

Anti-Ragging Rules & Regulations



Himachal Pradesh

Sponsored by:

**Aman Kachroo Trust, Himachal Pradesh
National Rural Health Mission, Himachal Pradesh**

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PEACE

We cannot achieve world peace

without first achieving peace

Within ourselves Inner Peace.

In an atmosphere of

Hatred, Anger, Competition

and Violence,

no Lasting Peace

Can be achieved.

These Negative and Destructive

forces must be overcome by

Compassion, Love and Altruism,

which are the essential teaching of

The Buddha

H.H. The 14th Dalai Lama

The Supreme Court of India Judgement

Vishwa Jagriti Mission (*an organisation by the spiritual leader Shri Sudhanshuji Maharaj*) had filed a Civil writ petition against ragging to the Supreme Court of India on 5.11.1998 through their President Radhe Lal Gupta. The writ petition was under Article 32 of the constitution of India. The petition also said that that ragging was a violation of Article 21 of the constitution. The case was versus the Central Government, Ministry of Education, University Grant Commission, Indian Institute of Technology and YMCA Engineering College.

Vishwa Jagriti Mission won the case in the year 2001.

The judgement given by the apex court of India is underneath...

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO 656 OF 1998

Vishwa Jagriti Mission Through President ... Petitioner 506559

Versus

Central Govt. Through Cabinet Secy. & Ors.

ORDER

Pursuant to our order dated 3.3.2001, the University Grants Commission has filed written submissions/guidelines. An advance copy has already been supplied to the learned counsel opposite.

This public interest litigation highlights a menace pervading the educational institutions of the country which. In spite of efforts made by the Central Government, the University Grants Commission, State Governments and some of the educational institutions is unfortunately showing an upwards trend. The petitioner seeks direction of this Court so as to curb the menace of ragging.

The pleadings are complete. In as much as the petition involves dealing with an issue which is likely to affect a large number of students and relationship of the students Inter se belonging to different age-groups and coming from different social and cultural background as also the relationship of the students with the institution, the petition needs a detailed hearing. The issues arising for decision cannot be dealt with through a legalistic approach only; sociological and psychological factors shall have to be kept in view. However, all the learned counsel appearing in the case have submitted that the Court is shortly closing for summer vacation and by the time it re-opens most of the educational institutions

may have become functional and therefore it would be in public interest if some guidelines by way of an interim order are laid down by this Court. Accordingly, we have heard the learned counsel for the parties.

In exercise of the jurisdiction conferred by Article 32 and Article 142 of the Constitution we issue the following guidelines:-

This Court views with concern the increase in the number of incidents of ragging in educational Institutions. Some of the reported incidents have crossed the limits of decency, morality and humanity. Some of the States have acted by enacting legislations and making ragging as defined therein a cognizable and punishable offence. However, we feel ragging cannot be cured merely by making it a cognizable criminal offence. Moreover we feel that the acts of indiscipline and misbehaviour on the part of the students must primarily be dealt with within the institution and by exercise of the disciplinary authority of the teachers over the students and of the management of the institutions over the teachers and students. Students ought not ordinarily be subjected to police- action unless it be unavoidable. The students going to educational institutions for learning should not remain under constant fear of being dealt with by police and sent to jail and face the courts. The faith in the teachers for the purpose of maintaining discipline should be restored and the responsibility fixed by emphasizing the same.

Broadly speaking Ragging is:

Any disorderly conduct whether by words spoken or written or by an act which 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 do 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.

The cause of indulging in ragging is **deriving a sadistic pleasure or showing off power**, authority or superiority by the seniors over their juniors or freshers.

Ragging can, be stopped by creating awareness amongst the students, teachers and parents that ragging is a reprehensible act which does no good to any one and by simultaneously generating an atmosphere of

discipline by sending a clear message that no act of ragging shall be tolerated and any act of ragging shall not go unnoticed and unpunished.

Anti-ragging movement should be initiated by the institutions right from the time of advertisement for admissions. The prospectus, the form 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 which punishment may include expulsion from the institution, suspension from the institution or classes 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) debarring from representation in events (iii) withhold results (iv) suspension or expulsion from hostel or mess and the like. If there be any legislation governing ragging or any provisions in the Statute/Ordinances they should be brought to the notice of the students/parents seeking admissions.

The application form for admission/enrollment shall have a printed undertaking to be filled up and signed by the candidate to the effect that he/she is aware of the institution's approach towards ragging and the punishments 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.

Such of the institutions as 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.

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.

The management, the principal, the teaching staff should interact with freshers and take them in confidence by apprising them of their rights 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 their knowledge and shall be promptly dealt with while protecting the

complainants from any harassment by perpetrators of ragging. 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.

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

1. To keep a continuous watch and vigil over ragging so as to prevent its occurrence and recurrence,
2. 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 finding/recommendation/suggestions before the authority competent to take decision.

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

Failure to prevent ragging shall be construed 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/superintendent.

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 thereat, and wherein the entry of seniors and outsiders shall be prohibited after specified hour of night and before except under the of the person in charge. Entry at other times may also be regulated.

If the individuals committing or abetting ragging are not identified collective punishment could be resorted to act as a deterrent punishment and to ensure collective pressure on the potential raggers.

Migration certificate issued by the 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.

If an institution fails to curb ragging, the UGC/Funding Agency may

consider stoppage of financial assistance to such an Institution till such time as it achieves the same. An University may consider disaffiliating a college or institution failing to curb ragging.

The Universities and the institutions shall at a reasonable time before the commencement of an academic year, and therefore at such frequent intervals as may be expedient deliberate over and devise such positive and constructive activities to be arranged by involving the students generally so that the seniors and juniors, and the existing students and the freshers, interact with each other in a healthy atmosphere and develop a friendly relationship so as to behave like members of a family in an institution. Seniors or juniors should be encouraged to exhibit their talents in such events so as to shed their complexes.

We make it clear that these guidelines are only illustrative and are not intended to come in the way of the institutions and authorities devising ways and means to curb the ragging. If there are local laws governing ragging they shall be implemented and knowledge and information about such laws shall also be disseminated. Ragging, if it becomes unmanageable or amounts to a cognizable offence, the same may be reported to the police. However, the police should be called in or allowed entry in the campus at the instance of the head of the institution or person in charge. We expect the police also deals with such incidents when brought to its notice for action by keeping in mind that they are dealing with students and not criminals. The action of the police should never be violent and be always guided by a correctional attitude.

The UGC shall bring these guidelines to the notice of the educational institutions. Publicity may also be given by issuing press notices in public interest by the UGC and the Government.

List after summer vacations.

Signed
(R. C. Lahoti)
Signed
(Brijesh Kumar)

New Delhi;
May 4, 2001

TRUE MEANING OF PEACE

The most important factor
in maintaining peace within oneself.

in the face of any difficulty,
is one's mental attitude.

If it is distorted by such feelings
as anger, attachment or jealousy,
then even the most comfortable
environment will bring one no peace.

On the other hand,
if one's attitude is generally calm
and gentle, then even a hostile
environment will have little effect
on one's own inner peace.

Since the basic source of peace
and happiness is one's own
mental attitude, it is worthwhile
adopting means to develop it

in a positive way.

H.H. The 14th Dalai Lama

The Hon'ble Supreme Court of India Judgement
The Supreme Court of India Order May 2007
(based on Raghavan Committee Recommendations)
[Reproduced verbatim from the Supreme Court of India website]

ITEM NO.33
COURT NO.4
SECTION XIA

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).24295/2004
(From the judgement and order dated 24/06/2004 in WP No.
30845/2003 of the HIGH COURT OF
KERALA AT ERNAKULAM)

UNIVERSITY OF KERALA Petitioner(s)

VERSUS

COUNCIL, PRINCIPALS, COLLEGES, KERALA & ORS

Respondent(s)

(With appln(s) for intervention and modification and directions and
impleadment as party respondent
and with prayer for interim relief and office report)

WITH SLP(C) NO. 14356 of 2005 (With appln.(s) for exemption from
filing O.T. and c/delay in filing
counter affidavit and office report)

W.P.(CRL.) NO. 173 of 2006 (With appln.(s) for directions and
exemption from filing O.T. and urging
addl. ground and with office report)

SLP(C) NO. 24296-24299 of 2004 (With prayer for interim relief and
office report)

Date: 16/05/2007

These Petitions were called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE S.H. KAPADIA

Mr. Gopal Subramaniam, A.S.G. (A.C.)

Mrs. Sushma Suri, Adv.

Mr. Abhishek Tewari, Adv.

For Petitioner(s)

Mr. R. Sathish, Adv. Dr. Sushil Balwada, Adv. Mr. Satbir Tillania, Adv.

Mr. Anil Karnwal, Adv. Mr. Prashant Kumar, Adv. Ms. Pooja Dhar,

Adv. Ms. Ratna Kaul, Adv. for M/s AP & J Chambers, Adv.

For Respondent(s)

Mr. Ranjit Kumar, Sr.Adv. Mr. E.M.S. Anam, Adv. Mr. Fazlin Anam, Adv. Mr. P.V. Dinesh, Adv. Mrs. Sindhu T.P. Adv. Mr. P.V. Vinod, Adv. Mr. Sandeep B.K., Adv. Mr. KH. Nobin Singh, Adv. Mr. David Rao, Adv. Mr. S. Biswajit Meitei, Adv. Mr. Manoj Swarup, Adv. Ms. Lalit Kohli, Adv. for M/s. Manoj Swarup & Co., Adv. Mr. T.V. George, Adv. Mr. M.P. Vinod, Adv. Mr. Ajay K. Jain, Adv. Mr. Sjitth P., Adv. Mr. K.R. Sasiprabhu, Adv. Mr. Ajit Kumar Sinha, Adv. Mr. M.K. Michael, Adv. Mr. M.K.D. Namboodiri, Adv. Mr. V.G. Pragasam, Adv. Mr. Shivaji M. Jadhav, Adv. Mr. Radha Shyam Jena, Adv. For Res.1-3 & 5 in WP 173/06: Mr. Soli J. Sorabjee, Sr.Adv. Ms. Vibha Datta Makhija Mr. Manish Kumar, Adv. Mr. Ansar Ahmad Chaudhary, Adv.

UPON hearing counsel the Court made the following ORDER

We have perused the Report of the Committee constituted pursuant to this Court's order to suggest

remedial measures to tackle with the problem of ragging in educational institutions.

