

2025 LiveLaw (SC) 341

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
J.B. PARDIWALA; J., R. MAHADEVAN; J.**

24th March, 2025

CRIMINAL APPEAL NO. 1425 OF 2025 (@SLP (CRL) NO. 13324 OF 2024)

AMIT KUMAR & ORS. *versus* UNION OF INDIA & ORS.

Mental Health - Student suicides in Higher Educational Institutions - The recurring instances of student suicides in Higher Educational Institutions, including private educational institutions, serve as a grim reminder of the inadequacy and ineffectiveness of the existing legal and institutional framework in addressing mental health concerns of students on campuses and to prevent the students from taking the extreme step of committing suicides. These tragedies underscore the urgent need for a more robust, comprehensive, and responsive mechanism to address the various factors which compel certain students to resort to taking their own lives. In light of the concerns expressed above, a National Task Force to address the mental health concerns of students and prevent the commission of suicides in Higher Educational Institutions is being constituted. (Para 69)

Registration of FIR - Suicide occurring on campus – Responsibility of maintaining the safety and well-being of students rests heavily on the administration of every educational institution. Therefore, in the event of any unfortunate incident, such as a suicide occurring on campus, it becomes their unequivocal duty to promptly lodge an F.I.R. with the appropriate authorities. Such action is not only a legal obligation but also a moral imperative to ensure transparency, accountability, and the pursuit of justice. Simultaneously, it is incumbent upon the police authorities to act with diligence and responsibility by registering the FIR without refusal or delay. This ensures that due process of law is upheld, and a thorough investigation can be conducted to uncover the truth and address any underlying causes. The harmonious discharge of these duties by both educational institutions and law enforcement agencies is essential to prevent the recurrence of such tragedies and to preserve trust in societal institutions. In a given case, failure on part of the administration of any educational institution may be viewed strictly. (Para 47)

Abetment of Suicide - Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989; Section 18A – Code of Criminal Procedure, 1973; Section 154 and 174 - Student suicides due to academic pressure, caste discrimination, and harassment - Registration of FIR is mandatory under Section 154 when information discloses a cognizable offence, such as abetment of suicide or caste-based atrocities, without scope for preliminary inquiry unless exceptional circumstances apply; police cannot limit action to Section 174 inquiry into cause of death. Inquiry under Section 174 is restricted to ascertaining apparent cause of death (suicide, homicide, etc.) and cannot substitute for investigation into alleged cognizable offences under Section 154; premature closure of case as suicide without FIR registration disapproved. FIR registration for offences under SC/ST Act is obligatory without preliminary inquiry; allegations of caste-based discrimination and harassment in educational institutions mandate investigation. (Section 22, 34 & 40)

Code of Criminal Procedure, 1973; Section 154 - When an informant approaches the police with information regarding the commission of a cognizable offence, the

police owes a duty to promptly register an F.I.R. and initiate investigation in accordance with Section 154 of the CrPC. The police authorities are not vested with any discretion to conduct a preliminary inquiry to assess the credibility of the information before registering the F.I.R. Any such practice would be contrary to the established principles of criminal law. (Para 34)

Code of Criminal Procedure, 1973; Section 174 – Scope of - Investigation under Section 174 is limited in scope and is confined to the ascertainment of the apparent cause of death and should not be equated with investigation into cognizable offences under Sections 160 and 161 of the CrPC respectively. The procedure under Section 174 of the CrPC is for the purpose of discovering the cause of death and the evidence taken is very short. The police's closure of the cases as suicides after Section 174 inquiries was premature and bypassed due process. (Para 22 & 40)

[Arising out of impugned final judgment and order dated 30-01-2024 in WPCRL No. 2945/2023 passed by the High Court of Delhi at New Delhi]

For Petitioner(s) Mr. Mehmood Pracha, Adv. Mr. R. H. A. Sikander, AOR Mr. Jatin Bhatt, Adv. Mr. Sanawar, Adv. Mr. Kshitij Singh, Adv. Ms. Nujhat Naseem, Adv.

For Respondent(s) Mr. Brijender Chahar, A.S.G. Mr. Mukesh Kumar Maroria, AOR Mr. Abhijit Pandove, Adv. Mr. Amit Sharma li, Adv. Mrs. Bani Dikshit, Adv. Mr. Varun Chugh, Adv. Mr. Gaurang Bhushan, Adv.

J U D G M E N T

J. B. PARDIWALA & R. MAHADEVAN, JJ.

For the convenience of exposition, this judgment is divided into the following parts:

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1. Leave granted.

2. This appeal arises from the judgment and order passed by the High Court of Delhi, dated 30.01.2024, in Writ Petition Criminal No. 2945 of 2023 by which the High Court rejected the writ application filed by the appellants herein declining to issue a writ of mandamus to the Police for the purpose of registration of a First Information Report (for short, “F.I.R.”) in connection with the commission of suicide by two students - sons of the

appellant no. 2 and appellant no. 3 herein respectively - while they were studying at the Indian Institute of Technology, Delhi (for short, "IIT, Delhi").

A. FACTUAL MATRIX

3. We propose to borrow the facts giving rise to this appeal straight from the impugned judgment of the High Court. The same reads thus:

"1. The present petition under Article 226 and 227 of the Constitution of India has been filed by the petitioners with the following prayers:-

"a) to issue an appropriate writ, order or direction including a writ in the nature of mandamus, thereby directing the police authorities or Respondent No. 6 to register appropriate FIRs in the cases involving the deaths of the sons of Petitioner No. 2 and Petitioner No. 3; and

b) to issue an appropriate writ, order or direction including a writ in the nature of mandamus, thereby directing the investigation of the cases to be done by Respondent No. 6; and

c) to issue an appropriate writ, order or direction including a writ in the nature of mandamus, thereby directing the Respondent No. 6 to conduct a thorough, impartial investigation into the caste based atrocities being committed in the premises of Respondent No. 5; and

d) monitor the investigation of the case; and

e) direct an independent inquiry into caste based atrocities being committed in the premises of Respondent No. 5; and

f) to issue an appropriate writ, order or direction including a writ in the nature of mandamus, thereby commanding the Respondents to ensure strict compliance and implementation of provisions of SC/ST(POA) Act, 1989 and rules and regulations under the SC/ST(POA) Rules 1995.

g) pass any other or further orders, as this Hon'ble Court may deem fit and proper in the circumstances of the present case."

2. In brief the facts of the case are that Complaints dated 26.07.2023 and 09.09.2023 were filed by the petitioners who are the parents of two deceased students of B.Tech (Mathematics and Computing) at Indian Institute of Technology, Delhi, wherein, it was alleged that one student, namely, Ayush Ashna was found dead on 08.07.2023 at his Hostel Room No. WH-02, Seventh Floor, Udaigiri Hostel, IIT, New Delhi and another student, namely, Anil Kumar was found dead on 01.09.2023 in his Hostel Room No. EA-18, Ground Floor, Vidhyachal Hostel, IIT, New Delhi. It is alleged in the complaints that they were murdered with the conspiracy of IIT Faculty members to hide the real facts and both the students have been falsely shown to have committed suicide. It is further alleged in the complaints that both the students belonged to Scheduled Castes and they had informed their parents several times regarding caste discrimination by the faculty/staff of IIT, Delhi and therefore, the petitioners alleged that the faculty members are trying to save the real accused persons and the police officials are also not investigating the matter in a proper manner. In view of the above said complaints, an enquiry was conducted in both the cases.

3. As per the Status Report filed by the Ld. ASC, postmortem of the deceased Ayush Ashna was conducted vide PM No. 1500/23, wherein the cause of death was held to be "asphyxia as a result of hanging due to ligature". During the course of enquiry, statements

of father, brother, other relatives and friends of the deceased were recorded in which it was found that the deceased had failed in some of the subjects in the prior semester exams due to which he was under depression. They further denied any foul play or any suspicion regarding the death of deceased. Father of the deceased, namely, Ramesh Kumar had later given a written complaint in the police station, in which he alleged that his son Ayush Ashna was facing caste based discrimination by his hostel mates and other faculty members during the beginning of his academic year 2019-2020 and he also suspected in the complaint that his son could not have taken such steps and someone might have killed his son with the connivance of faculty members. Therefore, to clarify the facts, the grade reports of Ayush Ashna were collected from IIT and it was found that during the 2nd semester of year 2022-23, he had failed in some of the subjects and got lower grades i.e., Grade F which stands for Very Poor in 5 out of 7 subjects. During further enquiry, several other students of IIT, Delhi who belonged to Scheduled Castes and Scheduled Tribes were also examined, wherein none of them reported any caste-based discrimination against any of them.

4. In the case of Anil Kumar, postmortem of the deceased was conducted vide PM No. 2048/23 wherein the cause of death was held to be "asphyxia consequent to ante-mortem compression of neck by ligature". During the course of enquiry, statements of the brother, mother, other relatives and friends of the deceased were recorded who stated that due to scoring less marks in exams, deceased was under stress. They further denied any foul play or any suspicion regarding the death of deceased. Brother of the deceased, namely, Amit Kumar had later given a written complaint in the police station, in which he alleged that Anil Kumar was facing caste- based discrimination by his teachers and other faculty members. He also suspected in the complaint that his brother could not have taken such steps and someone might have killed him with the connivance of faculty members and the faculty members are also trying to save the real accused persons. He further alleged in his complaint that there was some kind of bleeding from the ears of the dead body and blood stains were scattered all over the room and thus, the same does not appear to be an incident of suicide.

5. Accordingly, further enquiry was conducted in the case wherein it was found that Anil Kumar had taken admission in IIT Delhi in 2019 vide Entry No. 2019 MT10674 in B.Tech (Mathematics and Computing) and he was allotted Room No. SD-11, Vindhyachal Hostel at the time of admission. During the semester period of 2020-21 and 2022-23, he got low grades in some of the subjects. Deceased Anil Kumar extended his stay at the hostel for the preparation of remaining subjects and completing the course and the same was granted by the relevant department immediately. Subsequently, he was allotted Room No. EA-18, Vindhyachal Hostel. The deceased could not clear some subjects and was residing in hostel on further six months extension. As per the rules, his hostel was to be vacated in June but as he could not qualify some subjects, he was given extension for six months to clear the exams.

6. On further verification of facts, it was revealed that the deceased passed all the subjects in 1st year but he later failed in two subjects out of seven subjects in 3rd semester. Thereafter, in 4th semester he took only one subject and failed in the same, in the following year (2021-22) he failed to pass any subject, in 7th semester he failed in one subject out of six subjects and finally in 8th semester he failed in two subjects out of six subjects and therefore, he was given an extension to clear all the subjects. Furthermore, Hostel allotment letters were also analyzed and it was found that there was no column revealing the category of the students as to whether she/he belongs to SC/ST/General

category in any of the form and only entry number was mentioned in all the forms and thus, no evidence of caste-based discrimination against the deceased was found.”

4. Thus, it appears from the aforesaid that two young boys aspiring to be engineers were found dead in their respective hostel rooms under suspicious circumstances. Ayush Ashna was found dead on 08.07.2023 in his hostel room No. WH-02 situated on the 7th Floor, Udaigiri Hostel, IIT, New Delhi, whereas, Anil Kumar was found dead on 01.09.2023 in his hostel room No. EA-18 situated on the Ground Floor of Vindhyanchal Hostel at IIT Delhi.

5. It appears from the materials on record that the father of Ayush Ashna lodged a complaint with the Dy. Commissioner of Police, South-West District, New Delhi, dated 21.07.2023, which reads thus:

“ Seal-

OFFICE OF THE DEPUTY COMMISSIONER OF POLICE

SOUTH WEST DISTRICT

RECEIVED BY:

DHARAMPAL

SIGNATURE : SD/

Dated:26.07.2023

Dated: 21.07.2023

To

The DCP

(South West District)

Vasant Vihar, New Delhi-110067

Subject: Complaint against the death of Ayush Ashna s/o Ramesh Kumar, student of 4th year B.Tech.(Mathematics and Computing) IIT, Delhi, Hauz Khas, New Delhi110016.

1. The complainant is the unfortunate father of the deceased son Ayush Ashna, student of 4th year B. Tech, (Mathematics and Computing) BT, Delhi residing at his room No. WH-02, Udaigiri Hostel, IIT Delhi-110016 and with heavy heart I am formally filing a complaint regarding the tragic death of my beloved son, Ayush Ashna, on midnight of 8th July, 2023 and I believe there circumstances surrounding his death that warrant a thorough investigation by your esteemed department and my son, Ayush Ashna was a 21 year old student who had a bright future ahead of him. His sudden and unnatural death has left us devastated and searching for answers. While I recognize that all of sudden and untimely and unnatural deaths have external causes and I have also reason to believe that there may have been factors contributing to his untimely and unnatural deaths, and I implore you to investigate the matter impartially and thoroughly and I seek a comprehensive investigation into the events leading up to our son's untimely and unnatural death.

2. That my deceased son Ayush Ashna was a brilliant student from his school days, and in his first attempt he had cracked the prestigious JEE-Advanced 2019 exam and on the basis All India Rank in SC Category qualified to be admitted in First year of B. Tech. (Chemical Engineering) in IIT, Delhi in the academic year 2019 as this was proud moment

for parents and relatives as their elder son also passed out from IIT, Delhi by completing B. Tech. (Civil Engineering) in the same year.

3. That my deceased son, since beginning of the academic year 2019-20 started facing caste based discrimination by his hostel mates and other faculty members however the complainant advised the deceased son to focus on his study only and over the time the all things will come in order.

