

IN THE HIGH COURT OF KERALA AT ERNAKULAM
PRESENT
THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR
&
THE HONOURABLE MR.JUSTICE C. JAYACHANDRAN

Wednesday, the 5th day of March 2025 / 14th Phalguna, 1946
WP(C) NO. 8600 OF 2025(S)

PETITIONER:

KERALA STATE LEGAL SERVICES AUTHORITY(KELSA),
REPRESENTED BY ITS MEMBER SECRETARY, DR. MOHIT C.S.,
AGED 54 YEARS, S/O LATE SRI.K.CHAKRAPANI, NIYAMA
SAHAYA BHAVAN, HIGH COURT CAMPUS, ERNAKULAM, PIN -
682031

RESPONDENTS:

1. GOVERNMENT OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001
2. DEPARTMENT OF HIGHER EDUCATION, REPRESENTED BY ITS PRINCIPAL SECRETARY, GOVERNMENT OF KERALA, JAGATHI, THIRUVANANTHAPURAM. , PIN - 695033
3. DEPARTMENT OF WOMEN AND CHILD, REPRESENTED BY ITS PRINCIPAL SECRETARY, GOVERNMENT OF KERALA, DIRECTORATE OF WOMEN AND CHILD DEVELOPMENT, POOJAPPURA, THIRUVANANTHAPURAM , PIN - 695012
4. DEPARTMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES DEVELOPMENT, REPRESENTED BY ITS PRINCIPAL SECRETARY, GOVERNMENT OF KERALA, VIKAS BHAVAN, THIRUVANANTHAPURAM , PIN - 695033
5. DIRECTORATE OF MEDICAL EDUCATION, REPRESENTED BY ITS DIRECTOR, MEDICAL COLLEGE P.O, AAKULAM, THIRUVANANTHAPURAM, PIN - 695011
6. OFFICE OF THE DIRECTOR GENERAL OF EDUCATION, REPRESENTED BY THE DIRECTOR GENERAL OF EDUCATION, GOVERNMENT OF KERALA, THIRUVANANTHAPURAM , PIN - 695014
7. ALL INDIA COUNCIL FOR TECHNICAL EDUCATION, REPRESENTED BY ITS CHAIRMAN, NELSON MANDELA MARG, VASANT KUNJ, NEW DELHI, PIN - 110067
8. DIRECTOR GENERAL OF POLICE/STATE POLICE CHIEF, STATE POLICE HEADQUARTERS, VELLAYAMBALAM, THIRUVANANTHAPURAM, PIN - 695010

9. BAR COUNCIL OF KERALA, REPRESENTED BY ITS SECRETARY,
CAMPUS ERNAKULAM, BAR COUNCIL BHAVAN, HIGH COURT RD,
KOCHI, KERALA , PIN - 682031

10. KERALA STATE COMMISSION FOR PROTECTION OF CHILD
RIGHTS, REPRESENTED BY ITS CHAIRMAN, KERALA
UNIVERSITY P O, THIRUVANANTHAPURAM, KERALA , PIN -
695034

ADDL. R11 IMPEADED SUO MOTU

11. THE UNIVERSITY GRANTS COMMISSION, REPRESENTED BY CHAIRMAN,
BAHADUR SHAH ZAFAR MARG, NEW DELHI – 110002

ADDL.R11 IS IMPEADED SUO MOTU AS PER ORDER DATED 05.03.2025 IN WP © 8600/25

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct respondents 2, 5, 6, 7 and 9 to give details of the steps taken by them as per UGC Regulations , 2009 to prevent and combat ragging in educational institutions in the State.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of Ms.A.PARVATHI MENON, Advocate for the petitioner, SRI.K.P.HARISH, SENIOR GOVERNMENT PLEADER, for R1 to R6 and R8, SRI.Sajith Kumar V., STANDING COUNSEL, for R7, SRI.BRIJESH MOHAN, ADVOCATE for R9, SRI.THOUFEEK AHAMED, STANDING COUNSEL, for R10 and of SRI.S.KRISHNAMOORTHY, STANDING COUNSEL, for R11 the court passed the following:

P.T.O

Nitin Jamdar, C.J.