An elaborate report has been submitted by the Committee headed by Dr.R.K. Raghavan. According to the Committee, the following factors need to be focused to tackle with the problem:

- a. Primary responsibility for curbing ragging rests with academic institutions themselves.
- b. Ragging adversely impacts the standards of higher education.
- c. Incentives should be available to institutions for curbing the menace and there should be disincentives for failure to do so.
- d. **Enrolment in academic pursuits or a campus life should not immunize any adult citizen from penal provisions of the laws of the land.**
- e. Ragging needs to be perceived as failure to inculcate human values from the schooling stage.
- f. **Behavioural patterns among students, particularly potential 'raggers', need to be identified.**
- g. Measures against ragging must deter its recurrence.
- h. Concerted action is required at the level of the school, higher educational institution, district administration, university, State and Central Governments to make any curb effective.
- i. **Media and the Civil Society should be involved in this exercise.**

The Committee has made several recommendations. **For the present, we feel that the following recommendations should be implemented without any further lapse of time.**

1. The punishment to be meted out has to be exemplary and justifiably harsh to act as a deterrent against recurrence of such incidents.
2. Every single incident of ragging where the victim or his parent/guardian or the Head of institution is not satisfied with the institutional arrangement for action, a First Information Report must be filed without exception by the institutional authorities with the local police authorities. Any failure on the part of the institutional authority or negligence or deliberate delay in lodging the FIR with the local police shall be construed to be an act of culpable negligence on the part of the institutional authority. If any victim or his parent/guardian of ragging intends to file FIR directly with the police, that will not absolve the institutional authority from the requirement of filing the FIR.
3. Courts should make an effort to ensure that cases involving ragging are taken up on a priority basis to send the correct message that ragging is not only to be discouraged but also to be dealt with sternness.
4. In addition, we direct that the possibility of introducing in the educational curriculum a subject relating to ragging shall be explored by the National Council of Educational Research and Training (NCERT) and the respective State Council of Educational Research and Training (SCERT). This aspect can be included in the teaching of the subjects "Human Rights".
5. In the prospectus to be issued for admission by educational institutions, it shall be clearly stipulated that in case the applicant for admission is found to have indulged in ragging in the past or if it is noticed later that he has indulged in ragging, admission may be refused or he shall be expelled from the educational institution.
6. The Central Government and the State Governments shall launch a programme giving wide publicity to the menace of ragging and the consequences which follow in case any student is detected to have been involved in ragging.
7. It shall be the collective responsibility of the authorities and functionaries of the concerned institution and their role shall also be open to scrutiny for the purpose of finding out whether they have taken effective steps for preventing ragging and in case of their failure, action can be taken; for example, denial of any grant-in-aid or assistance from the State Governments.
8. Anti-ragging committees and squads shall be forthwith formed by the institutions and it shall be the job of the committee or the squad,

as the case may be, to see that the Committee's recommendations, more particularly those noted above, are observed without exception and if it is noticed that there is any deviation, the same shall be forthwith brought to the notice of this Court.

9. The Committee constituted pursuant to the order of this Court shall continue to monitor the functioning of the anti-ragging committees and the squads to be formed. They shall also monitor the implementation of the recommendations to which reference has been made above.

Post these matters in September, 2007 for further directions on the recommendations received from the Committee.

I.A.No.5/2007 in S.L.P.(C) No.24295/2004:

Issue notice.

Response, if any, by the University shall be filed within four weeks.

Rejoinder, if any, within four weeks thereafter. Mr. Gopal Subramaniam, learned amicus curiae shall also indicate his views.

Writ Petition (Crl.) No.173/2006: List this petition separately in September, 2007.

(N. Annapurna) (Madhu Saxena)
Court Master Court Master

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UNIVERSITY GRANTS COMMISSION
BAHADUR SHAH ZAFAR MARG
NEW DELHI-110 002
UGC DRAFT REGULATIONS ON CURBING THE MENACE
OF RAGGING IN HIGHER EDUCATIONAL
INSTITUTIONS, 2009

In exercise of the power conferred by Clause (g) of Sub-Section (1) of Section 26 of the University Grants Commission Act, 1956, the University Grants Commission hereby makes the following Regulations, namely-

1. Title, commencement and applicability:-

1.1. These regulations shall be called the "UGC Regulations on Curbing the Menace of Ragging in Higher Educational Institutions, 2009".

1.2. They shall come into force with immediate effect.

1.3. They shall apply to all the universities established or incorporated by or under a Central Act, a Provincial Act or a State Act, to all institutions deemed to be university under Section 3 of the UGC Act, 1956, to all other higher educational institutions, including the departments, constituent units and all the premises (academic, residential, sports, canteen, etc) of such universities, deemed universities and other higher educational institutions, whether located within the campus or outside, and to all means of transportation of students whether public or private.

2. Objective:-

To root out ragging in all its forms from universities, colleges and other educational institutions in the country by prohibiting it by law, preventing its occurrence by following the provisions of these Regulations and punishing those who indulge in ragging in spite of prohibition and prevention as provided for in these Regulations and the appropriate law in force.

3. Definitions:- For the purposes of these Regulations:-

3.1 "college" means any institution, whether known as such or by any other name, which provides for a programme of study beyond 12 years of schooling for obtaining any qualification from a university and which, in accordance with the rules and regulations of such university, is recognized as competent to provide for such programmes of study and present students undergoing such programmes of study for the examination for the award of such qualification.

3.2 "Head of the institution" means the 'Vice-Chancellor' in case of a

university/deemed to be university, 'Principal' in case of a college, 'Director' in case of an institute.

3.3 "institution" means a higher educational institution (HEI), like a university, a college, an institute, etc. imparting higher education beyond 12 years of schooling leading to a degree (graduate, postgraduate and/or higher level).

3.4 "Ragging" means the following:

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 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.

3.5 "University" means a university established or incorporated by or under a Central Act, a Provincial Act or a State Act, an institution deemed to be university under Section 3 of the UGC Act, 1956, or an institution specially empowered by an Act of Parliament to confer or grant degrees

4 Punishable ingredients of Ragging:-

- Abetment to ragging;
- Criminal conspiracy to rag;
- Unlawful assembly and rioting while ragging;
- Public nuisance created during ragging;
- Violation of decency and morals through ragging;
- Injury to body, causing hurt or grievous hurt;
- Wrongful restraint;
- Wrongful confinement;
- Use of criminal force;
- Assault as well as sexual offences or even unnatural offences;
- Extortion;
- Criminal trespass;
- Offences against property;
- Criminal intimidation;
- Attempts to commit any or all of the above mentioned offences against the victim(s);
- All other offences following from the definition of "Ragging".

5 Measures for prohibition of ragging at the institution level:-

- 5.1 The institution shall strictly observe the provisions of the Act of the Central Government and the State Governments, if any, or if enacted, considering ragging as a cognizable offence under the law on a par with rape and other atrocities against women and ill-treatment of persons belonging to the SC/ST, and prohibiting ragging in all its forms in all institutions.
- 5.2 Ragging in all its forms shall be totally banned in the entire institution, including its departments, constituent units, all its premises (academic, residential, sports, canteen, etc) whether located within the campus or outside and in all means of transportation of students whether public or private.
- 5.3 The institution shall take strict action against those found guilty of ragging and/or of abetting ragging.

6 Measures for prevention of ragging at the institution level:-

6.1 Before admissions:-

- 6.1.1 The advertisement for admissions shall clearly mention that ragging is totally banned in the institution, and anyone found guilty of ragging and/or abetting ragging is liable to be punished appropriately (for punishments, ref. section 8 below).
- 6.1.2 The brochure of admission/instruction booklet for candidates shall print in block letters these Regulations in full (including Annexures).
- 6.1.3 The 'Prospectus' and other admission related documents shall incorporate all directions of the Supreme Court and /or the Central or State Governments as applicable, so that the candidates and their parents/ guardians are sensitized in respect of the prohibition and consequences of ragging. If the institution is an affiliating university, it shall make it mandatory for the institutions under it to compulsorily incorporate such information in their 'Prospectus'.
- 6.1.4 The application form for admission/ enrolment shall have a printed undertaking, preferably both in English/Hindi and in one of the regional languages known to the institution and the applicant (English version given in Annexure I, Part I), to be filled up and signed by the candidate to the effect that he/she is aware of the law regarding prohibition of ragging as well as the punishments, and that he/she, if found guilty of the offence of ragging and/or abetting ragging, is liable to be punished appropriately.
- 6.1.5 The application form shall also contain printed undertaking, preferably both in English/Hindi and in one of the regional

- languages known to the institution and the parent/ guardian (English version given in Annexure I, Part II), to be signed by the parent/ guardian of the applicant to the effect that he/ she is also aware of the law in this regard and agrees to abide by the punishment meted out to his/ her ward in case the latter is found guilty of ragging and/or abetting ragging.
- 6.1.6 The application for admission shall be accompanied by a document in respect of the School Leaving Certificate/ Character Certificate which shall include a report on the behavioral pattern of the applicant, so that the institution can thereafter keep intense watch upon a student who has a negative entry in this regard.
- 6.1.7 A student seeking admission to the hostel shall have to submit another undertaking in the form of Annexure I (both Parts) along with his/ her application for hostel accommodation.
- 6.1.8 At the commencement of the academic session the Head of the Institution shall convene and address a meeting of various functionaries/agencies, like Wardens, representatives of students, parents/ guardians, faculty, district administration including police, to discuss the measures to be taken to prevent ragging in the Institution and steps to be taken to identify the offenders and punish them suitably.
- 6.1.9 To make the community at large and the students in particular aware of the dehumanizing effect of ragging, and the approach of the institution towards those indulging in ragging, big posters (preferably multicolored with different colours for the provisions of law, punishments, etc.) shall be prominently displayed on all Notice Boards of all departments, hostels and other buildings as well as at vulnerable places. Some of such posters shall be of permanent nature in certain vulnerable places.
- 6.1.10 The institution shall request the media to give adequate publicity to the law prohibiting ragging and the negative aspects of ragging and the institution's resolve to ban ragging and punish those found guilty without fear or favour.
- 6.1.11 The institution shall identify, properly illuminate and man all vulnerable locations.
- 6.1.12 The institution shall tighten security in its premises, especially at the vulnerable places. If necessary, intense policing shall be resorted to at such points at odd hours during the early months of the academic session.
- 6.1.13 The institution shall utilize the vacation period before the start of

the new academic year to launch wide publicity campaign against ragging through posters, leaflets, seminars, street plays, etc.

6.1.14 The faculties/ departments/ units of the institution shall have induction arrangements (including those which anticipate, identify and plan to meet any special needs of any specific section of students) in place well in advance of the beginning of the academic year with a clear sense of the main aims and objectives of the induction process.

6.2 On admission:-

6.2.1 Every fresher admitted to the institution shall be given a printed leaflet detailing when and to whom he/she has to turn to for help and guidance for various purposes (including Wardens, Head of the institution, members of the anti-ragging committees, relevant district and police authorities), addresses and telephone numbers of such persons/authorities, etc., so that the fresher need not look up to the seniors for help in such matters and get indebted to them and start doing things, right or wrong, at their behest. Such a step will reduce the freshers' dependence on their seniors.