4. That my deceased son Ayush Ashna was full of life and he always remained in touch with his mother and his elder brother as both residing in Delhi and with some close relatives who are also residing in Delhi.

5. That my son changed his department from B.Tech (Chemical Engineering) to Department of Mathematics and Computing which clearly demonstrate that my son was doing well in study and might have a bright future ahead.

6. That he had changed his hostel residence from Jwalamukhi Hostel to Udaigiri Hostel after his category was disclosed in a published branch change list. He told that he noticed a change in his friends behaviour as they grew distant and rarely talked to him.

7. That after COVID-19 restrictions were lifted and all students were allowed back to their respective hostel so as my deceased son Ayush Ashna took, residence in Udaigiri Hostel, IIT Campus, Delhi and was doing well and in his study.

8. That during his final year at B. Tech., he had not performed well in some papers and thereafter he decided to stay in same Hostel for further studies and also registered in a summer course conducted by Mathematics and Computing in this regard.

9. That it is pertinent to mention that, 1st July, 2023 was my deceased son's 20th birthday and was greeted by his mother and brother and other near and dears and on phone he also discussed with his elder brother about further studies and other future prospect.

10. That on 5th July 2023 his elder brother and his mother called on his phone many times but no response was received and at night of 5th July 2023 the elder son and my wife alongwith her brother went to Udaigiri Hostel where the family of the deceased kept at dark for an hour and later on it was disclosed by the IIT Hostel authorities to his family present at hostel on the night of 8/9 July 2023 that the my son was left this material world by hanging himself.

11. That after hearing this tragic and devastating news my elder son and my wife alongwith her brother lost conscious and went into unconscious stage as it was very hard to believe that how my young son of age of 21 years can take such extreme step as he had yesterday celebrated birthday.

12. That as it was so informed, by my wife and my elder son and my brother-in-law present at that time that the deceased son Ayush was found hanging, from his study desk with his knees resting on a small trolley bag and by looking the body its seems that someone murdered my son and tied rope and wires around his neck which was attached to leg of his of four feet study table, later on some crime team arrived and took some photographs of the crime scene.

13. That was informed by my wife and my elder son and my brother-in-law (mama of deceased Ayush Ashna) it is also pertinent to mention here that by instant appearance of sitting posture of body has been hanged by someone else as there may not be sufficient

pressure on neck in sitting posture of person and when height of body is more than 5.8 feet.

- 14. That the IIT Delhi administration since beginning of the present tragic incident.*
- 15. That it is highly improbable that my son can hang himself from with the table with the height of around four feet as my son was around 5.8 feet tall and weighed around 75-80 kg. as it is also important to mention here that during the periods of last four years with his stay in IIT Delhi not a single person complained against him about anything.*
- 16. That IIT, Delhi as an educational institution, it is of utmost importance to prioritize the well-being of students specially hailed from marginalized society. The loss of my deceased son Ayush Ashna is not just an isolated incident but a reflection of potential systemic deficiencies in the support and resources available to students facing caste based discrimination and harassment I feel compelled to bring the issue to your attention.*
- 17. That Conduct a thorough investigation into the circumstances leading to untimely and unnatural death of my son Ayush Ashna and assess whether any deliberate negligence or oversight contributed to this tragedy.*
- 18. That the biased attitude of IIT Delhi is also neglecting in the conduct of the IIT Delhi administration as on the fateful night, the concerned person IIT Delhi prevented, the mother, brother and mama (maternal uncle) to follow the ambulance upto the Safdarjung Hospital and confined the aforesaid person into IIT guest house and on 9th July 2023 ambulance booked by the person concerned present at mortuary, Safdarjung Hospital broke down midway and adding insult to injury replacement ambulance arrived without equipped with freezer resultant body decomposed rapidly and according the complainant was forced by circumstances to perform last rites in the honour of departed soul during midnight.*
- 19. That the till date no FIR, has been registered against the person/s responsible for tragic demise of my son Ayush.*
- 20. That, the IIT Delhi administration is in process of suppressing vital information and playing down the tragic demise of my son Ayush and treating it as an another suicide case of due to study stress. And not even considering the possibility of murdering of the student of the marginalized society.*
- 21. That as a grieving parents, we understand that this investigation cannot bring our son back, but we hope that it may shed light on the circumstances surrounding his untimely and unnatural death of my son Ayush and further under the facts and circumstances as explained herein above, you are kindly requested to order for registration of FIR against the person involved in this well planned of our beloved young son Ayush Ashna and thorough and impartial investigation be made into the case against the person responsible for doing such heinous crime.*
- 22. That it is my sincere hope that your esteemed department will take this complaint seriously and act promptly to do justice. By doing so, the esteemed department can demonstrate its commitment to the wellbeing of its students hailed from marginalized society and create a supportive environment that fosters growth and resilience.*

Sd/-

(Ramesh Kumar)

Father of deceased son Ayush Ashna

R/o Plot No. 26, Lane No. 8,

Rameshwaram Colony, Sacred Heart School

Bareilly-243122

M. No. 9068401586.”

6. In the same manner, on 09.09.2023, the elder brother of Anil Kumar lodged a complaint in writing with the Station House Officer, Kishangarh, New Delhi which reads thus:

“Dated: 09.09.2023

To,

Station House Officer

Kishangarh, New Delhi

Subject: Regarding the fearless murder of my younger brother Anil Kumar, S/o Suresh Kumar - Village Anosa, District Banda, Uttar Pradesh. In connection with the brutal murder due to racial hatred at IIT Delhi,

Sir,

I, Amit Kumar S/o Suresh Kumar, Village Anosa District Banda, Uttar Pradesh. Date 01.09.2023 in 7:25 I received call from someone who is saying I am professor, Aditya Mittal, who are of you Anil Kumar? I told him I am his elder brother. Then he said that Anil Kumar has committed suicide. After that I received lots of call from different phone numbers.

Between the calls a college security officer named Balram Yadav also Call me (mob no. 9650612090) and told me that Anil Kumar committed suicide.

Then around 10:30 PM Mobile No.991632959, 1 got call saying that I am calling from Kishangarh IIT Delhi Anil Kumar committed suicide come to Delhi. I with my brother Aashis Kumar, brother in law Vimal Kumar, brother in law Vinod Kumar, mother Vidya Devi, wife Sunaina devi left for Delhi.

On Dated 2-9-23 approx 7:30 AM we reached to Delhi. We called the same mobile number of Kishangarh police station and said, we have reached to Delhi but we are not able to find the way to the police station, you come and take us. Police said, you come yourself, we cannot come, we can send you the location. I said I don't understand. But police did not come to us.

After that I called Balram Yadav stating that I don' t know the way to the College, please send someone to pick me up. So they sent two guards who took us to the college guest house and did not give us any information for the next 2 hours. On our continued request, we were taken to Anil Kumar's hostel Vindhyanchal. Where the gate was locked. When we asked the college to open the lock, they said that the key is with the police.

Then someone told that there is a window, it will be visible from there, when I looked through the window, there was a lot of blood on the table and floor in the room. There were some other things lying in the room. We took videos and photos, then after seeing all this I said that my brother was murdered because of caste hatred. This is not suicide, my brother cannot commit suicide. He knew very well the situation at home and the circumstances how were we teaching him. On 27-08-23 I sent Anil Kumar 15,000/- money for buying new mobile phone. On 29-08-23 he called me and told me that the mobile is

working well. Then I asked him, is there anything like that? So he told me that sometimes inappropriate case based words are used by the teacher. Then I called 9971632959, which is SI Dharmendra ji's mobile number, I told him that my brother was murdered, he is not commit suicide. Our family members were deeply shocked by Anil's murder.

SI Dharmendra ji asked me to come Kishangarh police station, I again said, I do not know the way to Kishangarh police station.

Then he said that you have to come here. At around 11:00 a.m., Balram Yadav or some other people brought us to Kishangarh police station. At the police station, SI Dharmendra ji showed the video on mobile and laptop, I watched the video and told SI Dharmendra ji that this was not suicide but murder due to caste hatred. But he did not agree and kept saying again and again that it was suicide not murder. Then he introduced us to SHO Sir. SHO Sir said that his marks were low and he had failed in one subject, due to which he committed suicide. We said, again because of caste hatred Anil was murdered. We have come from his college, professor Simon a madam who was his professor told us that Anil was very good in, studies, his marks never go down, nor can he commit suicide still police officials said it was suicide, not murder. Then we were made, to sign many papers and at around 12:10 pm, the police took us to ACT Yadav Sir of Sarojini Nagar police station, he also told us that Anil Kumar had committed suicide because his number was low then. I told him that I had talked to Anil Kumar on 29-08-23, he had told that sometimes, inappropriate case based words are used by the teacher otherwise everything is OK. Sir, he has been murdered. We demand CBI investigation for my brother at approx 12:40 pm police officer take us to Safdarjung hospital. We got a lot of papers signed at the police station in the hospital. When the media persons tried to talk to us in. the hospital, the police told us that we cannot talk to the media. We kept requesting the police to show the body of Anil Kumar for 2 hours, but the police refused. Then before the post mortem at 2:40 pm they took me, Vinod Kumar and Aashis to see the body. When we saw the body of Anil Kumar, there was red coloured cloth on the neck, we tried to remove the cloth the police or the doctor told us that the cloth could not be removed or nor we touch the body. Anil was murdered because of ruthless caste hatred, despite our repeated requests for the reason of asking the police did not remove the cloth and said that a video is being made, you can watch it. Blood was coming out from the ears of Anil Kumar and there was a lot of smell from the body, then we came out, after the post mortem we asked the police to show the CCTV camera of the college and Anil Kumar's room. The police showed the video of 10 or 15 minutes, after that they told us this will take time don't waste time. I. asked the police office to give us the CCTV videos or to record the videos The policeman kept our phones, safe in his car and said that we could not make videos. Then we were taken to Anil Kumar's room. There was a lot of blood and other things lying on the table or floor of the room. Then, I told to the police that how could this much of blood come from hanging. This is a murder committed due to caste hatred. Then we took the body from, the hospital and came to the Banda and after coming to Muktidhaam we opened the body and saw that there was soot on his mouth, hand and foot. We did videos and photos and on 03-09-2023 at 9:45 am Ani's last rites were performed then I remembered ones when Anil Kumar comes to home in may on vacation. Then he told me that, by the some of the college teacher always used caste indicative word and they said that 'how did you came here, you don't have right to study, this is not for you guys.' I called SI Dharmendra ji three four times, but he did not pick up my call. Then I called later to asking when will the PM report come, he said that it will be received after 15 days, then I said why is it getting so late, he said, this is what happens. Just like my brother Anil Kumar was murdered on the basis of caste hatred.

Similarly, something similar happened with Ayush student of the same department. And I have come to my knowledge that SC caste students are treated very badly in IIT Delhi.

I request you Sir that my brother Anil Kumar has been murdered because of Caste Hatred. So register a case against culprits and take legal action. I want justice.

Sd/-

Amit Kumar

Applicant

Dated

09.09.2023."

7. The record further reveals that a letter was addressed by an Advocate named Mahmood Pracha of New Delhi to the Chief Secretary, Government of National Capital Territory of Delhi on 13.09.2023, seeking directions to the Delhi Police to register the F.I.R. in connection with the suspicious deaths of the two students referred to above. The letter reads thus:

"Dated 13th September 2023

To

The Chief Secretary

Government of National Capital Region of Delhi

Delhi Secretariat, IP Estate,

New Delhi -110002

Subject: Request for directions to Delhi Police for registering FIR and effective and proper implementation of provisions of the Criminal

Procedure Code and provisions under the Schedule Caste and Scheduled Tribes (Prevention of

Atrocities) Act and Rules made thereunder-

Regarding-

Dear Sir,

I am constrained to inform you about the castebased atrocities that were committed on the members of the following families belonging to the Scheduled Caste community due to which they have lost their sons who were studying at Indian Institute of Technology New Delhi.

The members of both the families have exercised their rights- under Section 15-A(12) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 (Hereinafter referred to as "SC/ST(POA) ACT" and Rule 4(5) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Rules, 1995 (Hereafter referred to as SC/ST (POA) Rules), which provide that the atrocity victims have the right to take assistance from NGOs, social workers or Advocates, and have sought my assistance as an Advocate to pursue their ease as they are facing continuous hardships, and further atrocities, from the erring Government/police officials in the murder of both the victims/deceased namely Mr Anil Kumar s/o late Shri Suresh Kumar resident of Banda District of Uttar Pradesh, and Mr. Ayush Ashna s/o Mr. Ramesh Kumar, resident of Bareilly, U.P.

Pursuant to their request for assistance under Section 15-A(12) "SC/ST (POA) Act" and Rule 4(5) "SC/ST (POA) Rules", I have met the members of both families of the victims/deceased, namely Anil Kumar s/o late Shri Suresh Kumar resident of Banda District of Uttar Pradesh, and Mr. Ayush Ashna s/o Mr. Ramesh Kumar resident of Bareilly, U.P. After the meetings based on the information given to me by them, which clearly shows gross culpability on part of police, teachers, professors, other officials, and some of unknown students in these cases, in helping the accused to escape the lawful punishment, I am compelled to inform you that there has been a flagrant violation/disobedience of most of the mandatory provisions of the SC/ST (POA) Act by various officials.

