toll-free Helpline for immediate help of the students in distress. It also recommended the creation of a district-level committee to keep a check on the works of the Anti-Ragging Committee. The police authorities must keep a vigil on the hostels and other residential areas of students, there must be sensitization of the teachers as well. The Supreme Court also directed that the Draft Regulations on Curbing the Menace of Ragging formulated by UGC should be implemented with urgency and must be adopted by all other regulatory bodies. It also directed that a committee must be appointed comprising one or more psychologists/ mental health specialists and educationalists from various fields to understand the causes of ragging, assess the impact of ragging, and recommend measures to be practiced in educational institutions to reduce the occurrence of ragging.<sup>24</sup>

Following this judgment, the Honorable Supreme Court subsequently while determining the issue regarding: 'giving of an opportunity to the offender before taking actions like expulsion' held that if the authorities are prima facie satisfied with the errant act of any student, then they can in appropriate cases pending the final decision suspend the student from the institution and the hostel. It was held that for offenses like ragging, a delay in taking action would frustrate the need for urgency. Thus, if the authorities are prima facie satisfied with a delinquent behavior, then the said student can be suspended from the institution and hostel and then he can be allowed to have his say. Also, the police authorities must be informed immediately, and the criminal law must be set into motion.<sup>25</sup>

In light of the directions of the Hon'ble Supreme Court in the matter of the University of Kerala v Council, Principals, Colleges and Ors case the Central Government and the University Grants

<sup>&</sup>lt;sup>24</sup> Ibid

<sup>&</sup>lt;sup>25</sup> Ibid

Commission came forward to frame a Regulation to prohibit, prevent, and eliminate the menace of ragging from higher educational institutions across the country.<sup>26</sup>

#### **UGC GUIDELINES**

Meaning of Ragging: 'Ragging constitutes one or more of any of the following acts':27

- 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 or any
  other student;
- Indulging in rowdy or undisciplined activities 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 or any other student;
- 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, torment or
  embarrassment to adversely affect the physique or psyche of such fresher or any other
  student;
- Any act by a senior student that prevents, disrupts, or disturbs the regular academic activity of any other student or a fresher;
- Exploiting the services of a fresher or any other student for completing the academic tasks assigned to an individual or a group of students.
- Any act of financial extortion or forceful expenditure burden put on a fresher or any other student by students;
- Any act of 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;
- Any act or abuse by spoken words, emails, posts, or public insults which would also
  include deriving perverted pleasure, vicarious or sadistic thrill from actively or passively
  participating in the discomfiture to fresher or any other student;

<sup>&</sup>lt;sup>26</sup> Ibid

<sup>&</sup>lt;sup>27</sup> Raghavan Committee, The Menace of Ragging in the Educational Institution and Measures to Curb It (2007)

Any act that affects the mental health and self-confidence of a fresher or any other student
with or without an intent to derive sadistic pleasure or show off power, authority, or
superiority by a student over any fresher or any other student.

However, this regulation mainly dealt with higher educational institutions imparting higher education beyond 12 years of schooling (including diploma courses).<sup>28</sup>

### WB PROHIBITION OF RAGGING IN EDUCATIONAL INSTITUTIONS ACT 2000

As per this act the term 'Ragging' means 'the doing of any act which causes, or is likely to cause, any physical, psychological or physiological harm or apprehension or shame or embarrassment to a student, and includes — (a) teasing or abusing of, playing practical joke on, or causing hurt to, any student, or (b) asking any student to do any act, or perform anything, which he would not, in the ordinary course, be willing to do or perform;'<sup>29</sup> The act also widens the scope of educational institutions to include any educational institution and thus widens the base of this law to include even educational institutions below the college and university level.<sup>30</sup> This act prohibits ragging and makes it a punishable offense with a punishment of two years with a fine.<sup>31</sup> The act also provides for the dismissal of students accused of ragging<sup>32</sup> and also provides for their expulsion<sup>33</sup> in case the complaint of ragging stands proven. If an individual commits any other crime along with ragging, he shall be punished for the same as per the Indian Penal Code and the Protection of Children from Sexual Offences Act 2012.