6.2.2 The institution through the leaflet mentioned above shall explain to the new entrants the arrangements for their induction and orientation which promote efficient and effective means of integrating them fully as students.

6.2.3 The leaflet mentioned above shall also tell the freshers about their rights as bona fide students of the institution and clearly instructing them that they should desist from doing anything against their will even if ordered by the seniors, and that they have nothing to fear as the institution cares for them and shall not tolerate any atrocities against them.

6.2.4 The leaflet mentioned above shall contain a calendar of events and activities laid down by the institution to facilitate and complement familiarization of juniors with the academic environment of the institution.

6.2.5 The institution shall also organize joint sensitization programmes of 'freshers' and seniors.

6.2.6 Freshers shall be encouraged to report incidents of ragging, either as victims, or even as witnesses.

6.3 At the end of the academic year:-

6.3.1 At the end of every academic year the Vice-Chancellor / Dean of Students Welfare / Director / Principal shall send a letter to the parents / guardians who are completing the first year informing

them about the law regarding ragging and the punishments, and appealing to them to impress upon their wards to desist from indulging in ragging when they come back at the beginning of the next academic session.

6.3.2 At the end of every academic year the institution shall form a 'Mentoring Cell' consisting of Mentors for the succeeding academic year. There shall be as many levels or tiers of Mentors as the number of batches in the institution, at the rate of 1 Mentor for 10 freshers and 1 Mentor of a higher level for 10 Mentors of the lower level.

6.4 Setting up of Committees and their functions:-

6.4.1 The Anti-Ragging Committee:- The Anti-Ragging Committee shall be headed by the Head of the institution and shall consist of representatives of faculty members, parents, students belonging to the freshers' category as well as seniors and non-teaching staff. It shall consider the recommendations of the Anti-Ragging Squad and take appropriate decisions, including spelling out suitable punishments to those found guilty.

6.4.2 The Anti-Ragging Squad:- The Anti-Ragging Squad shall be nominated by the Head of the institution with such representation as considered necessary and shall consist of members belonging to the various sections of the campus community. The Squad will have vigil, oversight and patrolling functions. It shall be kept mobile, alert and active at all times and shall be empowered to inspect places of potential ragging and make surprise raids on hostels and other hot spots. The Squad shall investigate incidents of ragging and make recommendations to the Anti-Ragging Committee and shall work under the overall guidance of the said Committee.

6.4.3 Monitoring Cell on Ragging:- If the institution is an affiliating university, it shall have a Monitoring Cell on Ragging to coordinate with the institutions affiliated to it by calling for reports from the Heads of such institutions regarding the activities of the Anti-Ragging Committees, Squads, and Mentoring Cells, regarding compliance with the instructions on conducting orientation programmes, counseling sessions, etc., and regarding the incidents of ragging, the problems faced by wardens and other officials, etc. This Cell shall also review the efforts made by such institutions to publicize anti-ragging measures, cross-verify the receipt of undertakings from candidates/students and their parents / guardians every year, and shall be the prime mover for initiating

action by the university authorities to suitably amend the Statutes or Ordinances or Bye-laws to facilitate the implementation of anti ragging measures at the level of the institution.

6.5 Other measures:-

- 6.5.1 The Annexures mentioned in 6.1.4, 6.1.5 and 6.1.7 shall be furnished at the beginning of each academic year by every student, that is, by freshers as well as seniors.
- 6.5.2 The institution shall arrange for regular and periodic psychological counseling and orientation for students (for freshers separately, as well as jointly with seniors) by professional counselors during the first three months of the new academic year. This shall be done at the institution and department/ course levels. Parents and teachers shall also be involved in such sessions.
- 6.5.3 Apart from placing posters mentioned in 6.1.9 above at strategic places, the institution shall undertake measures for extensive publicity against ragging by means of audio-visual aids, by holding counseling sessions, workshops, painting and design competitions among students and other methods as it deems fit.
- 6.5.4 If the institution has B.Ed. and other Teacher training programmes, these courses shall be mandated to provide for anti-ragging and the relevant human rights appreciation inputs, as well as topics on sensitization against corporal punishments and checking of bullying amongst students, so that every teacher is equipped to handle at least the rudiments of the counseling approach.
- 6.5.5 Wardens shall be appointed as per the eligibility criteria laid down for the post reflecting both the command and control aspects of maintaining discipline, as well as the softer skills of counseling and communicating with the youth outside the class-room situations. Wardens shall be accessible at all hours and shall be provided with mobile phones. The institution shall review and suitably enhance the powers and perquisites of Wardens and authorities involved in curbing the menace of ragging.
- 6.5.6 The security personnel posted in hostels shall be under the direct control of the Wardens and assessed by them.
- 6.5.7 Private commercially managed lodges and hostels shall be registered with the local police authorities, and this shall be done necessarily on the recommendation of the Head of the institution. Local police, local administration and the institutional authorities shall ensure vigil on incidents that may come within the definition of ragging and shall be responsible for action in the event of ragging

- in such premises, just as they would be for incidents within the campus. Managements of such private hostels shall be responsible for not reporting cases of ragging in their premises.
- 6.5.8 The Head of the institution shall take immediate action on receipt of the recommendations of the Anti-Ragging Squad. He/ She shall also take action suo motto if the circumstances so warrant.
- 6.5.9 Freshers who do not report the incidents of ragging either as victims or as witnesses shall also be punished suitably.
- 6.5.10 Anonymous random surveys shall be conducted across the 1st year batch of students (freshers) every fortnight during the first three months of the academic year to verify and cross-check whether the campus is indeed free of ragging or not. The institution may design its own methodology of conducting such surveys.
- 6.5.11 The burden of proof shall lie on the perpetrator of ragging and not on the victim.
- 6.5.12 The institution shall file an FIR with the police / local authorities whenever a case of ragging is reported, but continue with its own enquiry and other measures without waiting for action on the part of the police/ local civil authorities. Remedial action shall be initiated and completed within the one week of the incident itself.
- 6.5.13 The Migration / Transfer Certificate issued to the student by the institution shall have an entry, apart from those relating to general conduct and behaviour, whether the student has been punished for the offence of committing or abetting ragging, or not, as also whether the student has displayed persistent violent or aggressive behaviour or any desire to harm others.
- 6.5.14 Preventing or acting against ragging shall be the collective responsibility of all levels and sections of authorities or functionaries in the institution, including faculty, and not merely that of the specific body/ committee constituted for prevention of ragging.
- 6.5.15 The Heads of institutions other than universities shall submit weekly reports to the Vice-chancellor of the university the institution is affiliated to or recognized by, during the first three months of new academic year and thereafter each month on the status of compliance with anti-ragging measures. The Vice Chancellor of each university shall submit fortnightly reports of the university, including those of the Monitoring Cell on Ragging in case of an affiliating university, to the Chancellor.
- 6.5.16 Access to mobile phones and public phones shall be unrestricted in

hostels and campuses, except in class-rooms, seminar halls, library etc. where jammers shall be installed to restrict the use of mobile phones.

6.6 Measures for encouraging healthy interaction between freshers and seniors:-

6.6.1 The institution shall set up appropriate committees including the course-in-charge, student advisor, Warden and some senior students to actively monitor, promote and regulate healthy interaction between the freshers and senior students.

6.6.2 Freshers' welcome parties shall be organized in each department by the senior students and the faculty together soon after admissions, preferably within the first two weeks of the beginning of the academic session, for proper introduction to one another and where the talents of the freshers are brought out properly in the presence of the faculty, thus helping them to shed their inferiority complex, if any, and remove their inhibitions.

6.6.3 The institution shall enhance the student-faculty interaction by involving the students in all matters of the institution, except those relating to the actual processes of evaluation and of faculty appointments, so that the students shall feel that they are responsible partners in managing the affairs of the institution and consequently the credit due to the institution for good work/performance is due to them as well.

6.7 Measures at the UGC/ Statutory/ Regulatory bodies' level:-

6.7.1 The UGC and other Statutory /Regulatory bodies shall make it mandatory for the institutions to compulsorily incorporate in their 'Prospectus' the directions of the Supreme Court and/or the Central or State Governments with regard to prohibition and consequences of ragging, and that noncompliance with the directives against ragging in any manner whatsoever shall be considered as lowering of academic standards by the erring institution making it liable for appropriate action.

6.7.2 The UGC (including NAAC and UGC Expert Committees visiting institutions for various purposes) and similar Committees of other Statutory/Regulatory bodies shall cross-verify that the institutions strictly comply with the requirement of getting the undertakings from the students and their parents/ guardians as envisaged under these Regulations.

6.7.3 The UGC and other funding bodies shall make it one of the conditions in the Utilization Certificate for sanctioning any

financial assistance or aid to the institution under any of the general or special schemes that the institution has strictly complied with the anti-ragging measures and has a blemish-less record in terms of there being no incidents of ragging during the period pertaining to the Utilization Certificate.

- 6.7.4 The NAAC and other accrediting bodies shall factor in any incident of ragging in the institution while assessing the institution in different grades.
- 6.7.5 The UGC shall constitute a Board for Coordination consisting of representatives of the AICTE, the IITs, the NITs, the IIMs, the MCI, the DCI, the NCI, the ICAR and such other bodies which have to deal with higher education to coordinate and monitor the anti-ragging movement across the country and to make certain policy decisions. The said Board shall meet once in a year in the normal course.
- 6.7.6 The UGC shall have an Anti-Ragging Cell within the Commission as an institutional mechanism to provide secretarial support for collection of information and monitoring, and to coordinate with the State level and university level Committees for effective implementation of anti-ragging measures.
- 6.7.7 If an institution fails to curb ragging, the UGC/ the Statutory/ Regulatory body concerned may stop financial assistance to such an institution or take such action within its powers as it may deem fit and impose such other penalties as provided till such time as the institution achieves the objective of curbing ragging.

7 Incentives for curbing ragging:-

- 7.1 The UGC shall consider providing special/ additional annual financial grants-in-aid to those eligible institutions which report a blemish-less record in terms of there being no incidents of ragging.
- 7.2 The UGC shall also consider instituting another category of financial awards or incentives for those eligible institutions which take stringent action against those responsible for incidents of ragging.
- 7.3 The UGC shall lay down the necessary incentive for the post of Warden in order to attract the right type of eligible candidates, and motivate the incumbent.

