

THE ANDHRA PRADESH PROHIBITION OF RAGGING ACT, 1997

Received the of the Governor on the 19th August, 1997, published on the 21st August, 1997 in the Andhra Pradesh Gazette Part IV B (Ext.)

Act No.26 of 1997

An Act to Prohibit Ragging in Educational Institutions in the State of Andhra Pradesh.

Be it enacted by the Legislative Assembly of the State of Andhra Pradesh in the Forty-eight Year of the Republic of India, as follows:—

1. Short title extent and Commencement :—(1) This Act may be called the, Andhra Pradesh Prohibition of Ragging Act, 1997.

(2) It extends to the whole of the State of Andhra Pradesh.

(3) It shall be deemed to have come into force with effect from 4th July, 1997.

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

- (a) “*act*” includes words either spoken or written or signs or sounds or gestures or visible representations;
- (b) “*Educational Institution*” means and includes a college, or other institution by whatever name called, carrying on the activity or imparting education therein (either exclusively or among other activities); and includes an orphanage or boarding home or hostel or a tutorial institution or any other premises attached thereto;
- (c) “*government*” means the State Government of Andhra Pradesh;
- (d) “*ragging*” means doing an act which causes or is likely to cause insult or annoyance or fear or apprehension or threat or intimidation or outrage of modesty or injury to a student;

- (f) "student" means person who is admitted to an educational institution and whose name is lawfully borne on the attendance register thereof;
- (g) All words and expressions use but not defined in this Act shall have the meanings assigned to them under the Andhra Pradesh Education Act, 1982 (A.P. Act 1 of 1982) or the Indian Penal Code, 1860 (Central Act 45 of 1860) respectively.

3. Prohibition of Ragging :—Ragging within or outside any educational institution is prohibited.

NOTES

Curbing the menace of ragging -- Guidelines issued by Supreme Court :—In *Vishwa Jagriti Mission vs. Central Government*¹, the Supreme Court, dealt with a Public Interest Litigation about the ragging of fresh students in education institutions. The court in exercise of the jurisdiction conferred by Article 32 and Article 142 of the Constitution, issued under of guidelines, which are listed as under.

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 fell ragging cannot be cured merely by making it a cognizable criminal offence. Moreover, we fel 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 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 the 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 emphasising the same.

Broadly speaking, ragging is:

Any disorderly conduct whether by words spoken or written or by an act which has the effect of teasing, treating or handling with

1. (2001) 6 SCC 577 & 581.

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 anyone 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 prospects, the form for admission and/or any other literature issued to the aspirants for admission must clearly mention that ragging is banned in the institution and anyone 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) withholding results, and (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/enrolment shall have a printed undertaking to be filled up as designed 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 address 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 to their knowledge and shall be promptly dealt with while protecting the complainants from any harassment by the 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:

- (i) to keep a continuous watch and vigil over ragging so as to prevent its occurrence and recurrence;
- (ii) to promptly deal with the incidents of ragging brought to its notice and summarily punish the guilty either by itself or by putting forth its findings/recommendations/suggestions before the authority competent to take decision.

All vulnerable locations shall be identified and especially watched.

The local community and the students in particular must be made aware of the dehumanising effect of ragging inherent in its perversity. Posters, notice boards and signboards -- 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/Superintendents.

The hostels/accommodations where freshers are accommodated shall be carefully guarded, if necessary by posting security personnel, and placed in charge of a Warden/Superintendent who should himself/herself reside there at, and wherein the entry of seniors and outsiders shall be prohibited after a specified hour of the night and before except under the permission 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 restored to act as a deterrent punishment and to ensure collective pressure on the potential raggings.

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, UGC/funding agency may consider stoppage of financial assistance to such an institution till such time as it achieves the same. A university may consider disaffiliating a college or institution failing to curb ragging.

The Universities and the institutions shall, at a reasonable time before the commencement of an academic year, and thereafter 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.

The Supreme Court made 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 ragging. If there are local laws governing ragging they shall be implemented. 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 the person in charge. The Court expected the police also to deal 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.

4. Penalty for Ragging :—Whoever, with the intention of causing ragging or with the knowledge that he is likely by such act to cause ragging, commits or abets ragging and thereby—

- (i) teases or embarrasses or humiliates a student shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both; or
- (ii) assaults or uses criminal force to criminally intimidates a student shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to two thousand rupees or with both; or
- (iii) wrongfully restrains or wrongfully confines or causes hurt to a student shall be punished with imprisonment for a term which may extend to two years or with fine which may extend to five thousand rupees or with both; or
- (iv) causes grievous hurt to or kidnaps or abducts or rapes or commits unnatural offence with a student shall be punished with imprisonment for a term which may extend to five years and with fine which may extend to ten thousand rupees; or
- (v) causes death or abets suicide shall be punished with imprisonment for life or with imprisonment for a term which may extend to ten years and with a fine which may extend to fifty thousand rupees.

5. Dismissal of student :—(1) A student convicted of an offence under Section 4 and punished with imprisonment for a term shall be dismissed from the educational institution.

(2) A student convicted of an offence under Section 4 and punished with imprisonment for a term of more than six months shall not be admitted in any other educational institution.

6. Suspension of student :—(1) Without prejudice to the foregoing provisions, whenever any student complains of ragging to the head or manager of an educational institution, such head or manager shall inquire into or cause an inquiry to be made into the same forthwith and if the complaint is prima facie found true, shall suspend the student or students complained against for such period as may be deemed necessary.

(2) The decision of the head or manager of the educational institution under sub-section (1) shall be final.

7. Abetment :—(1) If the head or the manager of an educational institution fails or neglects to take action in the manner specified in sub-section (1) of Section 6, such person shall be deemed to have abetted the offence and shall be punished with the punishment provided for the offence.

(2) If a student commits suicide due to or in consequence of ragging, the person who commits such ragging shall be deemed to have abetted such suicide.

8. Other laws not affected :—The provisions of this Act shall be in addition to and not derogatory of any law for the time being in force.

9. Power to make rules :—(1) The Government may by notification, make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall immediately after it is made, be laid before the Legislative Assembly of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiration of the session in which it is so laid or the session immediately following the Legislative Assembly agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

10. Repeal of Ordinance 12 of 1997 :—The Andhra Pradesh Prohibition of Ordinance Ragging, 1997 is hereby repealed.