## PROVISIONS OF BHARTIYA NYAYA SANHITA (BNS)

The BNS does not have a dedicated provision specifically addressing the offense of ragging. However, several sections within the BNS can be effectively employed to deal with individuals who engage in acts of ragging. These provisions provide a legal framework for addressing the

<sup>&</sup>lt;sup>28</sup> Ibid

<sup>&</sup>lt;sup>29</sup> West Bengal Prohibition of Ragging in Educational Institutions Act 2000, s 2(4)

<sup>&</sup>lt;sup>30</sup> West Bengal Prohibition of Ragging in Educational Institutions Act 2000, s 2(1)

<sup>&</sup>lt;sup>31</sup> West Bengal Prohibition of Ragging in Educational Institutions Act 2000, s 4

<sup>&</sup>lt;sup>32</sup> West Bengal Prohibition of Ragging in Educational Institutions Act 2000, s 5

<sup>&</sup>lt;sup>33</sup> West Bengal Prohibition of Ragging in Educational Institutions Act 2000, s 2(6)

various forms of harm, intimidation, or restraint that may occur during incidents of ragging. Below is an overview of the relevant sections:

**Section 101: Murder -** This section defines murder as culpable homicide with specific intent, such as the intention to cause death or bodily injury likely to result in death. While severe cases of ragging rarely escalate to murder, in instances where such an extreme outcome occurs due to ragging, this provision becomes applicable. The section highlights scenarios where the offender acts with knowledge of the imminent danger or injury likely to cause death.<sup>34</sup>

**Section 103: Punishment for Murder -** Those found guilty of committing murder, including cases of group violence motivated by discrimination based on race, caste, sex, or other grounds, are subject to the death penalty, life imprisonment, and a fine. This provision could apply to extreme cases of ragging that lead to death and involve collective acts of violence.<sup>35</sup>

**Section 115: Voluntarily Causing Hurt -** Ragging incidents often involve physical harm. This section covers acts committed with the intention or knowledge of causing physical hurt. The punishment includes imprisonment of up to one year, a fine of up to ten thousand rupees, or both.<sup>36</sup>

**Section 117: Voluntarily Causing Grievous Hurt -** If the physical harm caused during ragging results in grievous injury, this section applies. The act must demonstrate an intention or knowledge that grievous hurt is likely to occur.<sup>37</sup>

Section 118: Voluntarily Causing Hurt or Grievous Hurt by Dangerous Weapons or Means - This provision addresses situations where hurt or grievous hurt is caused using dangerous weapons, corrosive substances, or any means likely to cause death or serious harm. In cases of ragging involving such methods, offenders face imprisonment of up to three years, a fine of up to twenty thousand rupees, or both.<sup>38</sup>

<sup>&</sup>lt;sup>34</sup> Bharatiya Nyaya Sanhita 2023, s 101

<sup>&</sup>lt;sup>35</sup> Bharatiya Nyaya Sanhita 2023, s 103

<sup>&</sup>lt;sup>36</sup> Bharatiya Nyaya Sanhita 2023, s 115

<sup>&</sup>lt;sup>37</sup> Bharatiya Nyaya Sanhita 2023, s 117

<sup>&</sup>lt;sup>38</sup> Bharatiya Nyaya Sanhita 2023, s 118

**Section 126: Wrongful Restraint -** Acts of ragging that involve obstructing a person from proceeding in a direction they have the right to follow fall under wrongful restraint. This includes scenarios where movement is intentionally restricted without lawful justification. The punishment includes imprisonment for up to one month, a fine of up to five thousand rupees, or both.<sup>39</sup>

**Section 127: Wrongful Confinement -** Wrongful confinement refers to situations where a person is restrained within specific limits, preventing their freedom of movement. In cases of ragging where individuals are unlawfully confined, offenders may face imprisonment for up to one year, a fine of up to five thousand rupees, or both.<sup>40</sup>

**Section 351: Punishment for Criminal Intimidation -** This section applies to cases of ragging where victims are subjected to criminal intimidation. Such intimidation involves threats of harm, either physical or psychological, intended to instill fear. The punishment for this offense varies based on the severity of the intimidation.<sup>41</sup>