&

C. Jayachandran, J.

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W.P.(C)No.8600 of 2025

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Dated this the 05th day of March, 2025.

ORDER

Nitin Jamdar, C.J.

This writ petition is filed by the Kerala State Legal Services Authority (KeLSA), constituted under the Legal Services Authorities Act, 1987. The Kerala State Legal Services Authority works to provide legal aid and uphold constitutional and legal rights. In this role, it has moved this Court, expressing concern over the increasing brutality and violence in ragging, to which many students in educational institutions are being subjected. It has placed on record instances where incidents of ragging have taken a violent form.

2. Heard Mrs. A.Parvathi Menon, learned counsel for the Petitioner, Mr.K.P.Harish, learned Senior Government Pleader, Mr. V. Sajithkumar, learned standing counsel for Respondent No.7, Mr. Brijesh Mohan, learned counsel for Respondent No.9, and Mr. Thoufeek Ahamed, learned standing counsel for Respondent No.10.

3. Before addressing a social issue and finding solutions, it is essential to first ensure that a strong and clear legal framework is in place and is functioning effectively. Without it, issuing ad hoc general or temporary

directions will not provide a lasting solution.

4. The first enactment governing the issue is the Kerala Prohibition of Ragging Act. It was enacted in the year 1998 to prohibit ragging in educational institutions in the State of Kerala. As per Section 2(b) of the Kerala Prohibition of Ragging Act, 1998 (Act of 1998), Ragging is defined as under:

“(b) ‘Ragging’ means doing of any act, by disorderly conduct, to a student of an educational institution, which causes or is likely to cause physical or psychological harm or raising apprehension or fear or shame or embarrassment to that student and includes-

(i) teasing, abusing or paying practical jokes on, or causing hurt to, such student; or

(ii) asking a student to do any act or perform something which such student will not, in the ordinary course willingly, do.”

Section 3 of the Act of 1998 declares that ragging within or without any educational institution is prohibited. Section 4 of the Act provides for a Penalty for ragging. Section 5 of the Act deals with dismissal, Section 6 of the Act deals with suspension, deemed abetment is dealt with under Section 7 of the Act, and Section 8 of the Act contemplates the power to make rules.

5. By judgment in O.P. No. 31134 of 1999, dated 10 March 2000, the Division Bench noted that the State Government had enacted the Prohibition of Ragging Act, 1998, and directed that the provisions of

Sections 4, 5, and 6 of the Act be strictly enforced. The Division Bench observed that although the State had taken the right step by enacting the Act, the mere enactment of stringent laws without effective implementation is meaningless. In this Original Petition, the Division Bench issued a direction to constitute a Cell for Anti-Ragging Efforts (CARE) and, while disposing of the petition, issued certain directions.

6. Pursuant thereto, and in compliance with the decision of the Hon'ble Supreme Court in Civil Appeal No. 887 of 2009, the Police Headquarters, Kerala, issued Circular No. 26 of 2009, dated 16 July 2009. Under this Circular, directions were issued to every educational institution to establish an Anti-Ragging Committee. The District Level Ragging Committee comprises the Heads of Higher Educational Institutions as members, while the Cell for Anti-Ragging Efforts (CARE) consists of the Inspector General of Police (Headquarters), the Assistant Inspector General of Police-I, and the Assistant Inspector General of Police (Public Grievance).

7. The UGC Regulations on Curbing the Menace of Ragging in Higher Educational Institutions, 2009 (Regulations of 2009) have been framed under Section 26(1)(g) of the University Grants Commission Act, 1956. These Regulations define ragging as under:

“3. Ragging constitutes one or more of any of the following acts:

a. any conduct by any student or students whether by words spoken or written or by an act which has the effect

of teasing, treating or handling with rudeness a fresher or any other student;

b. indulging in rowdy or indisciplined activities by any student or students which causes or is likely to cause annoyance, hardship, physical or psychological harm or to raise fear or apprehension thereof in any fresher or any other student;

c. asking any student to do any act which such student will not in the ordinary course do and which has the effect of causing or generating a sense of shame, or torment or embarrassment so as to adversely affect the physique or psyche of such fresher or any other student;

d. any act by a senior student that prevents, disrupts or disturbs the regular academic activity of any other student or a fresher;

e. exploiting the services of a fresher or any other student for completing the academic tasks assigned to an individual or a group of students.