8 Punishments:-

8.1 At the institution level:

Depending upon the nature and gravity of the offence as established by the Anti-Ragging Committee of the institution, the possible

punishments for those found guilty of ragging at the institution level shall be any one or any combination of the following:

- 8.1.1 Cancellation of admission
- 8.1.2 Suspension from attending classes
- 8.1.3 Withholding / withdrawing scholarship / fellowship and other benefits
- 8.1.4 Debarring from appearing in any test / examination or other evaluation process
- 8.1.5 Withholding results
- 8.1.6 Debarring from representing the institution in any regional, national or international meet, tournament, youth festival, etc.
- 8.1.7 Suspension/ expulsion from the hostel
- 8.1.8 Rustication from the institution for period ranging from 1 to 4 semesters
- 8.1.9 Expulsion from the institution and consequent debarring from admission to any other institution
- 8.1.10 Fine of Rupees 25,000/-
- 8.1.11 Collective punishment: When the persons committing or abetting the crime of ragging are not identified, the institution shall resort to collective punishment as a deterrent to ensure community pressure on the potential raggers.

8.2 At the university level in respect of institutions under it:

If an institution under a university (being constituent of, affiliated to or recognized by it) fails to comply with any of the provisions of these Regulations and fails to curb ragging effectively, the university may impose any or all of the following penalties on it:

- 8.2.1 Withdrawal of affiliation/ recognition or other privileges conferred on it
- 8.2.2 Prohibiting such institution from presenting any students then undergoing any programme of study therein for the award of any degree/ diploma of the university
- 8.2.3 Withholding any grants allocated to it by the university
- 8.2.4 Any other appropriate penalty within the powers of the university.

8.3 At the UGC level:

If an institution fails to curb ragging, the UGC may impose any or all of the following penalties on it:

- 8.3.1 Delisting the institution from section 2(f) and /or section 12B of the UGC Act
- 8.3.2 Withholding any grants allocated to it
- 8.3.3 Declaring institutions which are not covered under section 2(f) and

or 12B as ineligible for any assistance like that for Major/ Minor Research Project, etc.

- 8.3.4 Declaring the institution ineligible for consideration under any of the special assistance programmes like CPE (College with potential for Excellence), UPE (University with Potential for Excellence, CPEPA (Centre with Potential for Excellence in a Particular Area), etc.
- 8.3.5 Declaring that the institution does not have the minimum academic standards and warning the potential candidates for admission accordingly through public notice and posting on the UGC Website
- 8.3.6 Collaborating with other Statutory/ Regulatory bodies to work out other possible deterrents.

Rules & Regulations for Prevention and Prohibition of Ragging

The All India Council For Technical Education (AICTE), New Delhi vide its Notification no. 37-3/Legal/AICTE/2009 dated 25-03-2009 has taken a very serious view of ragging incidences in educational institutions and on Directions of the Hon'ble Supreme Court of India vide its Order dated 16.5.2007 has ordered strict implementation of following rules & regulations for Prevention and prohibition of Ragging in technical Institutions.

Various Types of Ragging

The Hon'ble Supreme Court has, inter-alia, mentioned the following types of ragging:-

1. Ragging has several aspects with, among others, psychological, social, political, economic, cultural, and academic dimensions.
2. Any act that prevents, disrupts or disturbs the regular academic activity of a student should be considered with in the academics related aspect of ragging; similarly, exploiting the services of a junior student for completing the academic tasks assigned to an individual or a group of seniors is also an aspect of academics related ragging prevalent in many institutions, particularly in the technical institutions.
3. Any act of financial extortion or forceful expenditure burden put on a junior student by senior students should be considered an aspect of ragging for ragging economic dimensions.
4. Any act of physical abuse including all variants of it: sexual abuse, homosexual assaults, stripping, forcing obscene and lewd acts, gestured, causing bodily harm or any other danger to health or person can be put in the category of ragging with criminal dimensions.
5. Any act or abuse by spoken words, emails, snail-mails, blogs, public insults should be considered with in the psychological aspects of ragging. This aspect would also include deriving perverted pleasure, vicarious or sadistic thrill from actively or passively participating in the discomfiture to others; the absence of preparing 'freshers' in the run up to their admission to higher education and life in hostels also can be ascribed as a psychological aspect of ragging – coping skills in interaction with seniors or strangers can be imparted by parents as well. Any act that affects the mental health and self-confidence of students also can be described in terms of the psychological aspects of ragging.
6. The human rights perspective of ragging involves the injury caused

to the fundamental right to human dignity through humiliation heaped on junior students by seniors; often resulting in the extreme step of suicide by the victims.

Actions to be taken against students for indulging and abetting in Ragging in technical institutions Universities including Deemed to be University imparting technical education:-

1. The punishment to be meted out to the persons indulged in ragging has to be exemplary and justifiably harsh to act as a deterrent against recurrence of such incidents. The students who are found to be indulged in ragging should be debarred from taking admission in any technical institution in India.
2. Every single incident of ragging a First Information Report (FIR) must be filed without exception by the institutional authorities with the local police authorities.
3. Depending upon the nature and gravity of the offence as established by the Anti-Ragging Committee of the institution, the possible punishments for those found guilty of ragging at the institution level shall be any one or any combination of the following.
 - (i) Cancellation of admission
 - (ii) Suspension from attending classes
 - (iii) Withholding/withdrawing scholarship/fellowship and other benefits
 - (iv) Debarring from appearing in any test/examination or other evaluation process
 - (v) Withholding results
 - (vi) Debarring from representing the institution in any regional, national or international meet, tournament, youth festival, etc.
 - (vii) Suspension/expulsion from the hostel
 - (viii) Rustication from the institution for period ranging from 1 to 4 semesters
 - (ix) Expulsion from the institution and consequent debarring from admission to any other institution.
 - (x) Fine of Rupees 25,000/-
 - (xi) Collective punishment: when the persons committing or abetting the crime of ragging are not identified, the institution shall resort to collective punishment as a deterrent to ensure community pressure on the potential raggers.
4. The institutional authority shall intimate the incidents of ragging occurred in their premises along with actions taken to the Council immediately after occurrence of such incident and inform the status of the case from time to time.

5. Courts should make an effort to ensure that cases involving ragging are taken up on priority basis to send the correct message that ragging is not only to be discouraged but also to be dealt with sternness.

COMPASSION

Usually, our concept of compassion or love refers to the feeling or closeness we have with our friends and loved ones. Sometimes compassion also carries a sense of pity. This is wrong any love or compassion which entails looking down on the other, is not genuine compassion. To be genuine, compassion must be based on respect for the other, and on the realization that others have the right to be happy and overcome suffering, just as much as you. On this basis, since you can see that others are suffering, you develop a genuine sense of concern for them.

H.H. The 14th Dalai Lama

Medical Council of India (Prevention and Prohibition of Ragging in Medical Colleges/Institutions) Regulations, 2009.

**MEDICAL COUNCIL OF INDIA
NOTIFICATION**

New Delhi , the 3rd August, 2009

No. MCI-34(1)/2009-Med./25453. In exercise of the powers conferred by Section 33 of the Indian Medical Council Act, 1956 (102 of 1956) the Medical Council of India with the previous sanction of the Central Government hereby makes the following Regulations, namely:-

1. Short title, commencement and applicability

- (i) These Regulations may be called the Medical Council of India (Prevention and Prohibition of Ragging in Medical Colleges/Institutions) Regulations, 2009.
- (ii) They shall come into force on the date of their publication in the Official Gazette.

2. Objective:-

To root out ragging in all its forms from medical colleges/institutions in the country by prohibiting it by law, preventing its occurrence by following the provisions of these Regulations and punishing those who indulge in ragging as provided for in these Regulations and the appropriate law in force.

3. Definitions:- For the purposes of these Regulations:-

- 3.1 "Medical College" means an institution, whether known as such or by any other name, which provides for a programme, beyond 12 years of schooling, for obtaining recognized MBBS qualification from a university and which, in accordance with the rules and regulations of such university, is recognized as competent to provide for such programmes of study and present students undergoing such programmes of study for the examination for the award of recognized MBBS/PG Degree/Diploma qualifications.
- 3.2 "Head of the institution" means the Dean/Principal/Director of the concerned medical college/institution.
- 3.3 "Ragging" includes the following:
Any conduct whether by words spoken or written or by an act which has the effect of harassing, 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.

3.4 MCI means MCI constituted in terms of Section 3 of Indian Medical Council Act, 1956.

3.5 "University" means a university established or incorporated by or under a Central Act, a Provincial Act or a State Act, an institution deemed to be university under Section 3 of the UGC Act, 1956, or an institution specially empowered by an Act of Parliament to confer or grant degrees.

4. Punishable ingredients of Ragging:-

- ◆ Abetment to ragging;
- ◆ Criminal conspiracy to rag;
- ◆ Unlawful assembly and rioting while ragging;
- ◆ Public nuisance created during ragging;
- ◆ Violation of decency and morals through ragging;
- ◆ Injury to body, causing hurt or grievous hurt;
- ◆ Wrongful restraint;
- ◆ Wrongful confinement;
- ◆ Use of criminal force;
- ◆ Assault as well as sexual offences or even unnatural offences;
- ◆ Extortion;
- ◆ Criminal trespass;
- ◆ Offences against property;
- ◆ Criminal intimidation;
- ◆ Attempts to commit any or all of the above mentioned offences against the victim(s);
- ◆ Physical or psychological humiliation.
- ◆ All other offences following from the definition of "Ragging".

5. Measures for prohibition of ragging:-

5.1 The Medical College/Institution / University shall strictly observe the provisions of the Act of the Central Government and the State Governments, if any, or if enacted and / or for the time being in force, considering ragging as a cognizable offence under the law at par with rape and other atrocities against women and ill-treatment

of persons belonging to the SC/ST and prohibiting ragging in all its forms in all institutions.

- 5.2 Ragging in all its forms shall be totally banned in the entire Medical College/Institution / University including its departments, constituent units, all its premises (academic, residential, sports, canteen, etc) whether located within the campus or outside and in all means of transportation of students whether public or private.
- 5.3 The Medical College/Institution / University shall take strict action against those found guilty of ragging and/or of abetting ragging.

6. Measures for prevention of ragging at the institution level:-

6.1 Before admissions:-

- 6.1.1 The advertisement for admissions shall clearly mention that ragging is totally banned / prohibited in the Medical College/Institution and anyone found guilty of ragging and/or abetting ragging is liable to be punished appropriately.
- 6.1.2 The brochure of admission/instruction booklet for candidates shall print in block letters these Regulations in full (including Annexures).
- 6.1.3 The 'Prospectus' and other admission related documents shall incorporate all directions of the Hon'ble Supreme Court and /or the Central or State Governments as applicable, so that the candidates and their parents/ guardians are sensitized in respect of the prohibition and consequences of ragging.
- 6.1.4 A Brochure or booklet/leaflet shall be distributed to each student at the beginning of each academic session for obtaining undertaking not to indulge or abet ragging and shall contain the blueprint of prevention and methods of redress.
- The application form for admission/ enrolment shall have a printed undertaking, preferably both in English/Hindi and in one of the regional languages known to the institution and the applicant (English version given in Annexure I, Part I), to be filled up and signed by the candidate to the effect that he/she is aware of the law regarding prohibition of ragging as well as the punishments, and to the effect that he/she has not been expelled and/or debarred from admission by any institution and that he/she, if found guilty of the offence of ragging and/or abetting ragging, is liable to be punished appropriately.

