

Combating Ragging in Higher Educational Institutions of Bangladesh: A Socio-Legal Study

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Abstract

From the death of Abrar Fahad¹ to the recent incidents of Fulpori, ragging has ablated hundreds of impeccable lives and has spoiled the careers and dreams of thousands of students. Initially, ragging was conducted as an “initiation ritual ceremony” in higher education institutions across the globe. But lately, it has turned into an act of abuse or degrading instances that make the newcomers terrified. Its severity can vary from simply cracking a joke to a traumatized event. It frequently takes a fatal form, in which newcomers may be subjected to abuse physically or psychologically. Recently reported incidents regarding extreme ambience of ragging are highly traumatic and require strict legal enforcement. This paper aims to examine recent ragging incidents taking place in the higher educational institutions of Bangladesh, the impact they have had on students, and suggest steps to address and combat the evil culture.

Keywords: Ragging, Bullying, Universities, Students, Bangladesh.

1. Introduction

In Bangladesh, ragging is a term known by different names in the world (e.g., hazing, pledging, bullying, etc.) and seems to be a common practice in universities of Bangladesh and universities in neighboring countries. Generally, the practice of ragging is prevalent in medical, engineering, and universities or other institutions. More specifically, it is the practice of 'welcoming' new students in an anti-social and cruel manner, and that persists during the student's first year at university². Although the ritual of ragging has existed since Anno Domini era A.D. it was not brutal at the time; rather, it was a kind of tradition that was practiced in an affable version. Then, the tradition of ragging spread gradually to other parts of the world. By the passage of time, it evolved into psychopathic behavior and a reflection of deviant personalities, which ended in inhumane and ruthless actions. The seniors take despicable satisfaction in traumatizing newcomers both physically and mentally³. There is a misconception that these types of conduct will foster amicable relationships between seniors and juniors. What is not realized here is that this will not only produce humiliation or harassment but will also have far-reaching adverse effects on an individual's self-esteem, self-

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¹Abrar Fahad, a second-year student of electrical and electronic engineering (EEE) department of the Bangladesh University of Engineering and Technology (BUET), was tortured and then killed by BUET's Chhatra League leaders inside BUET's Sher-e-Bangla Hall.

² M. A. H. Bhuiyan, "Depression Literacy among Bangladeshi Pre-University Students: Differences Based on Gender, Educational Attainment, Depression, and Anxiety," Asian Journal of Psychiatry 50 (2020): 101-944.

³Dr. VG Shinde "The menace of ragging in educational institutes: A human right perspective" 2017, International Journal of Advanced Research and Development, Volume 2 (Issue 6): 664-667.

confidence, and personality. However, in recent years ragging has evolved from normal human approaches to cruel, brutal, and inhuman methods, owing mainly due to the lack of supervision and appropriate instruction by the concerned institution. This act of troubling, harassing, and torturing someone psychologically and physically can sometimes spiral out of control and cause severe psychological injury. There have been situations where such a heinous act has resulted in major bodily injuries and, in extreme cases, sometimes even leads to a student's death in the form of suicide or murder⁴. Every year, several students are forced to go through this experience. Frequently, various incidents of violence, suicides, physical injuries, sexual abuse, and psychological diseases have been reported by the media as a result of ragging. But currently, everyone's attention is paid to the incidents that have been reported recently regarding the bizarre conditions of ragging in universities which are highly traumatic. The paper outlines the origin and definition of ragging followed by the literature relevant to ragging in Bangladesh and its presence in the international arena. Next, it presents the recent incidents that have taken place in educational institutions and the reasons for the prevalence of ragging. Finally, the paper presents national legislation and policy-related matters regarding ragging and violence in universities.