The brief facts of both the matters are given below which are elaborated in the respective complaints.

a) Mr. Amit Kumar S/O late Shri Suresh Kumar, a resident of Village Anousa, Distt. Banda Uttar Pradesh presently residing at New Delhi has filed a complaint with SHO Kishan Garh New Delhi vide DD No. 71A dated 9th September 2023 and also with the office of Deputy Commissioner of Police (DCP) on 11/09/2023 vide diary No 11416 regarding gruesome and brutal murder of his younger brother, Mr. Anil Kumar, under mysterious circumstances due to caste related atrocities and discrimination committed on 01.09.2023 upon him in the premises of Indian Institute of Technology, Delhi, wherein he was studying. A copy of the said complaint is attached herewith as Annexure-I.

b) Another complaint filed by Mr. Ramesh Kumar, a resident of Rameshwar Colony, Bareilly with the Office of Deputy Commissioner of Police (South West), Vasant Vihar New Delhi on 26.07.2023 vide diary No. 9584 regarding gruesome and brutal murder of his son Mr. Ayush Ashna again under mysterious circumstances, due to caste related atrocities committed upon him and caste based discrimination in the premises of IIT, Delhi, who was studying there and residing in Udaigiri Hostel of Indian Institute of Technology, New Delhi. A copy of the said complaint is also attached herewith as Annexure-II.

Needless to say that both the families are devastated by unnatural and mysterious death of victims (deceased persons) and they are running from pillar to posts for the justice so that guilty are punished. However, the Police have not registered any FIR in either case so far.

In this regard, the following submissions are made for your kind perusal and immediate action.

1. That in both the cases, there are serious allegations of gruesome murder of their sons, who were otherwise quite academically brilliant, due to caste based, atrocities and discrimination in the IIT Delhi.

2. That under the provisions of SC/ST(POA) Act, 1989, it is mandatory to lodge an FIR without any preliminary enquiry or investigation, as mandated under section 18 A of the Act.

3. That Rule 5 of the SC/ST (PoA) Rules, 1995 also provides that every information relating to the commission of an offence under the Act, if given orally to an officer in-charge of a police station, shall, be reduced to writing by him or under his direction, and be read over to the informant, and every such information, whether given in writing, or reduced to writing as aforesaid, shall be signed by the persons giving it, and the substance thereof shall be entered in a book to be maintained by that police station.

4. That the Hon'ble Supreme Court of India, in Lalita Kumari vs State of UP has held that "Registration of FIR is mandatory under Section 154 of the Code, if the information

discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation".

5. That provisions under Section 4(2) of the SC/ST(PoA) Act, 1989 provides for certain duties of public servant referred to in sub-section (1) that includes -

- a) to read out to an informant the information given orally and reduced to writing by the officer in charge of the police station before taking the signature of the informant.*
- b) to register a complaint or a First Information Report under this Act and other relevant provisions and to register it under appropriate sections of Act;*
- c) to furnish a copy of the information so recorded forthwith to the informant;*

6. That any violations of the provisions under SC/ST(PoA) Act and dereliction of duty referred to in sub section (2) by a public servant entails penal proceeding against such public servant.

7. That the section 15A of the said Act provides for the statutory duty and responsibility of the State to make arrangements for the protection of various rights of the victims, their dependents as laid down therein, and to ensure the implementation of such rights and entitlements of the victims, and witnesses in accessing the justice.

8. That section 17 of the said Act casts an obligation upon the District Magistrate, or a Sub-Divisional Magistrate, or any Executive Magistrate, or even any Police officer, to declare such an area to be an area prone to atrocities where such atrocities are committed or likely to be committed and take necessary preventive action.

9. That Section 21 provides that the State Government shall take such measures as may be necessary for effective implementation of the Act.

10. That Rule 3 of the SC/ST(PoA) Rules, 1995, provides that State government shall take precautionary and preventive measures with a view to prevent atrocities on the Scheduled Caste and Scheduled Tribes including identification of the area where it has reason to believe that atrocity may take place, constitution of a high power State-level committee, district and divisional level committees, or such number of other committees as it may deem proper and necessary for assisting the Government in implementation of the provisions of the Act, to setup a vigilance and monitoring committee to suggest effective measures to implement the provisions of the Act, etc.

11. That the provisions of other various Rules under the SC/ST(PoA) Rules, 1995 provide for the obligations and duties on the State Government such as setting up of the Scheduled Castes and the Scheduled Tribes Protection Cell under Rules 8, Nomination of Nodal Officers under Rule 9 for coordinating the functioning of the District Magistrates, and Superintendent of Police, or other officers authorized by them, investigating officers and: other officers responsible for implementing the provisions of the Act, Measures to be taken by the District Administration under Rule 12, specific responsibility of the state Government under Rule 14 to make necessary provisions in its annual budget for providing relief and rehabilitation facilities to the victims of atrocity, to frame contingency Plan under Rule 15 for implementing the provisions of the Act and notify the same in the: Official Gazette of the State Government, Constitution of State Level high power Vigilance and Monitoring Committee under Rule 16, District level committee under Rule 17 and Sub Divisional Level under Rule 17A, to review the implementation of provisions of the Act, relief and rehabilitation facilities provided to the victims, and other matters connected

therewith, prosecution of cases under the Act, role of different officers/agencies responsible for implementing the provisions of the Act, etc.

12. That despite the above provisions contained in said SC/ST (PoA) Act, 1989 and Rules made thereunder, and directions issued by Hon'ble Supreme Court of India in Lalita Kumari vs State of UP, police have not yet registered FIR in both the matters in respect of above mentioned complaints cases, and hence flouted all the provisions of the said Act and Rules made thereunder, but also the provisions of Criminal Procedure Code.

In view of the above circumstances, and fact of the above-mentioned cases, you are humbly requested to kindly issue necessary directions to the Police to lodge FIR in both the cases at tile earliest and provide the copy of the same to the complainants.

You are also requested to kindly order for immediate compliance of all the above-named provisions of the SC/ST (POA) Act, 1989 and SC/ST (POA) Rules, 1995 made thereunder by the concerned officials.

You are also requested to take immediate action under Section 4 of the SC/ST (POA) Act, 1989 against the concerned police officials of concerned police station namely Kishan Garh, and concerned DCP office of Vasant Vihar for not registering the FIR and deliberately changing the true version given by the, family members of the deceased to help the erring police/government officials, and also action against other officials for not undertaking their duties as per the mandate of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, who have till now disobeyed the above-mentioned mandatory provisions of the SC/ST (POA) Act, 1989.

Thanking you

Mehmood Pracha

Advocate

C-66, Second Floor

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Ph. No. 011-41404040"

8. The record reveals that all that was done by the Police was an inquiry under Section 174 of the Code of Criminal Procedure (for short, "**the CrPC**"). At the end of the inquiry, the Police reached the conclusion that the two students had committed suicide due to depression. In other words, the Police closed the matter saying that the two students were unable to cope up with the pressure of their respective studies and in such circumstances they both committed suicide in their respective hostel rooms.

9. However, the fact remains that at no point of time the Police thought fit to register the F.I.R. in accordance with the provisions of Section 154 of the CrPC and carry out the investigation in accordance with law, more particularly when complaints were lodged - one by the father and another by the brother of the two students *prima facie* disclosing commission of a cognizable offence.

10. In such circumstances referred to above, the appellants herein preferred a writ petition before the High Court of Delhi and prayed for issuing a writ of mandamus to the Police to register an F.I.R. and undertake the investigation.

11. The Delhi High Court declined to entertain the writ petition and rejected the same.

12. In such circumstances, the appellants are here before this Court with the present appeal.

B. SUBMISSIONS ON BEHALF OF THE APPELLANTS

13. The appellants in their written submissions have stated thus:

i. That the present Written Submissions are being filed by the Petitioners in terms of the Order dated 07.01.2024 passed in the present SLP.

ii. That the Petitioners have filed the present SLP against the impugned Order dated 30.01.2024 passed by the Hon'ble High Court of Delhi in Writ Petition (Criminal) No. 2945 of 2023, whereby the Writ Petition filed, inter alia, by the Petitioners for registration of FIRs in respect of the death of two students of the IIT Delhi, i.e. the respective sons of the Petitioners No. 2 and 3, was dismissed.

iii. That despite categorical Complaints (Annexure P-1 @ page 56 of the SLP and Annexure P-2 @ page 63 of the SLP) given by the Petitioners, which disclosed several cognizable offences, the Police had failed to register the FIRs. The Police had merely conducted an eyewash inquiry as part of the inquest proceedings, and had recorded false statements attributed to the Petitioners and their family members (Please refer to Paragraph 10 of the Counter Affidavit, and respective Paragraph Wise Rejoinders filed by the Petitioners) in order to present a case of suicide of the deceased students. It is submitted that the Petitioners No. 1 and 2 had stated in their Complaint itself (Annexure P-2) that they had been asked to sign on several papers without being informed about their nature.

iv. That the Petitioners had filed the Writ Petition before the Hon'ble High Court on account of the extremely biased and prejudicial conduct on part of the concerned Police officials, who had categorically stated that they would not register an FIR under any circumstances, and would be willing to face any consequences (Please refer to Paragraph 13 of the original Writ Petition Annexure P-4 @ page 96 of the SLP). The Petitioners had also, inter alia, sought a CBI investigation before the Hon'ble High Court, and monitoring of such investigation. As such, in these circumstances, an application under Section 156(3) of the CrPC was not an efficacious remedy for the Petitioners.

v. That it is further submitted that the Hon'ble High Court had failed to appreciate that even if the case of the Police is taken at its face value, and it is assumed that the students died due to suicide, it is still incumbent on the Police to register the FIRs on the Complaints made to it, and investigate the abetment of such possible suicide within the campus of the IIT Delhi.

vi. That it is submitted that the IIT Delhi Administration had failed to put forth its case before the Hon'ble High Court, and has failed to even appear before this Hon'ble Court despite service, to present its version of events, and its stand. There has been no manner of support or assistance by the IIT Delhi Administration for the parents and the family members of the deceased students. It is submitted that such oblivious and disinterested conduct on part of the IIT Delhi Administration, towards a case involving the death of its two students within its campus in a span of less than two months, further strengthens the case of the Petitioners that an investigation is necessary into these deaths.

vii. That it is submitted that the Police has, for the first time before this Hon'ble Court, placed on record the Post Mortem Reports of the deceased students and the purported statements recorded during the inquest proceedings, including those stated to have been given by the Petitioners and their family members. It is submitted that the statements

attributed to the Petitioners and their family members are doctored and false, which is besides the fact that the Hon'ble High Court had failed to call for these documents from the Police, and had simply relied upon a concocted Status Report, contents whereof had been categorically rebutted by the Petitioners.

viii. That it is settled law that at the stage of registration of FIR, the Police has to simply consider whether a cognizable offence is made out or not, from the information/complaint. It is submitted that in violation of the settled proposition of law, and in complete derogation of the procedure prescribed by the Code of Criminal Procedure, 1973 (as was then applicable), and Section 18A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Police has conducted a detailed inquiry without registering an FIR for the sole purpose of substantiating a predetermined conclusion, i.e., that the deceased students had committed suicide due to academic pressure. It is submitted that the record itself reflects that the deaths of these students require detailed and thorough investigations, which cannot be initiated, let alone concluded, without registration of FIRs.

ix. That hence, it is submitted that this Hon'ble Court may kindly be pleased to issue necessary directions for registration of the FIRs into the deaths of the deceased students, investigation by the Central Bureau of Investigation (CBI), and may kindly be pleased to monitor the investigation."

C. SUBMISSIONS ON BEHALF OF THE RESPONDENT NOS. 2, 3, 4 AND 7 RESPECTIVELY

14. The respondent nos. 2, 3, 4 and 7 in their written submissions have stated thus:

"1. Names of deceased:

(i) Ayush (death on 08.07.2023)

(ii) Anil (death on 01.09.2023)

2. Complaints dated 28.07.2023 & 9.9.2023 were lodged before Police by parents of deceased alleging caste-based discrimination in the hostel and that they have been murdered.

3. Then WP (Crl.) No. 2945 of 2023 was filed before the Hon'ble High Court of Delhi praying for direction to register FIR and an independent inquiry in caste-based atrocities.

4. In view of the above said complaints, it submitted that a fair enquiry was conducted under Section 174 CrPC in both the cases which is as follows:

A. IN CASE OF DECEASED AYUSH ASHNA

i. On 8.7.2023: Upon receiving a PCR call regarding suicide of a student in Udayagiri Hostel, IIT Delhi, police officials reached the spot i.e. Room No. WH-02 7th floor, Udayagiri Hostel, IIT, New Delhi.

In the presence of IIT staff, mother, brother of deceased and maternal uncle of deceased, the door of the room which was locked from inside was broken wherein it was found that Ayush was found hanging.

Post Mortem Report (R-1 @pg. 11-13) : Death is due to asphyxia as a result of hanging due to ligature. However, viscera has been preserved to rule out any concomitant poisoning/intoxication. ii. **Annexure R-3 @ pg. 17-42**

During the course of enquiry, statements of Father, Brother and other relatives/friends of the deceased were recorded in which it was found that Ayush Ashna had failed in some of

the subjects in prior semester exams due to which he was under depression and because of that he might have taken this extreme step. They further denied any foul play or any suspicion regarding the death of Ayush.

a. Ramesh (Father of Ayush): Ayush took this step under depression. He does not have any doubt on death of his son.

b. Rahul (Brother of Ayush): I am also IIT Delhi pas out. Ayush was under depression due to failing. The hostel door was broken in front of us.