- 6.1.5 The application form shall also contain a printed undertaking, preferably both in English/Hindi and in one of the regional languages known to the institution and the parent/ guardian (English version given in Annexure I, Part II), to be signed by the parent/ guardian of the applicant to the effect that he/ she is also aware of the law in this regard and agrees to abide by the punishment meted out to his/ her ward in case the latter is found guilty of ragging and/or abetting ragging.
A database shall be created out of affidavits affirmed by each student and his/her parents/guardians stored electronically, and shall contain the details of each student. The database shall also function as a record of ragging complaints received.
- 6.1.6 The application for admission shall be accompanied by a document in the form of the School Leaving Certificate/transfer certificate/migration certificate/ Character Certificate which shall include a report on the behavioral pattern of the applicant, so that the institution can thereafter keep intense watch upon a student who has a negative entry in this regard.
- 6.1.7 A student seeking admission to the hostel shall have to submit additional undertaking in the form of Annexure I (both Parts) along with his/ her application for hostel accommodation.
- 6.1.8 At the commencement of the academic session the Head of the Institution shall convene and address a meeting of various functionaries/agencies, like Wardens, representatives of students, parents/ guardians, faculty, district administration including police, to discuss the measures to be taken to prevent ragging in the Institution and steps to be taken to identify the offenders and punish them suitably.
- 6.1.9 To make the community at large and the students in particular aware of the dehumanizing effect of ragging, and the approach of the institution towards those indulging in ragging, big posters (preferably multicolored with different colours for the provisions of law, punishments, etc.) shall be prominently displayed on all Notice Boards of all departments, hostels and other buildings as well as at vulnerable places. Some of such posters shall be of permanent nature in certain vulnerable places.
- 6.1.10 Apart from placing posters mentioned in sub-clause 6.1.9 above at strategic places, the Medical College/Institution shall undertake measures for extensive publicity against ragging by means of audio-visual aids, by holding counseling sessions, workshops,

painting and design competitions among students and other methods as it deems fit.

- 6.1.11 The Medical College/Institution/University shall request the media to give adequate publicity to the law prohibiting ragging and the negative aspects of ragging and the institution's resolve to ban ragging and punish those found guilty without fear or favour.
- 6.1.12 The Medical College /Institution/ University shall identify, properly illuminate and man all vulnerable locations.
- 6.1.13 The Medical College/Institution/University shall tighten security in its premises, especially at the vulnerable places. If necessary, intense policing shall be resorted to at such points at odd hours during the early months of the academic session.
- 6.1.14 The Medical College/Institution/University shall utilize the vacation period before the start of the new academic year to launch wide publicity campaign against ragging through posters, leaflets, seminars, street plays, etc.
- 6.1.15 The faculties/ departments/ units of the Medical College/Institution /University shall have induction arrangements (including those which anticipate, identify and plan to meet any special needs of any specific section of students) in place well in advance of the beginning of the academic year with a clear sense of the main aims and objectives of the induction process.

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.

6.2. On admission:-

- 6.2.1 Every fresher admitted to the Medical College / Institution / University shall be given a printed leaflet detailing when and to whom he/she has to turn to for help and guidance for various purposes (including Wardens, Head of the institution, members of the anti-ragging committees, relevant district and police

authorities), addresses and telephone numbers of such persons/authorities, etc., so that the fresher need not look up to the seniors for help in such matters and get indebted to them and start doing things, right or wrong, at their behest. Such a step will reduce the freshers' dependence on their seniors.

Every institution should engage or seek the assistance of professional counselors at the time of admissions to counsel 'freshers' in order to prepare them for the life ahead, particularly for adjusting to the life in hostels.

6.2.2 The Medical College/Institution/University through the leaflet mentioned above shall explain to the new entrants the arrangements for their induction and orientation which promote efficient and effective means of integrating them fully as students.

6.2.3 The leaflet mentioned above shall also inform the freshers about their rights as bonafide students of the institution and clearly instructing them that they should desist from doing anything against their will even if ordered by the seniors, and that they have nothing to fear as the institution cares for them and shall not tolerate any atrocities against them.

6.2.4 The leaflet mentioned above shall contain a calendar of events and activities laid down by the institution to facilitate and complement familiarization of freshers with the academic environment of the institution.

6.2.5 The Medical College/Institution/University shall also organize joint sensitization programmes of 'freshers' and seniors.

On the arrival of senior students after the first week or after the second week as the case may be, further orientation programmes must be scheduled as follows (i) joint sensitization programme and counseling of both 'freshers' and senior by a Professional counselor; (ii) joint orientation programme of 'freshers' and seniors to be addressed by the principal/Head of the institution, and the anti-ragging committee; (iii) 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; (iv) in the hostel, the warden should address all students; may request two junior colleagues from the college faculty to assist the warden by becoming resident tutors for a temporary duration.

6.2.6 Freshers shall be encouraged to report incidents of ragging, either as victims, or even as witnesses.

6.3. At the end of the academic year:-

6.3.1 At the end of every academic year the Dean/Principal/Director shall send a letter to the parents/guardians of the students who are completing the first year informing them about the law regarding ragging and the punishments, and appealing to them to impress upon their wards to desist from indulging in ragging when they come back at the beginning of the next academic session.

6.3.2 At the end of every academic year the Medical College/Institution /University shall form a 'Mentoring Cell' consisting of Mentors for the succeeding academic year. There shall be as many levels or tiers of Mentors as the number of batches in the institution, at the rate of 1 Mentor for 6 freshers and 1 Mentor of a higher level for 6 Mentors of the lower level.

Each batch of freshers should be divided into small groups and each such group shall be assigned to a member of the staff. Such staff member should interact individually with, each member of the group on a daily basis for ascertaining the problems/difficulties if any faced by the fresher in the institution and extending necessary help.

In the case of freshers admitted to a hostel it shall be the responsibility of the teacher in charge of the group to coordinate with the warden of the hostel and to make surprise visits to the rooms in the hostel where the members of the group are lodged.

6.4. Setting up of Committees and their functions:-

6.4.1 The Anti-Ragging Committee:- Every institution shall have an Anti-Ragging Committee and an Anti -Ragging Squad. The Anti-Ragging Committee shall be headed by the Head of the institution and shall consist of representatives of civil and police administration, local media, Non Government Organizations involved in youth activities, faculty members, parents, students belonging to the freshers' category as well as seniors and non-teaching staff. It shall monitor the Anti Ragging activities in the institution, consider the recommendations of the Anti-Ragging Squad and take appropriate decisions, including spelling out suitable punishments to those found guilty.

6.4.2 The Anti-Ragging Squad:- The Anti-Ragging Squad shall be nominated by the Head of the institution with such representation as considered necessary and shall exclusively consist of members belonging to the various sections of the campus community. The

Squad shall have vigil, oversight and patrolling functions. It shall be kept mobile, alert and active at all times and shall be empowered to inspect places of potential ragging and make surprise raids on hostels and other hot spots. The Squad shall investigate incidents of ragging and make recommendations to the Anti-Ragging Committee and shall work under the overall guidance of the Anti-Ragging Committee.

All matters of discipline within teaching institutions must be resolved within the campus except those impinging on law and order or breach of peace or public tranquility, all of which should be dealt with under the penal laws of the land

University Monitoring Cell At the level of the University, we recommend that there should be a Monitoring Cell on Ragging, which should coordinate with the affiliated colleges and institutions under its domain. The Cell should call for reports from the Heads of institutions in regard to the activities of the Anti-Ragging Committee, Anti - Ragging Squads, Monitoring Cells at the level of the institution, the compliance with instructions on conducting orientation programmes, counseling sessions, the incidents of ragging, the problems faced by wardens or other officials. It should also keep itself abreast of the decisions of the District level Anti – Ragging Committee. This Monitoring Cell should also review the efforts made by institutions to publicize anti - ragging measures, soliciting of undertaking from parents and students each year to abstain from ragging activities or willingness to be penalized for violations; and should function as the prime mover for initiating action on the part of the appropriate authorities of the university for amending the Statutes or Ordinances or Bye -laws to facilitate the implementation of anti-ragging measures at the level of the institution.

6.5. Other measures:-

6.5.1 The Annexures mentioned in 6.1.4, 6.1.5 and 6.1.7 of these Regulations shall be furnished at the beginning of each academic year by every student, that is, by freshers as well as seniors.

6.5.2 The Medical College/Institution /University shall arrange for regular and periodic psychological counseling and orientation for students (for freshers separately, as well as jointly with seniors) by professional counselors during the first three months of the new academic year. This shall be done at the institution and department/ course levels. Parents and teachers shall also be involved in such sessions.

6.5.3 Full-time warden shall be appointed as per the eligibility criteria laid down for the post reflecting both the command and control aspects of maintaining discipline, as well as the softer skills of counseling and communicating with the youth outside the classroom situations. Wardens shall be accessible at all hours and shall be provided with mobile phones and the details of their telephone number must be widely publicized. 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. The institution shall review and suitably enhance the powers and perquisites of Wardens and authorities involved in curbing the menace of ragging.

Futher the institutions shall provide necessary incentives for the post of full-time warden, so as to attract suitable candidates.

6.5.4 Freshers shall be lodged in a separate hostel block, wherever possible, and where such facilities are not available, the college/institution shall ensure that seniors' access to freshers' accommodation is strictly monitored by wardens, security guards and college staff.

As ragging takes place mostly in the hostels after the classes are over in the college, a round the clock vigil against ragging in the hostel premises shall be provided. It is seen, that college canteens and hostel messes are also places where ragging often takes place. The employers/employees of the canteens/mess shall be given necessary instructions to keep strict vigil and to report the incidents of ragging to the college authorities if any.

The security personnel posted in hostels shall be under the direct control of the Wardens and assessed by them.

6.5.5 Private commercially managed lodges and hostels shall be registered with the local police authorities, and this shall be done necessarily on the recommendation of the Head of the institution. Local police, local administration and the institutional authorities shall ensure vigil on incidents that may come within the definition of ragging and shall be responsible for action in the event of ragging in such premises, just as they would be for incidents within the campus. Managements of such private hostels shall be responsible for action in the event of ragging in such premises, just

as they would be for incidents within campuses.