f. any act of financial extortion or forceful expenditure burden put on a fresher or any other student by students;

g. any act of physical abuse including all variants of it: sexual abuse, homosexual assaults, stripping, forcing obscene and lewd acts, gestures, causing bodily harm or any other danger to health or person;

h. any act or abuse by spoken words, emails, post, public insults which would also include deriving perverted pleasure, vicarious or sadistic thrill from actively or passively participating in the discomfiture to fresher or any other student ;

i. any act that affects the mental health and self-confidence of a fresher or any other student with or

without an intent to derive a sadistic pleasure or showing off power, authority or superiority by a student over any fresher or any other student.”

8. Under Regulation 4.1(f) of the Regulations of 2009, “District Level Anti-Ragging Committee” is defined as a Committee headed by the District Magistrate constituted by the State Government, for the control and elimination of ragging in institutions within the jurisdiction of the district. Regulation 4.1(k) contemplates setting up a “State Level Monitoring Cell” for the control and elimination of ragging in institutions within the jurisdiction of the State. Under Regulation 6.3(g) of the Regulations, every University has to constitute a body to be known as the Monitoring Cell on Ragging. This Monitoring Cell also has to review the efforts made by the Institutions and direct appropriate measures.

9. A detailed mechanism is provided under the Regulations of 2009 at both the Institutional and University levels. Regulations 5 and 6 of the Regulations of 2009 address the mechanism for preventing ragging at the Institutional Level. Regulation 5 of the Regulations of 2009 outlines measures for the prohibition of ragging at the institution level. It states that no institution or any of its constituent parts—including, but not limited to, departments, constituent units, colleges, centres of study, and all its premises, whether academic, residential, playgrounds, or canteens, whether located within the campus or outside—shall permit or condone any reported incident of ragging in any form.

Additionally, this prohibition extends to all means of transportation, whether public or private, used by students for academic purposes. Institutions are required to take all necessary measures, including but not limited to those specified in these Regulations, to eliminate ragging both within and outside the institution. Furthermore, institutions must take action in accordance with these Regulations against those found guilty of ragging and/or abetting ragging, whether actively or passively, or being part of a conspiracy to promote ragging.

10. Regulation 6 of Regulations of 2009 outlines measures for the prevention of ragging at the institutional level. Clause 6.1 enumerates various steps that an institution must take concerning the admission and registration of students. Clause 6.2 specifies the steps an institution must take upon the enrollment or registration of students. Clause 6.3 mandates that every institution constitute various bodies, including an Anti-Ragging Committee headed by the Institution's head. This committee shall comprise representatives from the civil and police administration, local media, non-governmental organizations involved in youth activities, faculty members, parents, students from both the fresher and senior categories, and non-teaching staff. It must also maintain a diverse mix of members in terms of levels and gender. The functions of the Anti-Ragging Committee are outlined under Clause 6.3. Additionally, every institution is required to establish an Anti-Ragging Squad. Under Clause 6.3(g), every university must constitute a

Monitoring Cell on ragging to coordinate with its affiliated colleges and institutions. Clause 6.4 further requires institutions to implement various measures in hostels, ensuring that wardens are accessible at all times. Professional counsellors and ragging helplines must also be established.

11. Regulation 7 of the Regulations of 2009 states that upon receiving a recommendation from the Anti-Ragging Squad, the Head of the Institution shall immediately determine whether a case under penal laws is made out. If so, they must promptly file a First Information Report (FIR) and report the occurrence of the incident to the District Level Anti-Ragging Committee. Regulation 8 mandates that the University Grants Commission (UGC) undertake various efforts, including the establishment of Anti-Ragging Helplines and the maintenance of a database. Additionally, the UGC must constitute an Inter-Council Committee and coordinate with the State Level Monitoring Cell and University Level Committees.