Ayush had committed suicide on table by plastic rope and extension wire. There is only one way entry and exit to the room of my brother, which was locked from inside. I do not have any doubt on death of my brother.

c. Sushma (Mother of Ayush): He was not picking calls since morning of 8.7.2023. He was in tension due to failing in one or two subjects, room as broken in front of us, I do not have any doubt on death of my son.

d. Praveen (Professor and in charge SC/ST Cell: since his appointment in SC/ST cell, he never received any complaint of caste based discrimination from Anil and Ayush.

e. Geratony Abhishek (student): Both Late Anil Kumar and Ayush were students of my class. I am also studying in extended period and both students were also studying in extended period. He had received one WhatsApp message from Ayush regarding his one semester due. There was no caste based discrimination with the deceased. I also belong to SC caste but there was never any caste based misbehaviour with me and there is no partition on caste basis.

f. Kaushal Verma (student): Being from SC category I have never faced any caste based remarks.

g. Pritish (student): Late Anil and Ayush were also studying in extended period. There is no discrimination on caste basis. I am also from SC and there has never been any misbehaviour.

iii. **Annexure R 4@pg. 43**

Grade reports of Ayush Ashna were collected from the IIT and it was found that during the 2nd semester period of year 2022-2023, he had failed in some of the subjects and got lower grades (Grade F, in 5 out of 7 subjects which stands for Very Poor.

B. IN CASE OF DECEASED ANIL KUMAR

i. It is submitted that on dated 1.9.2023, a PCR call was received regarding suicide of student in Vindhayachal Hostel, IIT Delhi. On reach the spot i.e. Room No. EA -18, Ground Floor, Vindhayachal Hostel, IIT, New Delhi, it was found that the same was locked and smell was coming from inside. Accordingly, in the presence of IIT staff members and the police, the door of the room was broken. Anil was found hanging from the ceiling fan of his room with the help of bedsheet and towel. The body was in a decomposed state.

Post Mortem Report (R-2@pg 14-16):

“Death is due to asphyxia consequent to ante-mortem compression of neck by ligature”.

Annexure R-3 @pg. 17-42:

Statements of brother Amit, mother, hostel staff and friends were taken who stated that Anil was under depression due to less marks:

- a. Amit (brother of Anil): Anil was student of 2019-2023 session, for 2 years he stayed at home. On 30.8.2023, I talked with Anil and he was under depression due to fail and less marks in exams. On 01.09.2023, I got a call from IIT that Anil has hanged himself from a ceiling fan. I have no doubt but enquiry be done.
- b. Vidya Devi (Mother of Anil): For 2 years he stayed at home due to lockdown, due to less marks Anil was under depression, enquiry be done.
- c. Naveen Kumar (student): Anil was my classmate and his room was near to my room. His position in studies was not good. Anil never complained about caste discrimination, and he always remained alone and did not talk with others. I have never seen or heard any caste-based discrimination.
- d. Vaibhav Shivrani (student): I am house secretary in Vindhyachal Hostel and my work is to forward the complaint of students and there was never any issue of ST/SC with Anil.
- e. Anil Nawani (Security Inspector): Guard of Vindhyachal Hostel called on 1.9.2023 that bad smell is coming from room No. EA-18. The window was opened from behind of the room and deceased was seen hanging from fan.
- f. Kailash Meena (student of Room No. EA-17): Foul smell was coming and on knocking room no. EA-18 there was no response and just below the door yellow liquid was seen and flies were there, informed the guard.
- ii. On 09.09.2023 Amit Kumar (Petitioner/brother of the deceased) gave a written complaint in the police station, alleging castebased discrimination by his teachers and other faculty members and murder. He had also alleged that there was some kind of bleeding from ears of the dead body and blood stains were scattered all over the room which cannot be an incident of suicide.
- iii. Accordingly, further enquiry was conducted. It was found there was no column revealing the category of the student whether he/she belongs to SC/ST/General category in any of the forms, only entry number was mentioned in all the forms.

Annexure R-4 @pg. 44:

He failed in two subjects out of seven subjects in IIIrd semester. In IVth semester he took only one subject and he failed in the same. In next year (2021-2022) he did not pass any subject. In VIIth semester he failed in one subject out of six. In VIIIth semester he failed in two subjects out of six subjects. He was given an extension to complete his subjects.

5. In the Hostel allotment letters it was found that there was no column revealing the category of the students as to whether she/he belongs to SC/ST/General category in any of the form.
6. The Hon'ble High Court found that no complaint was ever given by any of the deceased students to the police, SC/ST cell of IIT Delhi or to any of their friends regarding caste-based discrimination and held that mandamus as prayed cannot be issued in the present case.
7. That, during the course of enquiry, the allegations levelled could not be corroborated and nothing came on record to substantiate the same."

D. SUBMISSIONS ON BEHALF OF THE RESPONDENT NO. 5 – IIT DELHI

15. IIT, Delhi in their written submissions have stated thus:

“1. That the present Special Leave Petition has been preferred against impugned Final Order and Judgment dated 30.01.2024 passed by the Hon’ble High Court of Delhi in Writ Petition (Criminal) No. 2945 of 2023, whereby the Hon’ble High Court rightly dismissed the Writ Petition as it was devoid of merits.

2. Briefly stated that both Mr. Anil Kumar and Mr. Ayush Ashna were students of B. Tech in the Indian Institute of Technology, Delhi (hereinafter referred to as “**IIT, Delhi**”) and that Petitioner no. 1 and Petitioner no. 2 are the brother and mother of Anil Kumar and Petitioner No. 3 is the parent of Ayush Ashna.

3. That Mr. Ayush Ashna was found dead on 08.07.2023 at his Hostel Room No. WH-02, Seventh Floor, Udaigiri Hostel, IIT, New Delhi and another student, namely, Mr. Anil Kumar was found dead on 01.09.2023 in his Hostel Room No. EA-18, Ground Floor, Vindhyachal Hostel, IIT, New Delhi.

4. It is pertinent to mention at this juncture that the death of both the students were approximately two months apart and both the deaths cannot be interlinked to each other in any way.

Brief facts surrounding the death of Mr. Ayush Ashna:

5. That on the night of 8th July 2023, at approximately 2300 hrs., Ayush Ashna's mother called the reception of Udaigiri hostel and informed the guard on duty that her son Ayush Ashna, resident of Room No. WH-02, was not answering his phone. She also requested the guard to look for him.

6. Subsequently, the guard went to Room No. WH-02 and found that it was locked from inside. The guard knocked several times, and on not receiving any response, immediately reported the matter to the Security Control room as per protocol. The Security team rushed to the hostel room and knocked, but there was still no response.

7. The Security staff then looked inside the room through the ventilator and saw what appeared to be a non-moving body with the neck rolled to one side, hanged to an inverted study table. The matter was immediately reported to Delhi Police and other IIT Delhi authorities. IIT Delhi authorities reached the hostel main gate within minutes and almost simultaneously and independently, without having any further contact with the Answering Respondent, the student's mother, brother, and maternal uncle also arrived at the hostel.

8. That while the Hostel warden was speaking with the student's parent/relatives, Delhi police PCR also reached the hostel main gate. The situation was now under the charge of Delhi Police who took over and reported the matter as per law.

9. It is submitted that at this juncture, everyone present, including the family was informed by the Police of the tragedy. The Police took over the scene and initiated their official procedures. When the family requested that they be allowed to go inside the room, the Police said that the Crime Branch was on the way and asked them to wait for the Inquiry Officer (hereinafter referred to as “**I.O.**”) to arrive at the spot.

10. Thereafter, within another few minutes, the Police team from the Kishangarh Police Station arrived. The police then broke open the room door following due procedure, and in the presence of the family; inside a body was discovered and identified by the family as that of Ayush Ashna.

11. Two doctors from the IIT Delhi hospital confirmed the body to be lifeless. Subsequently, the crime branch also arrived, took charge of the scene, and spoke with the family.

Post suicide information

12. The tragic news was a shock to all present. IIT Delhi personnel provided all possible assistance during this challenging time and faithfully followed all instructions from the Police and Crime Branch. All possible support for the family was ensured, including a medical doctor and a counsellor was provided by IIT Delhi.

13. It is submitted that IIT Delhi is fully committed towards the safety and security of its students. After receiving the telephone call from the student's mother, IIT Delhi security responded and acted as swiftly as possible and informed the Delhi police immediately- all within 30 minutes of the initial telephone call. Delhi police also arrived most promptly within minutes.

14. It is submitted that as per the postmortem report of the deceased Ayush Ashna, the cause of death was held to be asphyxia as a result of hanging due to ligature.

15. Thereafter, an enquiry was conducted to understand the cause of death. During the course of enquiry, statements of father, brother, other relatives and friends of the deceased were recorded in which it was found that the deceased had failed in some of the subjects in the prior semester exams due to which he was under depression.

16. Consequently, the grade reports of Ayush Ashna were seen and it was found that during the 2nd semester of year 2022-23, he had failed in some of the subjects and got lower grades i.e., Grade F which stands for Very Poor in 5 out of 7 subjects.

17. It is pertinent to mention herein that no complaints regarding any caste-based discrimination have been found and there is no record of any complaint being received from the deceased or any of his family members since 2019-2020 by the College authorities. It is further pertinent to note that during the enquiry, the relatives of the deceased denied any foul play or suspicion regarding the death of the deceased.

18. Thereafter, father of the deceased, namely, Ramesh Kumar gave a written complaint to the police station on 26.07.2023, wherein it was alleged that his son Ayush Ashna was facing caste-based discrimination by his hostel mates and other faculty members during the beginning of his academic year 2019-2020 and he also suspected in the complaint that his son could not have taken such steps and someone might have killed his son with the connivance of faculty members.

19. That IIT Delhi took due consideration to the complaint filed by the deceased student's father and therefore submitted a point-by-point response dated 14.08.2023 to the representation made by Mr. Ramesh Kumar to clarify his doubts regarding his Complaints surrounding his son's death.

Brief facts of case surrounding the death of Mr. Anil Kumar:

20. It is submitted that Anil Kumar had taken admission in IIT Delhi in 2019 in B.Tech, Mathematics and Computing and he was allotted Room No. SD-11, Vindhyachal Hostel at the time of admission. During the semester period of 2020-21 and 2022-23, he got low grades in some of the subjects.

21. That the deceased Anil Kumar extended his stay at the hostel for the preparation of remaining subjects and completing the course and the same was granted by the relevant department immediately. Subsequently, he was allotted Room No. EA-18, Vindhyachal Hostel.

22. It is submitted that the deceased could not clear some subjects and was residing in hostel on further six months extension. As per the rules, his hostel was to be vacated in June but as he could not qualify some subjects, he was given extension for six months to clear the exams.

23. It is submitted that the deceased passed all the subjects in 1st year but he later failed in two subjects out of seven subjects in 3rd semester. Thereafter, in 4th semester he took only one subject and failed in the same, in the following year (2021-22) he failed to pass any subject, in 7th semester he failed in one subject out of six subjects and finally in 8th semester he failed in two subjects out of six subjects and therefore, he was given an extension to clear all the subjects. Therefore, in toto, the deceased Anil Kumar was failing in two subjects out of seven subjects in 3rd semester, in 4th semester he took only one subject and failed in the same, in the following year he failed to pass any subject, in 7th semester he failed in one subject out of six subjects and in 8th semester he failed in two subjects out of six subjects.

24. It is pertinent to note that the students are nowhere required to reveal the category as to whether the students belong to SC/ST/General category. Hostel allotment letters also prove that there was no column revealing the category of the students in any of the form and only entry number was mentioned in all the forms and thus, no evidence of caste-based discrimination against the deceased was found.

25. That on the evening of 1st September 2023, at around 5pm, a student residing in one of the ground floor wings in Vindhyachal hostel reported a foul smell to the hostel caretaker. Thereafter, it was found that the neighbouring room's door was locked from inside and glass panes of the grilled window facing the hostel basketball court were also shut with the curtains drawn.

26. Consequently, the warden and security were immediately called, who then reached the hostel. The security unit pried open the window-pane from outside and undrew the curtain. They discovered a hanging body. **Post suicide information**

27. The security immediately called the police and the warden informed the Dean Student Affairs. The Dean and Associate Dean reached Vindhyachal hostel within minutes. Three Counsellors were also immediately called, and arrived within minutes, to talk to other residents of the hostel.

28. By approximately 06:10 PM, the police and fire department personnel arrived at the hostel, followed by Crime branch. The Chief Medical Officer of IIT Delhi was also called, who immediately arrived at the hostel. The police then took over the proceedings, the ACP arrived at approximately 07:10 PM and their fire personnel broke the door open at approximately 07:15 PM. The body was identified as that of student Anil Kumar residing in the room as per records.

29. Immediately, upon identification of the body, IIT Delhi officials tried contacting the mobile numbers of family, provided as per the student records. By approximately 1930 hrs., Mr. Amit Kumar, elder brother of the student, could be contacted on the phone. He was informed of the tragic loss and was requested to reach IIT Delhi at the earliest possible. Mr. Amit Kumar informed that they had lost their father a few months ago, and at the present time the whole family was in their village 600700 Km away from Delhi. They will try to reach by the morning of 2nd Sept. 2023.

30. Thereafter, Director, Dy. Director Operations, Registrar, Dy. Registrar Student Affairs also reached the hostel. An ambulance was called and the police took custody of the body at approximately 2050 hrs. for transporting to the Safdarjung hospital mortuary.

31. Thereafter, postmortem of the deceased was conducted vide PM No. 2048/23, wherein the cause of death was held to be “asphyxia consequent to antemortem compression of neck by ligature”.