- 6.5.6 Besides registering private hostels as stated above, the towns or cities where educational institutions are located should be apportioned as sectors among faculty members, as is being done by some institutions, so that they could maintain vigil and report any incidents of ragging outside campuses and en route while 'freshers' commute.
- 6.5.7 The Head of the institution shall take immediate action on receipt of the recommendations of the Anti-Ragging Squad. He/ She shall also take action suo motu if the circumstances so warrant.
- 6.5.8 Freshers who do not report the incidents of ragging either as victims or as witnesses shall also be punished suitably.
- 6.5.9 Anonymous random surveys shall be conducted across the 1st year batch of students (freshers) every fortnight during the first three months of the academic year to verify and cross-check whether the campus is indeed free of ragging or not. The institution may design its own methodology of conducting such surveys.
- 6.5.10 The burden of proof shall lie on the perpetrator of ragging and not on the victim.
- 6.5.11 The institution shall file an FIR with the police / local authorities whenever a case of ragging is reported, but continue with its own enquiry and other measures without waiting for action on the part of the police/ local authorities. Remedial action shall be initiated and completed within the one week of the incident itself.
- 6.5.12 The Migration/Transfer Certificate issued to the student by the Medical College/Institution /University shall have an entry, apart from those relating to general conduct and behaviour, whether the student has been punished for the offence of committing or abetting ragging, or not, as also whether the student has displayed persistent violent or aggressive behaviour or any inclination to harm others.
- 6.5.13 Preventing or acting against ragging shall be the collective responsibility of all levels and sections of authorities or functionaries in the Medical College/Institution /University, including faculty, and not merely that of the specific body/ committee constituted for prevention of ragging.
- 6.5.14 As such the college canteens and hostel messes are also places where ragging often takes place, hence the employers/employees of the canteens/mess shall be given necessary instructions to keep

strict vigil and to report the incidents of ragging to the college authorities, if any.

Further access to mobile phones and public phones shall be unrestricted in hostels and campuses. except in class-rooms, seminar halls, library etc. where jammers shall be installed to restrict the use of mobile phones.

6.6 Measures for encouraging healthy interaction between freshers and seniors:-

- 6.6.1 The Medical College/Institution /University shall set up appropriate committees including the course-in-charge, student advisor, Warden and some senior students to actively monitor, promote and regulate healthy interaction between the freshers and senior students.
- 6.6.2 Freshers' welcome parties shall be organized in each department by the senior students and the faculty together soon after admissions, preferably within the first two weeks of the beginning of the academic session, for proper introduction to one another and where the talents of the freshers are brought out properly in the presence of the faculty, thus helping them to shed their inferiority complex, if any, and remove their inhibitions.
- 6.6.3 The Medical College/Institution /University shall enhance the student-faculty interaction by involving the students in all matters of the institution, except those relating to the actual processes of evaluation and of faculty appointments, so that the students shall feel that they are responsible partners in managing the affairs of the institution and consequently the credit due to the institution for good work/ performance is due to them as well.

7. Regulatory Measures

The inspecting/visiting committees of MCI shall cross verify that the medical college/institution has strictly complied with the anti ragging measures and has a blemishless record in terms of there being no incident of ragging during the impending period (i.e. from earlier inspection) or otherwise.

8. Awardable Punishments.

8.1 At the Medical College/Institution level:

Depending upon the nature and gravity of the offence as established by the Anti-Ragging Committee of the institution, the possible punishments for those found guilty of ragging at the

institution level shall be any one or any combination of the following:

- 8.1.1 Suspension from attending classes and academic privileges.
- 8.1.2 Withholding/withdrawing scholarship/ fellowship and other benefits
- 8.1.3 Debarring from appearing in any test/ examination or other evaluation Process.
- 8.1.4 Withholding results
- 8.1.5 Debarring from representing the institution in any regional, national or international meet, tournament, youth festival, etc.
- 8.1.6 Suspension/ expulsion from the hostel
- 8.1.7 Cancellation of admission.
- 8.1.8 Rustication from the institution for period ranging from 1 to 4 semesters
- 8.1.9 Expulsion from the institution and consequent debarring from admission to any other institution for a specific period.
- 8.1.10 Fine of Rs. 25,000/- and Rs. 1 lakh.
- 8.1.11 Collective punishment: When the persons committing or abetting the crime of ragging are not identified, the institution shall resort to collective punishment.

8.2 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.

The authorities of the institution particularly the Head of the institution, shall be responsible to ensure that no incident of ragging takes place in the institution. In case any incident of ragging takes place, the Head shall take prompt and appropriate action against the person (s) whose dereliction of duty lead to the incident. The authority designated to appoint the Head shall, in its turn, take prompt and appropriate action against the Head.

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.

8.3 At the MCI level

- 8.3.1 Impose an exemplary fine of Rs. 1 lakh for each incident of ragging payable by erring medical college/institution to such authority as may be designated by the appropriate Govt., as the case may be.
- 8.3.2 Declare the erring Medical College /Institution/ University as not

having the minimum academic standards and warning the potential candidates for admission at such institution through public notice and posing on the MCI website.

- 8.3.3 Declare the erring Medical College /Institution/ University to be ineligible for preferring any application u/s 10A of the Indian Medical Council Act, 1956 for a minimum period of one year, extendable by such quantum by the Council as would be commensurate with the wrong.

(Lt. Col. (Retd.) Dr. A.R.N. Setalvad)
SECRETARY

FRIENDSHIP

We have Genuine Friendship
when it is based on true human
feeling, A feeling of closeness
in which there is a sense of sharing and
connectedness. I would call this type of
friendship genuine because it is not
affected by the increase or decrease of
the individual's wealth, status, or power.
The factor that sustains that friendship
is whether or not the two people will
have mutual feelings of love and affection.
Genuine human friendship is on the basis of
human affection, irrespective of your
position. Therefore, the more you show
concern about the welfare and rights
of others, the more you are a genuine
friends. The more you remain open
and sincere, then ultimately more benefits
will come to you. If you forget or
do not bother about others,
then eventually you will lose
your own benefit.

H.H. The 14th Dalai Lama



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, बुधवार, 11 सितम्बर, 2009/20 माघपद, 1931

हिमाचल प्रदेश सरकार

विधि विभाग

अधिसूचना

शिमला-2, 11 सितम्बर, 2009

संख्या एल0एल0आर0-डी0(8)-11/2008-लेज-हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 200 के अधीन प्रवृत्त शक्तियों का प्रयोग करते हुए दिनांक 10-09-2009 को अनुमोदित हिमाचल प्रदेश शैक्षणिक संस्था (रिगिंग का प्रतिरोध) विधेयक, 2009 (2009 का विधेयक संख्यांक 10) को वर्ष 2009 के अधिनियम संख्यांक 12 के रूप में संविधान के अनुच्छेद 348 (3) के अधीन उसके अंग्रेजी प्राधिकृत पाठ सहित हिमाचल प्रदेश राजपत्र (असाधारण) में प्रकाशित करते हैं।

आदेश द्वारा,
अवतार चन्द झोगरा,
सचिव।

122-राजपत्र/2009-11-9-2009

(3657)

हिमाचल प्रदेश शैक्षणिक संस्था (रैगिंग का प्रतिषेध) अधिनियम, 2009

धाराओं का क्रम

धारा :

1. संक्षिप्त नाम और प्रारम्भ ।
2. परिभाषाएं ।
3. रैगिंग का प्रतिषेध ।
4. कतिपय व्यक्तियों के रैगिंग की घटनाओं की जांच पड़ताल करने और रिपोर्ट करने के कर्तव्य ।
5. धारा 3 के अधीन अपराधों का दुरुप्रेरण ।
6. अपराधों का संज्ञेय, अजमानतीय और शमनीय होना ।
7. छात्र का निष्कासन ।
8. छात्र का निलम्बन ।
9. राज्य सरकार की निदेश देने की शक्ति ।
10. उपबन्धों का कतिपय विधियों के अल्पीकरण में न होना ।
11. नियम बनाने की शक्ति ।
12. निधनों और आदेशों का रखा जाना ।
13. 2009 के अध्यादेश संख्यांक 1 का निरसन और व्यावृत्तियां ।

2009 का अधिनियम संख्यांक 12

हिमाचल प्रदेश शैक्षणिक संस्था (रैगिंग का प्रतिषेध) अधिनियम, 2009

(राज्यपाल महोदय द्वारा तारीख 10 सितम्बर, 2009 को यथावतानुमोदित)

हिमाचल प्रदेश राज्य में शैक्षणिक संस्थाओं में रैगिंग के बुरे व्यवहार का निवारण करने तथा उससे सम्बन्धित या उसके आनुवंशिक विषयों का उपबन्ध करने के लिए अधिनियम ।

भारत गणराज्य के साठवें वर्ष में हिमाचल प्रदेश विधान सभा द्वारा निम्नलिखित रूप में यह अधिनियमित हो :—

1. संक्षिप्त नाम और प्रारम्भ.—(1) इस अधिनियम का संक्षिप्त नाम हिमाचल प्रदेश शैक्षणिक संस्था (रैगिंग का प्रतिषेध) अधिनियम, 2009 है ।

(2) यह 25 मार्च, 2009 को प्रवृत्त हुआ समझा जाएगा ।

2. परिभाषाएं.—इस अधिनियम में, जब तक कि सन्दर्भ से अन्यथा अपेक्षित न हो,—

(क) "शैक्षणिक संस्था" से कोई भी विश्वविद्यालय, विश्वविद्यालय से सहबद्ध या इस द्वारा अनुरक्षित कोई महाविद्यालय, माध्यमिक शिक्षा देने वाला कोई विद्यालय, तकनीकी शिक्षा देने वाला कोई विद्यालय, पॉलिटेक्निक या संस्था अभिप्रेत है और इसके अन्तर्गत ऐसी अन्य संस्थाएं भी हैं, जो राज्य सरकार द्वारा राजपत्र में अधिसूचित की जाएं;

(ख) "प्रमारी अधिकारी" से ऐसा व्यक्ति अभिप्रेत है और इसके अन्तर्गत ऐसा व्यक्ति है जिसे महाविद्यालय का प्रधानाचार्य, छात्रावास का प्रमुख (हेड), संकायाध्यक्ष, अध्यापन विभाग या संस्था का प्रमुख (हेड), महाविद्यालय का प्राधिकारी (अर्थोरेटी), छात्रावास या केन्टीन का वार्डन अथवा प्रबन्धक (चाहे किसी भी नाम से पुकारा जाए), छात्र कल्याण अधिकारी या महाविद्यालय और