2. Ragging: It's Origin and Definition

Even though, our educational system may now be deeply ingrained with ragging. Nonetheless, many people would be surprised to know that ragging was first popularized in the West⁵. At first, it was introduced as a "Fresher's Ritual" in Western higher educational institutions for the betterment of new entrants, who were strangers to a university. The senior students introduced themselves and played practical jokes at the time of welcoming the newcomers to the institutions and thereby the seniors would help them by introducing the atmosphere and academic facilities of the respective institutions. Thus, gradually, the practice of Ragging became popular throughout the world to help students relax and become comfortable in the new environment. But subsequently, it spread and corrupted almost the entire Indian subcontinent educational institutions⁶. Then in the guise of this concept, the senior students were harassing the junior students both physically and mentally and the perpetrators were getting excuses from the authority using the term "Ragging" due to its previous positive image. The term "Ragging" refers to any conduct that causes or is likely to cause a student offence or annoyance, fear or apprehension, threat or intimidation, the outrage of modesty, or damage⁷. According to the Oxford English Dictionary, "Ragging means the act of practice of playing singing or dancing in ragtime". From this verbatim meaning of the word "Ragging" seems to be a positive concept of teaching someone as a learner. On the other hand, Readers Digest Great Encyclopedia Dictionary defines "Ragging" as follows: "Ragging means a noisy

⁴Ayesha Wajahat "Harassment due to ragging" 2014, *Procedia - Social and Behavioral Sciences*, Volume 113: 129-133.

⁵A. M. M. Navaz "Ragging and Its Impacts on the English Language Use of the First Year Undergraduate Community: Sri Lankan Perspective" (2020) *Asian Journal of Education and Social Studies*, 11(1): 11-20.

⁶Priyadeep Mahapatra, "Aishwarya Sandeep in Problems Arise from Ragging and Its Eradication," accessed March 30, 2023, <https://aishwaryasandeep.com/2021/06/24/ragging-and-its-eradication/>.

⁷Laishom Indira Devi, Khangembam Debobala Devi, Dr. Khangembam Arundas Singh, 'Ragging In Educational Institutions: A Fashion Or An Abuse' (2021) *Journal of Emerging Technologies and Innovative Research (JETIR)*, Volume 8(Issue 2): 1077-1081.

disorderly conduct, the annual parade of students in fancy dress to collect money for charity, playing rough jokes or throwing into wild disorder a person's room etc.” According to the definitions given above, the word "ragging" has given us both positive and bad connotations. Despite Bangladesh has no formal definition of Ragging, in such a devastating situation, The Supreme Court of India in *Vishwa Jagriti Mission vs Central Government*⁸ defined the term ragging as following “Any disorderly conduct, whether by words spoken or written or by an act which has the effect of teasing, treating or handling with rudeness any other student, indulging in rowdy or undisciplined activities is which causes or is likely to cause annoyance, hardship or psychological harm or to raise fear or apprehension thereof in a fresher or a junior student or asking the students to do any act or perform something which such student will not do in this ordinary course and which has the effect of causing or generating sense of shame or embarrassment so as to adversely affect the physique or psyche of a fresher or a junior student”⁹.

3. Concept of Ragging in the Context of Bangladesh

Ragging is the term that denotes to so-called "initiation ritual" that has been practiced in Indian subcontinent universities and colleges including India, Bangladesh, and Sri Lanka. It is a form of assault where senior students verbally or physically abuse new students in educational institutions. In many educational institutes, we often hear that new students were tortured physically and mentally in the name of Ragging. The term "ragging" has been used in those mischief, and in some instances, concerned teachers do not take it seriously against those perpetrator-students, which leads to a large number of innocent students suffering both physical and emotional distress at the start of their higher academic life. Eventually, those students are turning to long-term psycho patient and sometimes, it reaches the incident of suicide. They are walking through the wrong track and thereby healthy educational environment is impeded. Given the aforementioned circumstances, it is high time, to take into consideration the old concept of 'Ragging' in disguise, in which students are being misled. Therefore, in the aforesaid context, let us first clarify the concept of “Ragging”. The definition of ragging used in *University of Kerala v Council of Principals College in Kerala*¹⁰ is quite useful in our context. It is quoted in its entirety as: "the form of systematic and sustained physical, mental and sexual abuses of fresh students at the college/ university any other educational institution at the hands of senior students of the same institutions and sometimes even by outsiders. It also means causing, including, compelling or forcing a student, whether by way of a practical joke or otherwise, to do any act which detracts from human dignity or violates his person or exposes him to ridicule or to forbear from doing any lawful activity, intimidating wrongfully restraining, wrongfully confining or by injury or by using criminal force to him or by holding him any threat of such intimidation, wrongful restraint or confinement or injury or the use of criminal force"¹¹.

⁸2011 AIR SC 2814

⁹Arvind, (Legal service India, 2009), [Online] Available at: http://www.nits.ac.in/acts/anti_ragging.pdf [Accessed 29 March 2023].