32. It is submitted that Mr. Amit Kumar, along with his family, reached IIT Delhi faculty guest house by approximately 0730 hrs. on the morning of 2nd Sept. 2023. Warden, SC/ST Liaison Officer, former SC/ST advisor, Head Counsellor, Director, Dean, Associate Dean met with the family. On their request, family were taken to Vindhyachal hostel to look at the student's room from outside.

33. During the course of enquiry, statements of the brother, mother, other relatives and friends of the deceased were recorded who stated that due to scoring less marks in exams, deceased was under stress.

34. It is pertinent to mention herein that the family and relatives of deceased further denied any foul play or any suspicion regarding the death of the deceased.

35. Academically, Anil Kumar had finished a little less than 50% of the 150 credits required for the award of a BTech degree. He was identified as a student who was underperforming academically. His advisor reached out to him; unfortunately, a meeting did not materialize.

36. Outside of academics, he had not approached the counselling unit for any assistance. In the first week of June 2023, he had informed the hostel caretaker, while beginning his extended hostel stay, that he had lost his father. Below is the hostel residence history of Mr. Anil Kumar (2019MT10674) as per records:

(i) Pre-pandemic: Resident of Vindhyachal hostel from 15th July 2019 till vacating due to pandemic.

(ii) Post-pandemic: Resident of Vindhyachal hostel from 19th April 2022 till current date. After completion of applicable tenure of 8 semesters, the student requested extension of stay for completion of remaining credits on 1st June 2023 (extension request form was duly recommended and forwarded by Course Advisor and Head of Department of Mathematics). Extension of stay was granted as per rules, either till end of 1st Sem 2023-24 or 26th Dec. 2023 (whichever is earlier), on 2nd June 2023.

37. It was only on 09.09.2023, that Mr. Amit Kumar (brother of Anil Kumar) gave a written Complaint in the Police station, wherein he alleged that Anil Kumar was facing caste-based discrimination by his teachers and other faculty members. It is pertinent to bring to the notice of this Hon'ble Court that this is the first time any such Complaint of caste-based discrimination was being heard of from the deceased or his family.

Submissions:

38. That it is the policy of the institution that before the start of every semester, students who have previously underperformed academically are identified. Then they are advised to take a slower pace academic program to avoid overburdening. Their respective faculty advisors are notified as to their deteriorating academic performance and are asked to contact their advisees for any help with the scholastic pursuits. Thereafter, the faculty advisors contact the students, and on a regular basis continue to contact, to discuss any issues that they might have with respect to their course and graduation plans.

39. During the time relevant for the present case, the same procedure was followed and about 10% of students were recommended for counselling sessions through this intervention, and a handful of students were identified as requiring language support.

40. It is submitted that the institution takes every complaint regarding caste-based discrimination with utmost seriousness and the apprehensions of the parents of the deceased were also duly considered. In this regard, a thorough enquiry was conducted wherein statements of family and friends of the deceased were recorded and several other students of IIT, Delhi who belonged to Scheduled Castes and Scheduled Tribes were also examined. During this enquiry, not even a single assertion cropped up which suggested that the deceased students were murdered in the campus and as a matter of fact, none of those students had ever reported any castebased discrimination either by any faculty members or anybody else within the institution.

41. It is also pertinent to mention herein that no complaint was ever given by either of the deceased students to the Police or to the SC/ST Cell of IIT, Delhi regarding any caste-based discrimination. Moreover, in order to mitigate the possibility of bigotry and discrimination amongst the students, it is the policy of the institution that no person, except the Dean of Academics, is aware about the category to which any student belongs and all students are treated equally in the campus by all the staff members. It is further submitted that the students are not required to disclose their castes in any other forms filled by them during their time at IIT Delhi.

42. That in order to bring forth the actual facts of the death of the deceased students, a detailed enquiry was conducted, wherein all relevant materials were collected and subjected to rigorous scrutiny. In the absence of any specific allegation or even an iota of evidence in the enquiry suggesting any caste-based discrimination in the present case or that the deceased committed suicide for any reason other than weary academic load, it is humbly submitted that there are no grounds for either registration of FIR or directing CBI to investigate the matter in the present case and the same deserves to be dismissed.

43. It is submitted that IIT Delhi is fully committed to the physical and mental well-being of all the students, including those belonging to marginalized groups. It is the top priority of the answering respondents to eradicate caste-based discrimination and/or any form of harassment from the academic pursuits of its students. IIT Delhi makes conscious efforts to encourage, counsel and motivate the students.

44. IIT Delhi has a zero-tolerance policy for any discrimination inflicted by any person in the campus and stringent steps are taken to expunge such possibilities. The institution ensures that any systemic deficiencies that can be identified are immediately addressed.

45. It is submitted that in order to aid the scholastic journey of the students at IIT Delhi, each undergraduate student in the Institution is allotted a faculty advisor. This information is constantly reflected on the institute academics portal, which is routinely accessed by each student for various purposes, including fees payment and registration for courses. The advisors are also informed of their advisees on their respective academics' portal. Advisees can meet their advisor at any time to discuss their issues.

46. Further, a Board of Student Welfare (BSW) has also been established at the Institute which assists in ensuring student wellness and addressing mental health issues. In addition to being led by an elected student General Secretary, this board is also mentored by several faculty members, with the Associate Dean Student Welfare (ADSW) serving as the President of the Board. BSW reaches out to students and regularly

encourages them to come forward with any issue that they may face during their time at IIT Delhi.

47. Additionally, the Institution operates a separate Counselling Unit to aid mental tonicity of the students. Currently, there are three female and one male counsellors in this Unit from diverse backgrounds. Two counsellors (one female and one male) reside on campus and are available 24x7 on call. Four (04) more permanent counsellor positions have also been advertised and the hiring process is underway. Services of an online counselling portal (Your Dost) are also made available to all students 24x7.

48. The Institution also ensures that at least one contractual psychiatrist remains physically available in the hospital at the campus from 0800- 2000 hrs. Mon-Fri and on-call for emergencies on weekends. The process of hiring a permanent psychiatrist for the hospital is also underway.

49. In addition to the above steps, the following support systems are also operational at the Institute level to promptly address the concerns of students and provide efficacious remedy to their problems:

- * ICC (Internal Complaints Committee)*
- * Grievance Redressal Committee*
- * Student Grievance web portal*
- * IGES (Initiative for Gender Equity and Sensitization)*
- * Office of Diversity & inclusion headed by a Dean*
- * SC/ST Cell*

50. It is submitted that IIT Delhi is also in the process of setting up a Central Attendance monitoring system for all students, with special attention on the underperforming students.

51. It is submitted that IIT Delhi aims at providing a comfortable and a safe environment for its students and emotions of their parents. In the case at hand as well, the Answering Respondents have fully cooperated with the Police, parents and have even conducted internal inquiry to verify the claims of the Petitioners.

52. However, in both the inquiries conducted by the Answering Respondents as well as the Police, no cognizable offence has been made out.”

E. ANALYSIS

16. Having heard the learned counsel appearing for the parties and having gone through the materials on record, the only question that falls for our consideration is whether the High Court committed any error in passing the impugned judgment and order.

17. It is not in dispute that the Police for some reason or the other declined to register an F.I.R. on the ground that no one could be said to have abetted the commission of suicide. All that the Police did in the course of the inquiry under Section 174 of the CrPC was to record the statements of other students belonging to SC/ST category studying in IIT Delhi, who stated that there was no caste-based discrimination in the hostel.

18. The High Court while rejecting the writ petition observed thus:

“14. Perusal of the Status Report filed by the Ld. ASG for the State shows that a thorough and detailed enquiry was conducted into both the cases and it was found that no complaint was ever given by any of the deceased students to the police, SC/ST Cell IIT Delhi or to

any of their friends in Campus regarding any caste based discrimination being faced by them. Moreover, statements of family and friends of the deceased were recorded and several other students of IIT, Delhi who belonged to Scheduled Castes and Scheduled Tribes were also examined and none of them reported any caste-based discrimination taking place in the IIT Campus, Delhi. The allegations levelled by the petitioners, therefore, could not be corroborated and nothing came on record to substantiate the same.

15. Undoubtedly, the academic career of two brilliant and young students came to an end under devastating circumstances and one cannot even fathom the challenges and emotions which the parents of the deceased must be facing every day. This Court can understand the sentiments of the parents of the deceased and deeply discourages the growing trend of pressurising young minds to perform the best in every aspect of life leading them to take unfortunate steps. It is high time that the faculty as well as other staff members of Indian Institute of Technology make conscious efforts and take endeavours to counsel, encourage, motivate and invigorate the students. It is of utmost priority to make the young minds understand that scoring good marks and performing your best is important but it is not the most important thing in life and one can certainly give his/ her best without succumbing to the pressures or stress of performing better. The most significant way of instilling this into young minds who face challenges everyday in the professional and competitive environment of colleges is by teaching them in the very same campus where they spend years of their students life the values of prioritizing their health be it physical or mental which will also give them the confidence to face every challenge in life.

16. Taking into consideration the totality of facts and circumstances of this case, this Court is of the view that a mandamus cannot be issued in a routine manner merely on the basis of sympathy or sentiments, accordingly, the present petition along with pending applications, if any is dismissed being devoid of any merits.”

(Emphasis supplied)

19. This litigation is an eye-opener not just for the police but also for the parents whose children are studying in different educational institutions, more particularly those students residing in a hostel far from their respective homes, and also the management of the educational institutions across the country.

20. The pivotal question that falls for our consideration is whether the Police was justified in closing the matter upon conclusion of the inquiry under Section 174 of the CrPC? In other words, whether recourse to inquest proceedings under Section 174 of the CrPC obviates the requirement of registration of F.I.R.? To put it in a still lucid manner, whether an inquest report discovering the cause of death would be good enough to close the matter without registration of an F.I.R.?

i. Scope of Section 174 of the CrPC

21. Section 174 of the CrPC reads as under:

“Section 174. Police to enquire and report on suicide, etc.

1) When the officer in charge of a police station or some other police officer specially empowered by the State Government in that behalf receives information that a person has committed suicide, or has been killed by another or by an animal or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give intimation thereof to the nearest Executive Magistrate empowered to hold inquests, and, unless otherwise directed

by any rule prescribed by the State Government, or by any general or special order of the District or Sub-divisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any); such marks appear to have been inflicted.

(2) The report shall be signed by such police officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the District Magistrate or the Sub-divisional Magistrate.

(3) When-

- (i) the case involves suicide by a woman within seven years of her marriage; or*
- (ii) the case relates to the death of a woman within seven years of her marriage in any circumstances raising a reasonable suspicion that some other person committed an offence in relation to such woman; or*
- (iii) the case relates to the death of a woman within seven years of her marriage and any relative of the woman has made a request in this behalf; or*
- (iv) there is any doubt regarding the cause of death; or*
- (v) the police officer for any other reason considers it expedient so to do, he shall, subject to such rules as the State Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other qualified medical man appointed in this behalf by the State Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.*

(4) The following Magistrates are empowered to hold inquests, namely, any District Magistrate or Subdivisional Magistrate and any other Executive Magistrate specially empowered in this behalf by the State Government or the District Magistrate.”

22. The proceedings under Section 174 of the CrPC should be kept more distinct from the proceedings taken on the complaint. Investigation under Section 174 is limited in scope and is confined to the ascertainment of the apparent cause of death and should not be equated with investigation into cognizable offences under Sections 160 and 161 of the CrPC respectively. The procedure under Section 174 of the CrPC is for the purpose of discovering the cause of death and the evidence taken is very short. Sub-section (4) of Section 174 empowers any District Magistrate, Sub-Divisional Magistrate or any other Executive Magistrate specially empowered in this behalf by the State Government or the District Magistrate to hold inquest. The inquest held by the magistrate under Section 174 is distinct from an inquiry under Section 202.

23. The inquest proceedings are concerned with discovering whether in a given case the death was accidental, suicidal, homicidal, or caused by an animal and in what manner or by what weapon or instrument the injuries on the body appear to have been inflicted, therefore, the evidence taken is very short. (See: **Chaman Lal v. Emperor, AIR 1940 Lah 210, at 214**)

24. The investigations conducted under Sections 154 and 174 of the CrPC respectively are distinct in nature and purpose. A study of Chapter XII of the CrPC reveals that these two provisions cater to different procedural objectives. The former begins with information

about the commission of a cognizable offence referred to in Section 154(1), culminating in registration of F.I.R. and ending with filing of a chargesheet/challan before the competent court under Section 173 or a final report as the case may be. This procedure to be undertaken for initiating an investigation into a cognizable offence has been explained by this Court in **Ashok Kumar Todi v. Kishwar Jahan, (2011) 3 SCC 758**, in the following words:

“48. Under the scheme of the Code, investigation commences with lodgement of information relating to the commission of an offence. If it is a cognizable offence, the officer in charge of the police station, to whom the information is supplied orally has a statutory duty to reduce it to writing and get the signature of the informant. He shall enter the substance of the information, whether given in writing or reduced to writing as aforesaid, in a book prescribed by the State in that behalf. The officer-in-charge has no escape from doing so if the offence mentioned therein is a cognizable offence and whether or not such offence was committed within the limits of that police station.[...]”