विश्वविद्यालय के पुस्तकालय का पुस्तकालयाध्यक्ष, शैक्षणिक संस्था का प्रधानाचार्य, मुख्याध्यापक, वार्डन, प्रबन्धक या अध्यापक नियुक्त किया गया है; और

- (ग) "रैगिंग" से ऐसा कोई कार्य, आचरण या व्यवहार अभिप्रेत है जिसके द्वारा वरिष्ठ छात्रों, पूर्व छात्रों या बाहरी व्यक्तियों की प्रभुतापूर्ण शक्ति को, नष्ट भर्ती (प्रविष्ट) किए गए छात्रों या उन छात्रों पर, जिन्हें अन्य छात्रों द्वारा किसी प्रकार से कनिष्ठ समझा जाता है, उपस्थापित किया जाए और इसके अन्तर्गत ऐसे वैयक्तिक या सामूहिक कार्य या व्यवहार हैं,—
- (i) जिनमें शारीरिक या मनोवैज्ञानिक हमला या धमकी अथवा बल का प्रयोग या अनुचित परिशेष अथवा रोक (रोध) अन्तर्लित हो; या
 - (ii) जो ऐसे छात्रों की प्रास्थिति, गरिमा और सम्मान का अतिक्रमण करते हों; या
 - (iii) जिनसे छात्रों का उपहास और तिरस्कार हो तथा जिनसे उनका स्वामिमान प्रभावित होता हो; या
 - (iv) जिनमें भौतिक गाली और छेड़छाड़ (अग्रेशन), अशिष्ट इशारे और अश्लील व्यवहार का समावेश हो ।

3. रैगिंग का प्रतिषेध.—(1) कोई भी व्यक्ति, किसी भी शैक्षणिक संस्था के परिसर के भीतर या इसके बाहर, किसी भी रूप में रैगिंग नहीं करेगा ।

(2) कोई भी व्यक्ति जो उपधारा (1) के उपबन्धों का उल्लंघन करता है, दोषसिद्धि पर, कारावास से, जिसकी अवधि तीन वर्ष तक की हो सकेगी या जुर्माने से, जो पचास हजार रुपये तक का हो सकेगा, या दोनों से, दण्डित किया जाएगा ।

4. कतिपय व्यक्तियों के रैगिंग की घटनाओं की जांच पड़ताल करने और रिपोर्ट करने के कर्तव्य.—(1) तत्समय प्रवृत्त किसी विधि में या किसी संविदा में किसी बात के होते हुए भी, प्रत्येक व्यक्ति, जो किसी शैक्षणिक संस्था का प्रभारी अधिकारी है या जो, उसमें अनुशासन बनाए रखने के सम्बन्ध में उसे सौंपे गए किसी भी कार्य को करने हेतु शैक्षणिक संस्था की सेवा में है या उसका वेतन भोगी है या उससे पारिश्रमिक पाता है, रैगिंग की किसी भी घटना के होने पर तुरन्त कार्रवाई करने और विश्वविद्यालय की दशा में कुलपति या उस द्वारा प्राधिकृत किसी भी अधिकारी को या विश्वविद्यालय से भिन्ना संस्था की दशा में शैक्षणिक संस्था के प्रमुख (हेड) को उनकी पहचान, जो रैगिंग में लगे हों और घटना की प्रकृति की रिपोर्ट करने के लिए आबद्ध होगा ।

- (2) रैगिंग की प्रत्येक घटना में, जहां पीड़ित या उसके माता-पिता या संरक्षक या शैक्षणिक संस्था का प्रमुख (हेड), कार्रवाई के लिए संस्था की व्यवस्था से सन्तुष्ट नहीं होता है, वहां संस्थागत प्राधिकारियों (अर्थॉरिटीज) द्वारा स्थानीय पुलिस प्राधिकारियों के पास बिना अपवाद के, प्रथम सूचना रिपोर्ट दाखिल की जाएगी ।
- (3) संस्थागत प्राधिकारी (अर्थॉरिटी) द्वारा स्थानीय पुलिस के पास प्रथम सूचना रिपोर्ट दायर करने में विफलता या असावधानी या विमर्शित (जानबूझकर) विलम्ब को, संस्थागत प्राधिकारी (अर्थॉरिटी) द्वारा सदोष असावधानी समझा जाएगा ।
- (4) यदि कोई पीड़ित या उसके माता-पिता या संरक्षक, पुलिस के पास सीधे प्रथम सूचना रिपोर्ट दाखिल करना चाहता है, तो इससे संस्थागत प्राधिकारी (अर्थॉरिटी) प्रथम सूचना रिपोर्ट दाखिल करने की अपेक्षा से मुक्त नहीं होगा ।

(5) कोई भी व्यक्ति, जो उपधारा (1) या उपधारा (2) या उपधारा (3) के उपबन्धों का उल्लंघन करता है, दोषसिद्धि पर, कारावास से, जिसकी अवधि एक वर्ष तक की हो सकेगी, या जुर्माने से, जो दस हजार रुपए तक का हो सकेगा या दोनों से, दण्डित किया जाएगा।

5. धारा 3 के अधीन अपराधों का दुष्परण.—जो कोई भी शैक्षणिक संस्था का प्रमुख (हेड) या शैक्षणिक संस्था में उचित अनुशासन बनाए रखने के लिए, सीधे तौर पर या मुख्यतः, पर्यवेक्षण का प्रमारी अधिकारी होने के नाते, जानबूझकर जांच-पड़ताल नहीं करता है और रिपोर्ट नहीं करता है या धारा 3 के अधीन अपराध करने में मौनानुमति देता है या दुष्प्रेरित करता है, दोषसिद्धि पर कारावास से, जिसकी अवधि दो वर्ष तक की हो सकेगी, या जुर्माने से, जो पच्चीस हजार रुपए तक का हो सकेगा या दोनों से, दण्डित किया जाएगा।

6. अपराधों का संज्ञेय, अजमानतीय और शमनीय होना.—इस अधिनियम के अधीन प्रत्येक अपराध संज्ञेय, अजमानतीय और न्यायालय की अनुमति से शमनीय होगा।

7. छात्र का निष्कासन.—(1) इस अधिनियम के अधीन किसी भी अपराध के लिए सिद्धदोष छात्र को शैक्षणिक संस्था से निष्कासित कर दिया जाएगा।

(2) उपधारा (1) के अधीन निष्कासित या रैगिंग के कारण अन्यथा निष्कासित छात्र को, ऐसे निष्कासन के आदेश की तारीख से तीन वर्ष की अवधि तक, किसी भी अन्य शैक्षणिक संस्था में प्रवेश नहीं दिया जाएगा।

8. छात्र का निलम्बन.—(1) जब कभी कोई भी छात्र या, यथास्थिति, माता-पिता या संरक्षक या किसी शैक्षणिक संस्था का अध्यापक या प्रमारी अधिकारी, लिखित में रैगिंग की शिकायत (परिचय) शैक्षणिक संस्था के प्रमुख (हेड) को करता है, तो उस शैक्षणिक संस्था का प्रमुख (हेड), पूर्वगामी उपबन्धों पर प्रतिकूल प्रभाव खाले बिना, शिकायत प्राप्त होने के चौबीस घण्टों के भीतर इसकी जांच करेगा और यदि प्रथमदृष्ट्या यह सही पाई जाती है, तो दोषी पाए गए छात्र को निलम्बित करेगा।

(2) जहां शैक्षणिक संस्था के प्रमुख (हेड) द्वारा जांच किए जाने पर यह साबित हो जाता है कि उपधारा (1) के अधीन प्राप्त शिकायत में प्रथमदृष्ट्या कोई सार नहीं है, तो वह तथ्य को लिखित में शिकायतकर्ता को सूचित करेगा।

9. राज्य सरकार की निदेश देने की शक्ति.—राज्य सरकार लोक हित में, लिखित में आदेश द्वारा, उसमें अभिलिखित कारणों से शैक्षणिक संस्थाओं को ऐसी संस्था द्वारा अनुसरण किए जाने वाले साधारण अनुदेश दे सकेगी और ऐसे अनुदेश के अन्तर्गत, हिमाचल प्रदेश विश्वविद्यालय अधिनियम, 1970 (1970 का 17) और हिमाचल प्रदेश कृषि औद्योगिकी एवं वानिकी विश्वविद्यालय अधिनियम, 1988 (1987 का 4), जेपी सूचना प्रौद्योगिकी विश्वविद्यालय अधिनियम, 2002 (2002 का 14), चिटकारा विश्वविद्यालय (स्थापना और विनियमन) अधिनियम, 2008 (2009 का 2), राज्य में प्राइवेट और पब्लिक सेक्टर में विधि द्वारा स्थापित किसी भी विश्वविद्यालय, हिमाचल प्रदेश स्कूल शिक्षा बोर्ड अधिनियम, 1988 (1988 का 14), हिमाचल प्रदेश तकनीकी शिक्षा बोर्ड अधिनियम, 1986 (1986 का 14), सोसाइटी रजिस्ट्रीकरण अधिनियम, 1860 (1980 का 21) और हिमाचल प्रदेश सोसाइटी रजिस्ट्रीकरण अधिनियम, 2006 (2006 का 25) में किसी बात के होते हुए भी, रैगिंग के प्रतिषेध और उससे लिए दण्ड से सम्बन्धित अध्यादेश, परिनियम, विनियम, नियम, उप विधियां बनाने और उनमें संशोधन, ऐसे प्राकृत्य में और ऐसी अवधि के भीतर जैसी ऐसे आदेश में विनिर्दिष्ट की जाए, करने के निदेश भी हैं।

10. उपबन्धों का कतिपय विधियों के अन्वीकरण में न होना.—इस अधिनियम के उपबन्ध, भारतीय दण्ड संहिता, 1860 (1860 का 46), दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) और हिमाचल प्रदेश विश्वविद्यालय अधिनियम, 1970 (1970 का 17), हिमाचल प्रदेश कृषि औद्योगिकी एवं वानिकी विश्वविद्यालय अधिनियम, 1988 (1987 का 4), जेपी सूचना प्रौद्योगिकी विश्वविद्यालय अधिनियम, 2002 (2002 का 14), चिटकारा विश्वविद्यालय (स्थापना और विनियमन) अधिनियम, 2008 (2009 का 2), ईटरनल

विश्वविद्यालय (स्थापना और विनियमन) अधिनियम, 2008 (2009 का 3), राज्य में प्राइवेट और पब्लिक सेक्टर में शिक्षा द्वारा स्थापित किसी भी विश्वविद्यालय, हिमाचल प्रदेश स्कूल शिक्षा बोर्ड अधिनियम, 1988 (1988 का 14), हिमाचल प्रदेश तकनीकी शिक्षा बोर्ड अधिनियम, 1988 (1988 का 14), सोसाइटी रजिस्ट्रीकरण अधिनियम, 1860 (1860 का 21) और हिमाचल प्रदेश सोसाइटी रजिस्ट्रीकरण अधिनियम, 2008 (2006 का 25) के अधीन विरहित परिणियों के अल्पीकरण में नहीं, अपितु उनके अतिरिक्त होंगे।