¹⁰JT 2009 (11) SC 102

¹¹Dr. VG Shindhe “The menace of ragging in educational institutes: A human right perspective” 2017, International Journal of Advanced Research and Development, Volume 2 (Issue 6): 664-667.

These days, incidents of ragging are making regular headlines. Students who enroll in higher education institutions with the goal of a bright future have to face this bizarre culture of ragging as soon as they arrive on campus¹². Generally, ragging takes place in higher educational institutions of Bangladesh within the premises of the campus, including locations in lecture halls, tutorial rooms, canteens, libraries, hostels, and parks. Students are asked to read a book upside down, smoke a cigarette put the lighted side in their mouth, remove shoes, kneel, give a political speech or even go in front of a female fresher and be forced to propose to her. In extreme cases, boys are asked to smoke cigarettes if they disclose they are non-smokers¹³. New entrants are compelled to engage in pseudo-sexual acts and actions that are against the standard etiquette of society, especially removing their clothes and being forced to exhibit personal aspects of the body, by seniors who indulge in ragging. In cases of male students, if the incident takes place in a so-called guest's room or equivalent area, they would even be forced to masturbate in front of the seniors. This is often used in groups of students to establish a system of hierarchy and authority. The excuses of teaching the social hierarchy in their early career, and also learn other important values in life as if they were mature enough to know anything about values and hierarchy. Freshers' are helpless bodies in these situations compared to the seniors who conduct these acts¹⁴.

4. Recent Incidents of Ragging in the Educational Institutions of Bangladesh

The aspiration of every student has always been to get admitted to a prestigious public university. They believe their future will prosper if they get admitted to any public university. Therefore, they wish to get enrolled in the nation's reputed higher education institutes after graduating intermediate. But the dreams of new innocent students are quashed every year at the very beginning of their academic session when they are abused or frightened in various ways on university campuses by their seniors and activists from different political parties and student wings through various bogus explanations¹⁵. Media often reports and inquiries detect that it goes on, in many institutions, on innocent victims. Senior students, force the incondite newcomers to endure several forms of mental, physical and sexual abuse. With an increase in the number of students using dormitory facilities, academic institutions are seeing an increase in the frequency of ragging-related occurrences. The killing of Abrar Fahad, a BUET student, is the most shocking incident of ragging in higher educational institutions in Bangladesh. That particular occurrence had shaken people's emotions across the country. This episode demonstrated the devastating consequences of the terrible practice of ragging. According to media reports, over the last five years, more than three hundred ragging incidents occurred in various educational institutions, affecting over 500 students physically and mentally. Recently,

¹²Tasnim Binte Maksud, 'Ragging is a heinous crime, so is the culture of impunity', The Daily Star, (Dhaka, 10 March 2023) Available at: <<https://www.thedailystar.net/law-our-rights/news/ragging-heinous-crime-so-the-culture-impunity-3267641>> [Accessed 27 march 2023].

¹³Hemamalie Gunatilaka, 'Ragging; Its Evolution and Effects: A Literature Review with a Special Reference to Sri Lanka' (2019), *International Journal of Research and Innovation in Social Science (IJRISS)*, Volume III, Issue (X): 92-99. JA

¹⁴ Siri Gamage, 'Psychological, Sociological and Political Dimensions of Ragging in Sri Lankan Universities'(2017), *A Journal for the Social Sciences*, volume 1(7): 13-21.

¹⁵ Editorial, 'Contain ragging in universities Perpetrators must be held accountable' Bangladesh Post, (29 Jan 2022) Available at: <<https://bangladeshpost.net/posts/contain-ragging-in-universities-78436>>[Accessed 28 March 2023].

27 such occurrences occurred in higher education institutions where physical and mental injury has occurred. This number is based on published data, and unreported data might be higher. Perhaps the most high-profile incident took place in recent instances of ragging at the Islamic University of Kushtia. The victim has been identified as Fulpori Khatun, a first-year student. The student filed a formal complaint asserting that the Chhatra League leader and her associates had physically abused her. Sadly, this is not an isolated incident. Many incidents have taken place like that, are following:

4.1 Case Study

Case- 1

Institute: Bangladesh University of Engineering and Technology (BUET), Dhaka.