(Emphasis supplied)

25. Further, the objective of proceedings under Section 154(1) has been succinctly explained by this Court in **Manoj Kumar Sharma v. State of Chhattisgarh, (2016) 9 SCC 1**, as under:

“19. [...] Whereas the starting point of the powers of the police was changed from the power of the officer in charge of a police station to investigate into a cognizable offence without the order of a Magistrate, to the reduction of the first information regarding commission of a cognizable offence, whether received orally or in writing, into writing. As such, the objective of such placement of provisions was clear which was to ensure that the recording of the first information should be the starting point of any investigation by the police. The purpose of registering FIR is to set the machinery of criminal investigation into motion, which culminates with filing of the police report and only after registration of FIR, beginning of investigation in a case, collection of evidence during investigation and formation of the final opinion is the sequence which results in filing of a report under Section 173 of the Code. [...]”

(Emphasis supplied)

26. In contrast, an investigation under Section 174 of the CrPC focuses on ascertaining the apparent cause of death in cases of unnatural or suspicious deaths. This position has been well explained by this Court in **Pedda Narayana v. State of Andhra Pradesh, (1975) 4 SCC 153**. The proceeding under Section 174 is limited in scope and fundamentally distinct from investigations aimed at prosecuting offences. Inquest proceedings are conducted by the police or a Magistrate and conclude with the filing of an inquest report before the Sub-Divisional Magistrate (SDM), District Judge, or Magistrate as the case may be. The relevant observations are reproduced herein below:

“11. A perusal of this provision would clearly show that the object of the proceedings under Section 174 is merely to ascertain whether a person has died under suspicious circumstances or an unnatural death and if so what is the apparent cause of the death. The question regarding the details as to how the deceased was assaulted or who assaulted him or under what circumstances he was assaulted appears to us to be foreign to the ambit and scope of the proceedings under Section 174. In these circumstances, therefore, neither in practice nor in law was it necessary for the police to have mentioned these details in the inquest report. [...]”

(Emphasis supplied)

27. The investigation after registration of F.I.R. under Section 154 of the CrPC is an investigation into an offence. In contrast, the investigation under Section 174 of the CrPC is an investigation or an “inquiry” into the apparent cause of death.

28. The marginal note attached to Section 174 of the CrPC reads “Police to inquire and report on suicide, etc.” This is self-explanatory as to the scope of the provision. Sections 174 to 176 of the CrPC only contemplate inquiry into the cause of death. Although the phrase ‘investigation’ is used in Section 174 of the CrPC, yet it is only an investigation in the nature of an inquiry. Sometimes, during the inquest, the police record the presence of witnesses who are also witnesses in the case. These statements are not meant as substitutes for statements under Section 161 of the CrPC. The inquest requirement under Section 174 does use the word investigation but if one considers the entire phraseology of Section 174 of the CrPC, one comes to the conclusion that the word investigation in Section 174 is not an investigation to find out who are the offenders. It is only to enable the police to come up with the “apparent cause of death”. This phrase in Section 174 should give us the clue as to the correct understanding of the role of the police in inquest panchnama.

ii. F.I.R. under Section 154 of the CrPC

29. Section 154 of the CrPC lays down the procedure for the registration of a First Information Report in cases of cognizable offenses. The relevant portion of the provision is reproduced hereunder:

“154. Information in cognizable cases.—(1) Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced to writing by him or under his direction, and be read over to the informant; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the State Government may prescribe in this behalf [...].”

30. The object and purpose of filing an F.I.R. has been explained by this Court in *Sheikh Hasib Alias Tabarak v. State of Bihar*, (1972) 4 SCC 773, observing that the main purpose of the F.I.R. is to initiate the criminal justice process and to gather information about the alleged crime, enabling them to take appropriate actions to identify and apprehend the offender. The Court held:

“4...The principal object of the first information report from the point of view of the informant is to set the criminal law in motion and from the point of view of the investigating authorities is to obtain information about the alleged criminal activity so as to be able to take suitable steps for tracing and bringing to book the guilty party. The first information report, we may point out, does not constitute substantive evidence though its importance as conveying the earliest information regarding the occurrence cannot be doubted. It can, however, only be used as a previous statement for the purpose of either corroborating its maker under Section 157 of the Indian Evidence Act or for contradicting him under Section 145 of that Act. It cannot be used for the purpose of corroborating or contradicting other witnesses.”

(Emphasis supplied)

31. In *Thulia Kali v. State of T.N.*, (1972) 3 SCC 393, this Court elucidated the impact of delay in registration of F.I.R. The Court held as follows:

“12. ... First information report in a criminal case is an extremely vital and valuable piece of evidence for the purpose of corroborating the oral evidence adduced at the trial. The importance of the above report can hardly be overestimated from the standpoint of the accused. The object of insisting upon prompt lodging of the report to the police in respect of commission of an offence is to obtain early information regarding the circumstances in which the crime was committed, the names of the actual culprits and the part played by them as well as the names of eyewitnesses present at the scene of occurrence. Delay in lodging the first information report quite often results in embellishment which is a creature of afterthought. On account of delay, the report not only gets bereft of the advantage of spontaneity, danger creeps in of the introduction of coloured version, exaggerated account or concocted”

(Emphasis supplied)

32. The point of law on mandatory registration, as interpreted from Section 154 of the CrPC, has been elaborated by this Court in **State of Haryana v. Bhajan Lal, 1992 Supp (1) SCC 335**. Upon thorough examination of the mandatory implications of Section 154 of the CrPC, this Court arrived at the following finding in paragraphs 31 and 32 of the judgment:

“31. At the stage of registration of a crime or a case on the basis of the information disclosing a cognizable offence in compliance with the mandate of Section 154(1) of the Code, the police officer concerned cannot embark upon an enquiry as to whether the information, laid by the informant is reliable and genuine or otherwise and refuse to register a case on the ground that the information is not reliable or credible. On the other hand, the officer in charge of a police station is statutorily obliged to register a case and then to proceed with the investigation if he has reason to suspect the commission of an offence which he is empowered under Section 156 of the Code to investigate, subject to the proviso to Section 157. (As we have proposed to make a detailed discussion about the power of a police officer in the field of investigation of a cognizable offence within the ambit of Sections 156 and 157 of the Code in the ensuing part of this judgment, we do not propose to deal with those sections in extenso in the present context.) In case, an officer in charge of a police station refuses to exercise the jurisdiction vested in him and to register a case on the information of a cognizable offence reported and thereby violates the statutory duty cast upon him, the person aggrieved by such refusal can send the substance of the information in writing and by post to the Superintendent of Police concerned who if satisfied that the information forwarded to him discloses a cognizable offence, should either investigate the case himself or direct an investigation to be made by any police officer subordinate to him in the manner provided by sub-section (3) of Section 154 of the Code.

32. Be it noted that in Section 154(1) of the Code, the legislature in its collective wisdom has carefully and cautiously used the expression ‘information’ without qualifying the same as in Section 41(1)(a) or (g) of the Code wherein the expressions, ‘reasonable complaint’ and ‘credible information’ are used. Evidently, the nonqualification of the word ‘information’ in Section 154(1) unlike in Section 41(1)(a) and (g) of the Code may be for the reason that the police officer should not refuse to record an information relating to the commission of a cognizable offence and to register a case thereon on the ground that he is not satisfied with the reasonableness or credibility of the information. In other words, ‘reasonableness’ or ‘credibility’ of the said information is not a condition precedent for registration of a case. A comparison of the present Section 154 with those of the earlier Codes will indicate that the legislature had purposely thought it fit to employ only the word ‘information’ without

qualifying the said word. Section 139 of the Code of Criminal Procedure of 1861 (Act 25 of 1861) passed by the Legislative Council of India read that 'every complaint or information' preferred to an officer in charge of a police station should be reduced into writing which provision was subsequently modified by Section 112 of the Code of 1872 (Act 10 of 1872) which thereafter read that 'every complaint' preferred to an officer in charge of a police station shall be reduced in writing. The word 'complaint' which occurred in previous two Codes of 1861 and 1872 was deleted and in that place the word 'information' was used in the Codes of 1882 and 1898 which word is now used in Sections 154, 155, 157 and 190(c) of the present Code of 1973 (Act 2 of 1974). An overall reading of all the Codes makes it clear that the condition which is sine qua non for recording a first information report is that there must be an information and that information must disclose a cognizable offence.

33. It is, therefore, manifestly clear that if any information disclosing a cognizable offence is laid before an officer in charge of a police station satisfying the requirements of Section 154(1) of the Code, the said police officer has no other option except to enter the substance thereof in the prescribed form, that is to say, to register a case on the basis of such information."

(Emphasis supplied)

33. In **Lalita Kumari v. Government of U.P., (2014) 2 SCC 1**, a five Judge Bench of this Court affirmed the requirement for the mandatory registration of an F.I.R. under Section 154 of the CrPC. The Court ruled that, once the information provided discloses the commission of a cognizable offence, it is imperative for the police to register the F.I.R. without conducting any preliminary inquiry. This judgment reinforces the principle that the registration of an F.I.R. is a duty that must be carried out promptly upon the receipt of credible information regarding a cognizable crime. The relevant paragraphs are reproduced hereinbelow:

"83. In terms of the language used in Section 154 of the Code, the police is duty-bound to proceed to conduct investigation into a cognizable offence even without receiving information (i.e. FIR) about commission of such an offence, if the officer in charge of the police station otherwise suspects the commission of such an offence. The legislative intent is therefore quite clear i.e. to ensure that every cognizable offence is promptly investigated in accordance with law. This being the legal position, there is no reason that there should be any discretion or option left with the police to register or not to register an FIR when information is given about the commission of a cognizable offence. Every cognizable offence must be investigated promptly in accordance with law and all information provided under Section 154 of the Code about the commission of a cognizable offence must be registered as an FIR so as to initiate an offence. The requirement of Section 154 of the Code is only that the report must disclose the commission of a cognizable offence and that is sufficient to set the investigating machinery into action."

(Emphasis supplied)

34. The foregoing discussion leads us to the inevitable conclusion that when an informant approaches the police with information regarding the commission of a cognizable offence, the police owes a duty to promptly register an F.I.R. and initiate investigation in accordance with Section 154 of the CrPC. The police authorities are not vested with any discretion to conduct a preliminary inquiry to assess the credibility of the information before registering the F.I.R. Any such practice would be contrary to the established principles of criminal law.

35. Over a period of time, this Court through its legion of decisions, has emphasized the necessity of ensuring the prompt registration of F.I.R. to uphold the rule of law and prevent any undue delay in the commencement of criminal investigation. Timely registration of an F.I.R. not only ensures that crucial evidence is preserved but also serves to protect the rights of victims by setting the criminal justice process in motion without unnecessary procedural impediments.

36. In the present case, the appellants had approached the territorial police station on 21.07.2023 and 09.09.2023 respectively for registration of an F.I.R., alleging foul play and commission of offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The appellant nos. 1 and 2 respectively, further, on 11.09.2023, addressed a detailed letter to the Deputy Commissioner of Police, South-West, New Delhi for registration of F.I.R. However, no heed was paid to the fervent appeal made by the appellants herein.

37. The husband of appellant no. 3 (father of Ayush Ashna) in his complaint, dated 21.07.2023 addressed to the D.C.P., Vasant Vihar, New Delhi, had informed the Police that his son, Ayush Ashna, was facing caste-based harassment from his hostel inmates as well as the faculty members. He further informed the Police that his son had to change his hostel owing to his caste category being revealed in the branch change list. He, therefore, demanded an investigation into his son's untimely and unnatural death.

38. Appellant nos. 1 and 2 respectively in their complaint dated 09.09.2023, stated that the death of Anil Kumar was not due to suicide, but was a result of murder based on caste hatred. They also informed the Police that Anil Kumar was facing caste-based discrimination including the use of derogatory caste-based words by the members of the faculty.

39. There is no doubt that the offence alleged by the appellants in their respective complaints disclosed commission of cognizable offences.

40. It is altogether a different thing to say that there is no element of truth in what has been alleged by the appellants in their respective complaints. It could just be a figment of their imagination. It could also be just a reflection of their anger towards the management as two young boys lost their lives. Even if the Police was of the view that there was no element of truth in what had been alleged by the appellants, it could have said so only after registering an F.I.R. and conducting an investigation pursuant thereto. We say so because this is the law. The Police could not have taken a shortcut just because something happened in the hostel of an eminent educational institution like IIT Delhi. It seems that the Police very quickly jumped to the conclusion that the two boys were in some sort of depression as they were not doing well in their studies. Such conclusion of the Police may as well be correct. However, again, at the cost of repetition, we say that such a conclusion could have been arrived at only after following the due process of law, i.e., registration of an F.I.R. and investigation. Nobody would have stopped the Police from filing an appropriate closure report saying that no case is made out. However, to close the entire matter after undertaking an investigation under Section 174 of the CrPC is something which we do not approve of.

41. It is legitimate to argue that the commission of suicide is not a cognizable offence. A person who commits suicide goes beyond the cognizance of police. What is cognizable in cases of suicide is the abetment to commit suicide. Therefore, the complaint made by the complainant must disclose abetment of commission of suicide by the person named therein before an F.I.R. can be registered.

42. Further, the offence alleged to have been committed under Section 3(1)(q) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (“**SC/ST (PoA) Act, 1989**”) is a cognizable offence under Section 18 of the said Act. The relevant provision reads thus:

“18-A. No enquiry or approval required. –

(1) For the purposes of this Act,-

- i. preliminary enquiry shall not be required for registration of a First Information Report against any person; or*
- ii. the investigating officer shall not require approval for the arrest, if necessary, of any person, against whom an accusation of having committed an offence under this Act has been made and no procedure other than that provided under this Act or the Code shall apply.”*

43. The aforementioned provision, in the most unambiguous language, lays down that no preliminary enquiry is required for the registration of an F.I.R. This leaves no room for the authorities to delve into an investigation so as to determine the reasons leading to the commission of suicide by the students when categorical statements regarding caste-based harassment and discrimination were made in the complaint. The SC/ST (PoA) Act, 1989 was enacted with the intent to enlarge the scope of criminal liability by including several acts or omissions of atrocities that were not covered by the I.P.C. or the Protection of Civil Liberties Act, 1955 as summed up by this Court in **National Campaign on Dalit Human Rights v. Union of India, (2017) 2 SCC 432**.