12. The Kerala Prohibition of Ragging Act was passed in 1998. The judgement of this Court is of 2009. The Circular No.26 of 2009 was issued on 16 July 2009. Now the University Grants Commission has issued comprehensive Regulations on 17 June 2009. The Regulations contemplate District Level, State Level Committees and Monitoring Cells to be constituted by the State Government.

13. Ragging is defined under both the Act of 1998 and the Regulations of 2009, covering a wide spectrum. At one end, it may involve spoken words that have the effect of teasing, while at the other extreme, it can escalate into acts of violence and brutality. When ragging involves brutality and violence, its impact extends beyond the individual student or institution, potentially shocking the conscience of society. The State Government must, therefore, take a proactive role in ensuring the establishment of a robust prevention mechanism. To achieve this, it must have appropriate statutes and regulations in place.

14. The Act of 1998 consists of only a few sections, primarily declaring ragging as a prohibited act. Section 8 of the Act empowers the State Government to frame Rules; however, despite 27 years since its enactment, no rules have been framed. If the State is serious about implementing the Act of 1998, mere declarations are not sufficient. A functional working mechanism, typically laid down in the rules, must be established. Along with the statute, framing rules is equally important because a law without proper rules cannot be implemented effectively. Rules provide the necessary guidelines to enforce the law and ensure uniformity in its application. By framing detailed rules, the State can address various issues raised by the Petitioner and those highlighted in decisions of this Court and the Hon'ble Supreme Court.

15. Therefore, in Kerala, with the increasing incidents of ragging, it is crucial to have a strong legal foundation to tackle the problem. To

ensure that the rules are comprehensive, the State should constitute a multidisciplinary working group that can invite suggestions from individuals, experts in the field, and Non-Governmental Organizations.

16. Additionally, the State must establish the District Level Anti-Ragging Committee, as required under Regulation 4.1(f) of the Regulations of 2009, and the State Level Monitoring Cell, as mandated by Regulation 4.1(k). The status of whether these bodies have been constituted in Kerala must also be ascertained

17. The learned Senior Government Pleader states that instructions would be taken regarding the steps taken by the State Government, and a detailed counter would be filed.

18. The State shall, by way of a counter, place on record whether the District Level Anti-Ragging Committee, as contemplated under Regulation 4.1(f) of the Regulations of 2009 and the State Level Monitoring Cell, as contemplated under Regulation 4.1(k) of the said Regulations, have been constituted in the State of Kerala. If they have been constituted, the relevant Orders or Government Resolutions in this regard shall also be placed on record. Further, the State shall provide details regarding the role of the District-Level Anti-Ragging Committee and the State-Level Monitoring Cell. Additionally, if these bodies have already been constituted, the State shall submit a report on their activities over the past five years. If the aforementioned Cell or

Committees have not yet been constituted, the State shall furnish a timeline for their establishment. If the timeline is not provided or is deemed unreasonable, the State is hereby put on notice that the Court will set a timeline for the constitution of the Cell/Committee.

19. The Regulations of 2009 also mandate the constitution of Committees at the Institutional and University levels. The Secretary of the Department of Higher Education shall obtain information from the universities in the State of Kerala, which, in turn, shall collect information from their affiliated institutions regarding the formation of Committees as required under the Regulations of 2009. This information shall be placed on record by way of a counter before the next date of hearing

20. The State shall constitute a multidisciplinary working group comprising ex-officio members and nominated experts from various fields to draft the Rules and assess whether any amendments to the Act of 1998 are necessary. On the next date of hearing, the State shall place the draft composition of the working group.

21. Leave is granted to implead “The University Grants Commission, represented by the Chairman, Bahadursha Zafar Marg, New Delhi-2” as an additional Respondent in this writ petition. Mr. S. Krishnamoorthy, learned standing counsel takes notice for the

University Grants Commission. The learned standing counsel states that he will take instructions before the next date of hearing.

22. Post on 19 March 2025 at 1.45 pm.

Sd/-
Nitin Jamdar
Chief Justice

Sd/-
C. Jayachandran
Judge

MC/05.03



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P.A. TO JUDGE