11. नियम बनाने की शक्ति.—राज्य सरकार, इस अधिनियम के प्रयोजनों को कार्यान्वित करने के लिए राजपत्र में प्रकाशित अधिसूचना द्वारा नियम बना सकेगी।

12. नियमों और आदेशों का रखा जाना.—धारा 9 के अधीन जारी किया गया प्रत्येक आदेश और धारा 11 के अधीन बनाए गए नियम, जारी किए जाने या बनाए जाने के पश्चात्, यथाशीघ्र विधान सभा के सम्मक्ष, जब वह सत्र में हो, खुल मिलाकर दस दिन से अन्वृत अवधि के लिए रखा जाएगा। यह अवधि एक सत्र में अथवा दो या अधिक आनुक्रमिक सत्रों में पूरी हो सकेगी। यदि उस सत्र के जिसमें यह इस प्रकार रखा जाता है या पूर्वोक्त सत्रों के अवनान से पूर्व वधान सभा, यथास्थिति, उस नियम या आदेश में कोई परिवर्तन करती है या यह विनिश्चय करती है कि नियम या आदेश नहीं बनाया जाना चाहिए तो, यथास्थिति, नियम या आदेश तत्पश्चात् ऐसे परिवर्तित रूप में ही प्रभावी होगा या निष्प्रभाव हो जाएगा। किन्तु, यथास्थिति, नियम या आदेश के ऐसे परिवर्तित या निष्प्रभाव होने से उसके अधीन पहले की गई किसी बात की विधिमान्यता पर प्रतिकूल प्रभाव नहीं पड़ेगा।

13. 2008 के अध्यादेश संख्यांक 1 का निरसन और व्यावृत्तियां.—(1) हिमाचल प्रदेश शैक्षणिक संस्था (रैगिंग का प्रतिषेध) 2009 का एतद्वारा निरसन किया जाता है।

(2) ऐसे निरसन के होते हुए भी इस प्रकार निरसित अध्यादेश के अधीन की गई कोई कार्रवाई या बात इस अधिनियम के तत्स्थानी उपबन्धों के अधीन की गई समझी जाएगी।

AUTHORITATIVE ENGLISH TEXT

THE HIMACHAL PRADESH EDUCATIONAL INSTITUTIONS (PROHIBITION OF RAGGING) ACT, 2009

ARRANGEMENT OF SECTIONS

Sections :

1. Short title and commencement.
2. Definitions.
3. Prohibition of Ragging.
4. Duties of certain persons to check and report incidents of ragging.
5. Abetment of offences under section 3.
6. Offences to be cognizable, non-bailable and compoundable.
7. Expulsion of student.

8. Suspension of student.
9. Power of the State Government to give directions.
10. Provisions not to be derogatory to certain laws.
11. Power to make rules.
12. Laying of rules and orders.
13. Repeal of Ordinance No. 1 of 2009 and savings.

Act No. 12 of 2009

THE HIMACHAL PRADESH EDUCATIONAL INSTITUTIONS (PROHIBITION OF RAGGING) ACT, 2009

(AS ASSSENTED TO BY THE GOVERNOR ON 10TH SEPTEMBER, 2009)

AN

ACT

to provide for prevention of the evil practice of ragging in educational institutions in the State of Himachal Pradesh and for matters connected therewith or incidental thereto.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Sixtieth Year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Himachal Pradesh Educational Institutions (Prohibition of Ragging) Act, 2009.

(2) It shall be deemed to have come into force on 25th day of March, 2009.

2. Definitions.—In this Act, unless the context otherwise requires,—

- (a) “educational institution” means any University, any College affiliated to or maintained by the University, any school imparting secondary education, any school, Polytechnic or institution imparting technical education and includes such other institutions as may be notified by the State Government in the Official Gazette;
- (b) “Officer-in-Charge” means and includes person appointed as the Principal of College, Head of Hostel, Dean of Faculty, Head of Teaching Department or the institution, the authority of the College, Warden or Manager (by whatever name called) of Hostel or canteen, the Student Welfare Officer or the Librarian of the College and University Library, Principal, Headmaster, Warden, Manager or teacher of the educational institution; and
- (c) “ragging” means any act, conduct or practice by which dominant power of senior students, former students or outsiders, is brought to bear on students freshly enrolled or

students who are in any way considered junior by other students and includes individual or collective acts or practices which—

- (i) involve physical or psychological assault or threat or use of force or wrongful confinement or restraint; or
- (ii) violate the status, dignity and honour of such students; or
- (iii) expose students to ridicule and contempt and affect their self-esteem; or
- (iv) entail verbal abuse and aggression, indecent gestures and obscene behaviour.

3. Prohibition of ragging.—(1) No person shall practise ragging in any form, within or outside the premises of an educational institution.

(2) Any person who contravenes the provisions of sub-section (1), shall, on conviction, be punished with imprisonment for a term which may extend to three years or with fine which may extend to fifty thousand rupees or with both.

4. Duties of certain persons to check and report incidents of ragging.—(1)

Notwithstanding anything contained in any law for the time being in force or in any contract, every person who is the Officer-in-Charge of the educational institution or who is in the service or pay of or remunerated by the educational institution to do any work assigned to him in connection with the maintenance of discipline therein, shall be bound to take immediate action on the occurrence of any incident of ragging and to make report to the Vice-Chancellor or to any other officer authorised by him, in case of the University, or the Head of the educational institution, in case of the institution other than the University, the identity of those who have engaged in ragging and the nature of the incident.

(2) Every single incident of ragging where the victim or his parents or guardian or the Head of educational institution is not satisfied with the institutional arrangement for action, a First Information Report shall be lodged without exception by the institutional authorities with the local police authorities.

(3) Any failure on the part of the institutional authority or negligence or deliberate delay in lodging the First Information Report with the local police, shall be construed to be an act of culpable negligence on the part of the institutional authority.

(4) If any victim or his parent or guardian intends to lodge First Information Report directly with the police that shall not absolve the institutional authority from the requirement of lodging the First Information Report.

(5) Any person who contravenes the provisions of sub-section (1) or sub-section (2) or sub-section (3), shall, on conviction, be punished with imprisonment for a term which may extend to one year or with fine which may extend to ten thousand rupees, or with both.

5. Abetment of offences under section 3.—Whoever being a Head of educational institution or an officer, directly or primarily in-charge of supervision for the proper maintenance of discipline in the educational institution, knowingly omits to check and report or connives or abets the commission of the offence under section 3, shall, on conviction, be punished with imprisonment for a term which may extend to two years or with fine which may extend to twenty five thousand rupees, or with both.

6. Offences to be cognizable, non-bailable and compoundable.—Every offence under this Act shall be cognizable, non-bailable and compoundable with the permission of the court.

7. Expulsion of student.—(1) Any student convicted of an offence under this Act shall be expelled from the educational institution.

(2) Student expelled under sub-section (1) or expelled otherwise on account of ragging shall not be admitted in any other educational institution for a period of three years from the date of order of such expulsion.

8. Suspension of student.—(1) Whenever any student or, as the case may be, the parents or guardian or a teacher of an educational institution or an Officer-in-Charge makes a complaint, in writing, of ragging to the head of the educational institution, the head of that educational institution shall, without prejudice to the foregoing provisions, within twenty four hours of the receipt of the complaint, enquire into it and, if, prima facie, it is found true, suspend the student found guilty.

(2) Where, on enquiry by the head of the educational institution, it is proved that prima facie there is no substance in the complaint received under sub-section (1), he shall intimate the fact, in writing, to the complainant.

9. Power of the State Government to give directions.—The State Government may, in public interest, by order in writing for reasons to be recorded therein, give to the educational institutions general instructions to be followed by such institutions and such instructions may, notwithstanding anything contained in the Himachal Pradesh University Act, 1970 (17 of 1970) and the Himachal Pradesh Universities of Agriculture, Horticulture and Forestry Act, 1986 (4 of 1987), the Jaypee University of Information Technology Act, 2002 (14 of 2002), the Chitkara University (Establishment and Regulation) Act, 2008 (2 of 2009), the Eternal University (Establishment and Regulation) Act, 2008 (3 of 2009), any University established by Law in the State in private and public sector, the Himachal Pradesh Board of School Education Act, 1968 (14 of 1968), the Himachal Pradesh Board of Technical Education Act, 1986 (14 of 1986), the Societies Registration Act, 1860 (21 of 1860) and the Himachal Pradesh Societies Registration Act, 2006 (25 of 2006), include directions to make or amend any ordinances, statutes, regulations, rules, bye-laws relating to the prohibition of and the punishment for ragging, in such form and within such period as may be specified in such order.

10. Provisions not to be derogatory to certain laws.—The provisions of this Act shall be in addition to and not in derogation of the Indian Penal Code, 1860 (45 of 1860), the Code of Criminal Procedure, 1973 (2 of 1974), and the statutes framed under the Himachal Pradesh University Act, 1970 (17 of 1970), the Himachal Pradesh Universities of Agriculture, Horticulture and Forestry Act, 1986 (4 of 1987), the Jaypee University of Information Technology Act, 2002 (14 of 2002), the Chitkara University (Establishment and Regulation) Act, 2008 (2 of 2009), the Eternal University (Establishment and Regulation) Act, 2008 (3 of 2009), any University established by Law in the State in private and public sector, the Himachal Pradesh Board of School Education Act, 1968 (14 of 1968), the Himachal Pradesh Board of Technical Education Act, 1986 (14 of 1986), the Societies Registration Act, 1860 (21 of 1860) and the Himachal Pradesh Societies Registration Act, 2006 (25 of 2006).

11. Power to make rules.—The State Government may, by notification published in the Official Gazette, make rules for carrying out the purposes of this Act.

12. Laying of rules and orders.—Every order issued under section 9 and rules made under section 11 shall be laid, as soon as may be after it is issued or made, before the Legislative Assembly while it is in session for a total period of not less than ten days which may be comprised

in one session or in two or more successive sessions, and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rule, or as the case may be, in the order, or decides that the rule or the order, as the case may be, should not be issued or made, the rule or as the case may be, the order, shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or as the case may be, under that order.

13. Repeal of Ordinance No. 1 of 2009 and savings.—(1) The Himachal Pradesh Educational Institutions (Prohibitions of Ragging) Ordinance, 2009 is hereby repealed.

(2) Notwithstanding such repeal any action taken or anything done under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act.

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