44. We also take notice of the following:

“No. 15011/91/2013-SC/ST-W

Government of India/Bharat Sarkar

Ministry of Home Affairs

NDCC - II Building,

Jai Singh Road

New Delhi

Dated the 12th October, 2015

To

The Chief Secretaries

All State Governments/UT Administrations

Subject: Advisory on no discrimination in compulsory registration of FIRs-

Regarding

Sir/Madam,

1. Reference is invited to this Ministry’s Advisories dated 10th May 2013 and 5th February 2014 regarding compulsory registration of FIR u/s 154 Cr P.C. (copies enclosed).

2. In these advisories it was made clear that as per section 154(1) of the Cr. P.C. a police officer is duty bound to register a case on the basis of such information disclosing a cognizable offence and FIR has to be registered irrespective of territorial jurisdiction.

3. *National Commission for Minorities in its Annual Report 2011-12 has recommended prompt action in registration of FIRs, timely filing of charge sheet and speedy trial to restore the faith of minorities. In this regard, it is pertinent to note that registration of FIR is the first step in the whole process. Therefore all States/UTs must ensure that utmost promptness in registering FIRs is extended to all those who approach the police for registration of FIRs without any discrimination of whatever kind. Once again it is requested to ensure that FIRs get registered in strict compliance to above stated advisories.*

4. *It is requested to kindly ensure that these instructions are circulated amongst all concerned Departments/ Organizations and others under your jurisdiction for strict compliance.*

Yours faithfully

Kumar Alok

Joint Secretary to the Govt. of India

Tel No. 23438100.”

45. We also take notice of the following advisory dated 5.02.2024 issued by the Ministry of Home Affairs:

“Mo. 15011/91/2013 - SC/ST-W

Government of India

Ministry of Home Affairs

Centre State Division

5th Floor, NDCC-II Building

Jai Singh Road, New Delhi

Dated the 5th February, 2024

To

The Additional Chief Secretary/Principal Secretary (Home Department)

Sub:- Compulsory Registration of FIR u/s 154 Cr.P.C. when the information makes out a cognizable offence Sir/Madam,

This is in continuation to the earlier advisory of the Ministry of Home Affairs dated 10-05-2013 regarding the registration of FIR irrespective of territorial jurisdiction and zero FIR.

We had made it clear that as per section 154(1) of the Cr. P.C. a police officer is duty bound to register a case on the basis of such information disclosing a cognizable offence. We had also made it clear that when it becomes apparent that even if the offence has been committed outside the jurisdiction of the police station, zero FIR would still be registered and the FIR would be then transferred to the appropriate police station as per Section 170 of the Cr.P.C.

2. A Constitution Bench of the Supreme Court in W.P, (Cri.) No.68 of 2008 in Lalita Kumar Vs Government of U.P. and others on 12-11-2013 had addressed the issue of mandatory registration of FIRs and had held that registration of FIR either on the basis of the information furnished by the informant when it makes out a cognizable offence u/s 154(1) of the Cr.P.C. or otherwise u/s 157(1) of the Cr. P.C. is obligatory. It also held that reliability, genuineness and credibility of the information are not conditions precedent for registering a case u/s 154 of the Cr. P.C. Since the legislative intent is to ensure that every

cognizable offence is promptly investigated in accordance with law, hence there is no discretion or option left with the police to register or not to register an FIR once information of a cognizable offence has been provided. The court was quite perturbed about the burking of crime registration and has concluded that nonregistration of crime leads to dilution of rule of law and thus leads to definite lawlessness in the society, which is detrimental to the society as a whole. It has hence called for action against erring officers who do not register an FIR if information received by him/her discloses the commission of a cognizable offence. It may be mentioned that Section 166A of Cr.P.C. prescribes a penalty of imprisonment up to two years and also a fine for nonregistration of a FIR for an offence described u/s 166A. It may be also mentioned that if after investigation the information given is found to be false, there is always an option to prosecute the complainant for filing a false FIR under Chapter XI of the I.P.C.

3. The Supreme Court has provided for some exceptions to the mandatory registration of FIR and for the conduct of preliminary inquiry which are as follows:

(a) *If the information received does not disclose the commission of cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether a cognizable offence is disclosed or not. If the inquiry discloses the commission of a cognizable offence, the FIR must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant within one week and it must also disclose the reasons in brief for closing the complaint and not proceeding further.*

(b) *The other categories of cases in which preliminary inquiry may be made are:*

(i) *Matrimonial disputes/family disputes*

(ii) *Commercial offences*

(iii) *Medical negligence cases*

(iv) *Corruption cases*

(v) *Cases where there is an abnormal delay in initiating criminal prosecution.*

Example: over 3 months delay in reporting the matter without satisfactorily explaining the reasons for delay

(vi) *The Supreme Court has also insisted that all preliminary inquiries should be completed within 7 days and any delay with the causes should be reflected in the General Diary/Station House Diary/Daily Diary.*

4. The Supreme Court has, inter-alia, deprecated the practice of first recording the information in the General Diary and then conducting a preliminary inquiry and thereafter registering the FIR. It has clarified that registration of the FIR is to be done in the FIR Register/Book (in the standard format prescribed) and in addition, the gist or substance of the FIR is to be recorded in the General Diary as mandated in the Police Act or Police Regulations.

5. In addition, to ensure accountability in the functioning of police, the Supreme Court emphasized that all actions of the police should be reduced to writing and documented through entries made in the General Diary of the Police Station.

6. Home Departments of the States/UTs may direct the DGPs/IGPs to issue necessary instructions in the light of the above advisory so that all police officers are made aware of

them and the contents are also incorporated in the training curriculum of the police personnel.

7. The receipt of the same may kindly be acknowledged.”

(S. Suresh Kumar)

Joint Secretary (CS)”

46. The aforesaid advisory makes the following very clear:

- i. Registration of an F.I.R. is mandatory under Section 154 of the Code, if the information discloses commission of a cognizable offence and no preliminary inquiry is permissible in such a situation.
- ii. If the information received does not disclose a cognizable offence but indicates the necessity for an inquiry, a preliminary inquiry may be conducted only to ascertain whether a cognizable offence is disclosed or not.
- iii. If the inquiry discloses the commission of a cognizable offence, the F.I.R. must be registered. In cases where preliminary inquiry ends in closing the complaint, a copy of the entry of such closure must be supplied to the first informant forthwith and not later than one week. It must disclose reasons in brief for closing the complaint and not proceeding further.
- iv. The police officer cannot avoid his duty of registering the offence if a cognizable offence is disclosed. Action must be taken against erring officers who do not register an F.I.R. if information received by them discloses a cognizable offence.
- v. The scope of preliminary inquiry is not to verify the veracity or otherwise of the information received but only to ascertain whether the information reveals any cognizable offence.
- vi. As to what type and in which cases preliminary inquiry is to be conducted will depend on the facts and circumstances of each case. The category of cases in which preliminary inquiry may be made are as under:
 - a. Matrimonial disputes/ family disputes
 - b. Commercial offences
 - c. Medical negligence cases
 - d. Corruption cases
 - e. Cases where there is an abnormal delay in initiating criminal prosecution, for example, over three months delay in reporting the matter without satisfactorily explaining the reasons for delay. The aforesaid are only illustrations and not exhaustive of all conditions which may warrant preliminary inquiry.
- vii. While ensuring and protecting the rights of the accused and the complainant, a preliminary inquiry should be made time bound and in any case it should not exceed 7 days. The fact of such delay and the causes of it must be reflected in the General Diary entry.
- viii. Since the General Diary/Station Diary/Daily Diary is the record of all information received in a police station, we direct that all information relating to cognizable offences, whether resulting in registration of an F.I.R. or leading to an inquiry, must be mandatorily

and meticulously reflected in the said Diary and the decision to conduct a preliminary inquiry must also be reflected, as mentioned above.

F. CONCLUSION

47. We are of the view that responsibility of maintaining the safety and well-being of students rests heavily on the administration of every educational institution. Therefore, in the event of any unfortunate incident, such as a suicide occurring on campus, it becomes their unequivocal duty to promptly lodge an F.I.R. with the appropriate authorities. Such action is not only a legal obligation but also a moral imperative to ensure transparency, accountability, and the pursuit of justice. Simultaneously, it is incumbent upon the police authorities to act with diligence and responsibility by registering the FIR without refusal or delay. This ensures that due process of law is upheld, and a thorough investigation can be conducted to uncover the truth and address any underlying causes. The harmonious discharge of these duties by both educational institutions and law enforcement agencies is essential to prevent the recurrence of such tragedies and to preserve trust in societal institutions. In a given case, failure on part of the administration of any educational institution may be viewed strictly.

48. For all the foregoing reasons we direct the DCP (South-West District, New Delhi) to register the First Information Report in line with two respective complaints lodged in writing by the kith and kin of the two students who committed suicide and depute any responsible officer, not below the rank of Assistant Commissioner of Police, to undertake the investigation in accordance with law. We need not say anything further as investigation of any crime is within the domain of the police.

G. NATIONAL TASK FORCE TO ADDRESS THE MENTAL HEALTH CONCERNS OF STUDENTS AND PREVENT THE COMMISSION OF SUICIDES IN HIGHER EDUCATIONAL INSTITUTIONS

49. However, we do not intend to close the matter just with a direction to register the F.I.R. We deem it absolutely necessary to discuss the disturbing pattern of student suicides being reported from various educational institutes across the country.

50. On 19th March, 2025, a third-year law student, aged 21 years, at the Gujarat National Law University (GNLU) was found dead in his dorm room. The deceased student was a native of Patiala in Punjab. He had apparently hanged himself from the latch and was found on the floor.¹

51. On 25th February, 2025, a third-year student at the Indian Institute of Technology, Patna took his life by allegedly jumping from the seventh floor of his hostel premises situated within the campus itself allegedly owing to excessive academic pressure.²

52. On 15th February, 2025, a third-year student pursuing a Bachelors in Technology from Kalinga Institute of Industrial Technology (KIIT) campus in Bhubaneswar, Odisha, was found hanging from the ceiling fan in her hostel room on account of alleged sexual harassment and blackmailing by a fellow student.³

¹ [*Gujarat National Law University student ends life on campus*](#), THE TIMES OF INDIA, March 19, 2025.

² [*IIT Patna student dies by 'suicide' on campus*](#), THE INDIAN EXPRESS, February 27, 2025.

³ [*Why suicide of Nepali student at Odisha's KIIT campus forced Nepal PM to intervene*](#), FIRSTPOST, February 18, 2025.

53. On 18 February, 2024, a second-year student at the College of Veterinary and Animal Sciences, Wayanad, Kerala, was found hanging in the bathroom of his hostel, after allegedly being tortured by his seniors and batchmates days before his death.⁴

54. What disturbs us even more is that the abovementioned incidents are not isolated one-off occurrences but are only a few out of the many which have taken place over a period of time owing to a multitude of reasons like ragging, academic pressure, caste-based discrimination, sexual harassment, etc. As per the data provided by the Union Minister of State for Education to the Rajya Sabha in 2023, 98 students died by suicide in higher educational institutes since 2018, out of which 39 were from IITs, 25 from NITs, 25 from central universities, four from IIMs, three from IISERs and two from IIITs.⁵

55. Each suicide is a personal tragedy that prematurely takes the life of an individual and has a continuing ripple effect, affecting the lives of families, friends and communities. According to the 210th Report of the Law Commission of India, suicide has been identified as one of the most significant factors contributing to the premature and unnatural cessation of human life.⁶ The statistics contained in the Report of the National Crime Records Bureau (for short, “**the NCRB**”) for the year 2021 highlight the grim reality of over 13,000 students having lost their lives by committing suicide in the country which is almost twice the already disturbing number a decade ago. The number of student suicides has now surpassed suicides committed by farmers due to agrarian distress, with a four percent rise in 2024 alone.⁷ According to the NCRB Report titled “Accidental Deaths and Suicides in India, 2022” student suicides accounted for 7.6% of the total number of suicides committed in India in 2022 with 1.2% of total suicides attributable to professional/career problems and 1.2% to failure in examination.

56. In the backdrop of the rising incidence of student suicides on college campuses and in higher educational institutions, including the Indian Institutes of Technology (IITs), National Institutes of Technology (NITs) and Indian Institutes of Management (IIMs), we believe that it is high time we take cognizance of this serious issue and formulate comprehensive and effective guidelines to address and mitigate the underlying causes contributing to such distress among students.

57. We believe from our little understanding that the suicide epidemic in educational institutions can be attributed to a plethora of factors including but not limited to academic pressure, caste-based discrimination, financial stress, and sexual harassment, with eminent institutions like the IITs and NITs reporting high rates linked to exam failures⁸.

58. A number of news reports point out that caste-based discrimination is rampant and pervasive, even in prestigious educational institutions, aggravating the sense of alienation among students from marginalised communities. Caste-based discrimination on college campuses is in clear violation of Article 15 of the Constitution which *inter alia* prohibits discrimination on the ground of caste. In response to a question put up in the Rajya Sabha

⁴ [Wayanad student suicide: Six arrested for college student's suicide](#), THE NEW INDIAN EXPRESS, February 29, 2024.