#### CONCLUSION

However, several challenges hinder the effective implementation of these guidelines. A prominent issue is the implementation gap, where institutions often fail to monitor anti-ragging measures thoroughly, and faculty or staff lack adequate training and sensitization. Another critical concern is the underreporting of ragging cases; students frequently fear retaliation, ostracization, or unsupportive institutional responses, discouraging them from coming forward. In instances involving influential individuals, some institutions even suppress complaints to safeguard their reputations. The absence of rigorous monitoring further exacerbates these problems, as the effectiveness of anti-ragging measures heavily depends on consistent audits and inspections, which are often lacking. Moreover, the guidelines do not sufficiently address digital and cyber forms of ragging, which are becoming increasingly prevalent in the modern era. Finally, many fresher students, particularly those from rural or underprivileged

<sup>&</sup>lt;sup>39</sup> Bharatiya Nyaya Sanhita 2023, s 126

<sup>&</sup>lt;sup>40</sup> Bharatiya Nyaya Sanhita 2023, s 126

<sup>&</sup>lt;sup>41</sup> Bharatiya Nyaya Sanhita 2023, s 351

backgrounds, remain unaware of their rights or the anti-ragging mechanisms available, further limiting the reach of these guidelines.

Several recommendations can be implemented to enhance the effectiveness of the UGC guidelines. First, stronger monitoring and evaluation are crucial. UGC must ensure regular inspections and mandate annual audits of anti-ragging measures, publishing compliance reports publicly. Second, enhanced awareness and training should be prioritized by conducting mandatory programs for students, faculty, and staff on anti-ragging policies and mental health support while promoting digital literacy to combat online harassment. Third, anonymous reporting mechanisms should be strengthened by creating secure platforms or apps for students to report incidents without fear of retaliation. Fourth, the guidelines need to address cyberbullying explicitly, incorporating measures to tackle trolling, hate speech, and online abuse.

The victims of ragging are very often psychologically so traumatized that they can neither carry out their education normally nor can they join the hostels or other residential places where they were raged. Thus, apart from punishing the perpetrators, it is also necessary that those who are victims, who have faced the worst of the crime, are given psychological help. Psychological help from a professional counsellor is very much essential to help the victims to adjust back to normal lifestyle and carry on his/her education.

Also, it must be kept in mind that the perpetrators who have committed the crime are also victims of ragging at some time in their lives. As retaliation for the ragging suffered once becomes an important factor for provoking subsequent ragging, it is essential to understand the psychological conditions that make students raggers. Rehabilitation and not retribution is what is essential. Our criminal justice system is now moving towards a reformative school of thought. Thus, there is a need to see the perpetrator of the crime from a different angle. Also, a student is not the creation of a day. It takes years of education, hard work and labor, along with immense resources, to make a person get the chance to visit an educational institute for his higher studies. Punishing and dismissing an individual student will neither solve the menace of ragging nor be an effective solution, as this would lead to a huge loss of meritorious potential for the country.

It can be clearly understood that ragging has different paradigms and is a heinous offense that is deeply rooted in the institutional structure of different higher educational institutes. Hence apart from strong anti-ragging legislation and a robust penal system, there is a great need for an all-inclusive strategy to eliminate ragging by breaking the vicious cycle of ragging, by eliminating ragging as a subculture from educational institutions by not only trying to protect the potential victims of ragging i.e. the newcomers but also working with the seniors who are very often themselves victims of ragging, providing counseling to them if they are in need, and also working towards making the senior junior interaction based on mutual respect and love and not of authority, harassment, and obedience. Also, prevention is better than cure, thus, there is also a need to prevent ragging from happening by enforcing strict monitoring in the residential areas where the students live, especially the freshers. There is a need to have a robust helpline and anti-ragging cell to deal with this menace. Ragging is not only an individual instance of crime but rather a social evil that is deeply rooted in the institutional structure of society. Hence, the university management, along with the teaching and non-teaching staff and the seniors, have to come together in the endeavor to eliminate ragging and create a raggingfree environment in our educational campus.