⁵ [98 students died by suicide in higher educational institutes since 2018: Centre](#), HINDUSTAN TIMES, July 27, 2023.

⁶ Law Commission of India, Report No. 210 on the Humanisation and Decriminalisation of Attempt to Suicide, Para 1.5 (October 2008).

⁷ [More Students Dying by Suicide Than Farmers Reveals Another Deadly Crisis](#), THE QUINT, October 23, 2024.

⁸ *Id.*

in 2021, the Ministry of Education submitted that 60% of the students who dropped-out from seven reputed IITs belonged to the reserved categories.

59. We are aware that a coordinate Bench of this Court is in seisin of the issue pertaining to caste-based discrimination in educational institutions in the case of ***Abeda Salim Tadvī & Anr. v. Union of India & Ors.***, (W.P. (C) No. 1149/2019). Pursuant to the directions of this Court in the said matter, the University Grants Commission (for short, “the UGC”) has published the draft University Grants Commission (Promotion of Equity in Higher Education Institutions) Regulations, 2025. The avowed object of the said Regulations is to ensure a safe, inclusive, and equitable learning environment for all students, faculty members, and staff by preventing any form of discrimination based on religion, race, caste, sex, or place of birth within Higher Educational Institutions.

60. The aforesaid draft Regulations published by the UGC also assume importance as the phenomenon of “othering” of students belonging to the marginalised communities, whether based on caste, gender or ethnicity, is being reported with an increasing frequency and it is only through sensitization of students and the faculty members that it can be ensured that campuses become safe spaces which are equal for students coming from the different walks of life.

61. While the steps taken by the UGC pursuant to the directions of this Court in ***Abeda Salim Tadvī*** (*supra*) are in the right direction inasmuch as they aim to prevent all forms of on-campus discrimination, we intend to take a step further towards creating an institutionalised mechanism for ensuring the mental well-being of students studying in Higher Educational Institutions so as to mitigate the instances of commission of suicides by students owing to discrimination, academic pressure, harassment, or any other concern affecting the mental well-being of students.

62. Based on a survey conducted by Seena Mary Thankachan, a researcher at the Pune International Centre, it was reported that 70% of the faculty members across IITs felt ill-equipped to address mental health issues, and 90% lacked proper training to support students with such sensitive concerns.⁹ Implementing strict antidiscrimination policies, cultural sensitivity training, and support groups for marginalised students is crucial to uproot institutional and systemic discrimination against disadvantaged groups which effectively undermines their full and equal social, economic, political, and cultural participation in society.¹⁰

63. The relentless pressure to perform in a purely score-based education system, coupled with the extreme competition for limited seats in premier educational institutions, places a terrifying burden on the students’ mental health. The inordinate burden on students to work on multiple projects simultaneously exacerbates academic pressure. Several students who come from competitive coaching centres bring pre-existing mental health issues, which get further heightened when they enter Higher Educational Institutions. Although it is difficult to eradicate this distress yet it can be managed by introducing flexible curricula, continuous assessment methods, structured support for managing backlogs and on campus support for psychological issues faced by the students.¹¹

⁹ *OPINION: The silent crisis in the IITs*, THE WEEK, July 27, 2024.

¹⁰ *Anjum Kadari v. Union of India*, (2024) SCC OnLine SC 3129.

¹¹ *Supra* 8.

64. Another cause of student suicides remains brutality in the form of ragging, which is often concealed by colleges and universities to safeguard their reputation. This violates the right to dignity and education of students. It has been clarified by this Court in **Farzana Batool v. Union of India, (2021) SCC OnLine SC 3433** that “*while the right to pursue higher (professional) education has not been spelt out as a fundamental right in Part III of the Constitution, it bears emphasis that access to professional education is not a governmental largesse. Instead, the State has an affirmative obligation to facilitate access to education, at all levels.*”

65. The R.K. Raghavan Committee was appointed to curb the menace of ragging which detailed the causes and actionable remedies in its 2007 Report. It was pointed out by the Committee that most State laws only seek to prohibit, and not prevent, ragging, and “while prevention must lead to prohibition, the reverse need not be true.” There also exist the UGC Regulations on Curbing the Menace of Ragging in Higher Educational Institutions 2009, however, news reports have pointed out that tangible actions have not been taken by the stakeholders other than mere formalities such as mandating undertakings from students and parents against indulging in ragging, and putting up no-ragging notices on university premises.¹² While the existing guidelines need to be enforced, there is also a requirement of bringing in new measures for providing psychological support to victims of ragging so as to stop them from taking extreme steps like commission of suicide.

66. We are of the firm view that universities must acknowledge their role not just as centres of learning but as institutions responsible for the well-being and holistic development of their students. The failure to do so would mean failing the very purpose of education – to uplift, empower, and transform lives. Universities assume the role of a parent when a student leaves his home and comes to study on the campus of the university. As per the principle of ‘*loco parentis*’ when a student at the adolescent age or childhood is sent to school by the parents, it is also the duty of the school authorities to play the role of parents in safeguarding the interest and welfare of the students. A person in *loco parentis* means a person taking upon himself the duty of a father of a child to make a provision for that child. The duty of the college authorities is not just to ensure academic excellence of the students but also to ensure their mental well-being, and not just exercise authority and control over students but also to provide support in times of distress.

67. The nation has already suffered the tragic loss of numerous students – young individuals with immense potential who could have gone on to become successful professionals. However, due to the absence of adequate institutional support, they were driven to take the extreme step of ending their own lives. These distressing incidents not only highlight systemic failures but also expose a severe lack of institutional empathy and accountability on the part of educational institutions. When academic environments fail to address discrimination, harassment, and mental health concerns effectively, they contribute to a culture of neglect that can have devastating consequences.

68. As a society, and as stakeholders in shaping the future of our youth, we must take collective responsibility to ensure that no more lives are lost due to apathy or indifference. It is imperative for institutions to have a culture of sensitivity and proactive intervention so that every student feels safe, supported, and empowered to pursue their aspirations without fear or discrimination.

¹² [Unending ordeal: On continuing acts of ragging](#), THE HINDU, November 27, 2023.

69. The recurring instances of student suicides in Higher Educational Institutions, including private educational institutions, serve as a grim reminder of the inadequacy and ineffectiveness of the existing legal and institutional framework in addressing mental health concerns of students on campuses and to prevent the students from taking the extreme step of committing suicides. These tragedies underscore the urgent need for a more robust, comprehensive, and responsive mechanism to address the various factors which compel certain students to resort to taking their own lives. In light of the concerns expressed above, a National Task Force to address the mental health concerns of students and prevent the commission of suicides in Higher Educational Institutions is being constituted and shall comprise of the following members:

- i. Justice S. Ravindra Bhat, Former Judge, Supreme Court of India, as the Chairperson;
- ii. Dr. Alok Sarin, Consultant Psychiatrist, Sitaram Bhartia Institute of Science & Research, New Delhi;
- iii. Prof. Mary E. John (retired), Former Director, Centre for Women's Development Studies, New Delhi;
- iv. Mr. Arman Ali, Executive Director, National Centre for Promotion of Employment for Disabled People;
- v. Prof. Rajendar Kachroo, Founder, Aman Satya Kachroo Trust;
- vi. Dr. Aqsa Shaikh, Professor of the Department of Community Medicine in Hamdard Institute of Medical Sciences and Research, New Delhi;
- vii. Dr. Seema Mehrotra, Professor of Clinical Psychology, NIMHANS;
- viii. Prof. Virginius Xaxa, Visiting Professor at the Institute for Human Development (IHD), New Delhi;
- ix. Dr. Nidhi S. Sabharwal, Associate Professor, Centre for Policy Research in Higher Education, National University of Educational Planning and Administration, New Delhi;
- x. Ms. Aparna Bhat, Senior Advocate (as *amicus curiae*).

70. The following shall be the ex-officio members of this Task Force:

- i. Secretary, Department of Higher Education, Ministry of Education, Government of India;
- ii. Secretary, Department of Social Justice & Empowerment, Ministry of Social Justice & Empowerment, Government of India;
- iii. Secretary, Ministry of Women and Child Development, Government of India;
- iv. Secretary, Department of Legal Affairs, Ministry of Law and Justice, Government of India.

71. We direct the Chief Secretaries of all the States/Union Territories to nominate a high ranking officer, not below the rank of Joint Secretary in the Department of Higher Education of the respective State/Union Territory, to act as the nodal officer on behalf of the respective State/Union Territory. We further direct all the concerned departments/authorities of the respective State/Union Territory to cooperate with the nodal officer concerned and furnish necessary information, data and assistance as may be sought by such nodal officer.

72. The Joint Secretary, Department of Higher Education, Ministry of Education, Government of India shall act as the convener of the Task Force.

73. The Task Force includes representatives from diverse fields to ensure an interdisciplinary approach to tackling the issue of commission of suicides in Higher Educational Institutions.

74. The remit of this Task Force is to prepare a comprehensive report that includes:

i. **Identification of the predominant causes which lead to commission of suicides by students:** An examination of the various causes which lead to student suicides in Higher Educational Institutions, including but not limited to ragging, caste-based discrimination, gender-based discrimination, sexual harassment, academic pressure, financial burden, mental health related stigma, discrimination based on ethnicity, tribal identity, disability, sexual orientation, political views, religious belief or any other grounds.

ii. **Analysis of Existing Regulations:** A thorough assessment of the effectiveness of current laws, policies, and institutional frameworks applicable to Higher Educational Institutions concerning ragging, caste-based and gender-based discrimination, sexual harassment, mental health support, support for students facing academic challenges, financial support to students in need of funds, etc. This analysis will evaluate whether these frameworks adequately address the challenges faced by students.

iii. **Recommendations for Strengthening Protections:** Proposing necessary reforms to the existing legal and institutional frameworks to ensure stronger enforcement, accountability, and preventive measures. The Task Force shall also put forth recommendations to address existing gaps, create a more inclusive and supportive academic environment, and ensure equal opportunities for members of marginalized communities.

75. In the process of preparing its report, the Task Force shall have the authority to conduct surprise inspections of any Higher Educational Institution. Additionally, the Task Force shall be at liberty to make further recommendations beyond the specified mandate, wherever necessary, to ensure a holistic and effective approach towards addressing mental-health concerns of students and eliminating the incidence of suicides in Higher Educational Institutions. The Task Force is requested to take into account the views and concerns of all stakeholders, including those of student unions, whether elected or nominated and other student representative bodies, wherever they exist. The Task Force is also requested to seek representation from and consult the governments of all the States and Union Territories. The Task Force may also consider obtaining the views of the different stakeholders by way of circulating a questionnaire and seeking written responses thereupon.

76. It is clarified that the term “Higher Educational Institution” is used broadly to cover all higher educational institutions, including government and private universities, deemed to be universities, government and private colleges, etc.

77. The Secretary, Department of Higher Education, Ministry of Education; the Secretary, Department of Social Justice & Empowerment, Ministry of Social Justice & Empowerment; the Secretary, Ministry of Women and Child Development; and the Secretary, Department of Legal Affairs, Ministry of Law and Justice, Government of India, shall collaborate with the Task Force and extend full cooperation by providing all necessary information, documents, and resources required by the Task Force to effectively carry out its mandate.

78. The Secretary, Department of Higher Education, Ministry of Education, Government of India shall serve as the Member Secretary of the Task Force. The Ministry of Education, Government of India shall be responsible for providing all necessary logistical support to facilitate the functioning of the Task Force. This shall include making arrangements for travel, accommodation, and secretarial assistance, as well as covering all related expenses of the Task Force members. The Ministry shall provide a sufficiently large office space to the Task Force for holding its meetings and also to enable the officials to carry on its day-to-day activities. Additionally, the Ministry shall provide an appropriate honorarium to the members in recognition of their contributions.

79. We also direct that the Central Government, the Governments of all the States/Union Territories and agencies thereof, and Universities shall extend their full and active cooperation to the Task Force and provide the requisite data, information and assistance, as may be necessary. In the case of delay, reluctance or neglect on part of the aforesaid bodies, the Task Force will be at liberty to approach this Court through the *amicus curiae* seeking remedial actions.

80. The Chairperson of the Task Force shall be at liberty to engage the services of any person for the purpose of providing secretarial assistance in coordinating with the members of the Task Force, preparation of the interim and final report and for the smooth and effective discharge of any other responsibilities as may arise during the course of carrying out the mandate of the Task Force. This shall include the engagement of the services of Data Analysts and Research Assistants as may be necessary for the effective discharge of the mandate of the Task Force.

81. The Chairperson of the Task Force shall also be at liberty to constitute, after due consultation with the members of the Task Force, committees and sub-committees as may be required for the purpose of carrying out specific functions.

82. We direct the Union of India to deposit an amount of Rupees Twenty Lacs (Rs 20,00,000/-) with the Registry within two weeks from the date of this order as an outlay for the initial operations of the Task Force. The *amicus curiae* shall be at liberty to move an appropriate application seeking orders for disbursement of any additional funds, whenever necessary. We clarify that this amount is in addition to the financial and administrative responsibility of the Ministry of Education as described aforesaid.

83. The Task Force is requested to present an interim report within four months from the date of this order. The final report shall be submitted preferably within eight months from the date of this order.

84. We treat this matter as part heard. The registry shall notify this matter after four months alongwith the interim report of the Task Force before this very Bench (J.B. Pardiwala and R. Mahadevan, JJ.) after obtaining appropriate orders from Honourable the Chief Justice of India.