Name of the Student: Abrar Fahad

Fact of the Incident: Abrar Fahad, a second-year student of electrical and electronics engineering (EEE) department of Bangladesh University of Engineering and Technology (BUET) died after he was brutally beaten allegedly by some Chhatra League men at Sher-e-Bangla hall of the university. He was a victim of hazing as his seniors wanted to teach him a lesson for writing something on facebook that went against the government or narrative.

Action Taken: The university authorities expelled 26 students for life, 25 of whom were formally charged with the murder by police. Later on, police had submitted the charge sheet against 25 BUET students-most of them BUET Chhatra League's leaders and activists. In finally, the court in the Abrar Fahad murder case sentenced twenty defendants to death and five others to life imprisonment¹⁶.

Case-2

Institute: Islamic University (IU), Kusthia

Name of the Student: Fulpori Khatun, a first-year student

Fact of the Incident: Fulpori was tortured and humiliated at Deshratno Sheikh Hasina Hall in Islamic University by Chhatra League Vice-President and her accomplices. The victim confessed to the occurrence when she left the hall and told her elders and family members the next day.

Action Taken: The High Court ordered the authorities to expel five of its students who were found to be engaged in torture and humiliation. The university was also required by the court to relieve the house tutor, hall Provost Shamsul Alam, and several other people of their duties.

Case-3

Institute: Haji Mohammad Danesh Science and Technology University, Dinajpur

Name of the Student: Riyad Hossain.

Fact of the Incident: Riyad Hossain, a student at the department of architecture, in Haji Mohammad Danesh Science and Technology University, left the university on February 7 this

¹⁶ Crime and Justice, 'Abrar murder case verdict: 20 sentenced to death, 5 get life term; The Daily Star, (Dhaka, 8 December 2021) Available at: <<https://www.thedailystar.net/news/bangladesh/crime-justice/news/abrar-murder-case-verdict-22-accused-taken-court-2912576>> [Accessed 01 April 2023].

year after filed a written complaint to the university administration regarding alleged torture, was unsatisfied with the response, and decided to leave the university permanently.

Action Taken: A four-member committee has been formed to probe Riyad's incident. The university authorities have been patrolling the surrounding messes in order to combat this culture of ragging.

Case-4

Institute: Begum Rokeya University, Rangpur

Name of the Student: Siam, a junior student of the chemistry department at BRUR.

Fact of the Incident: The victim was allegedly beaten up and injured by some senior students of the same department.

Action Taken: Later he was getting admitted to Rangpur Medical College Hospital, and his department's teachers negotiated an agreement with the accused.¹⁷

In addition, recently, ragging allegations have also shaken Dhaka University. Shahriar Mia, a student, was allegedly tortured at night by members of Bijoy Ekattor Hall on January 22 because they suspected he was a Shibir activist. The victim was given over to the proctor by the BCL employees through the administration, but the university administration discharged him without any engagement with the Shibir. Besides these occurrences, Dhaka University has a ragging culture termed as "Guestroom Culture," in which first-year students get taught proper manners by their seniors. 'Guestroom Culture' refers to the method of teaching etiquette by inviting them to the hall's guest room. The Chhatra League, the ruling party's student organization, is in charge of this guest room culture.¹⁸ This culture of ragging is not limited to Dhaka University. In recent weeks, a number of ragging incidents were also reported at Bangladesh's renowned Rajshahi University. According to university proctor's office sources, some students have been victimized by their seniors through physical and verbal assault. Mahir, a first-year student in the public administration program, informed the proctor that he had been the victim of ragging by second-year students. According to the proctor's office, Mahir was slapped and abused by his senior brothers for failing to recognize them. At Shahjalal University of Science and Technology (SUST), a first-year student of the business administration department was a victim of ragging last Wednesday. Five Chhatra League activists accused in this incident have been temporarily expelled from the university by the authorities¹⁹.

5. Reasons for the Prevalence of Ragging: Bangladesh Phenomenon

Ragging has been connected to a broad range of physical, behavioral, emotional, and social disorders among victims. It independently increases suicide risks²⁰. A number of reasons for ragging stated by students include; being ragged by seniors; a sense of superiority; and a means

¹⁷Kaler Kantho Desk, 'Ragging culture rampant in universities: students victimized, Chhatra League implicated; (Dhaka, 26 February, 2023) Available at: <https://www.kalerkantho.com/english/online/national/2023/02/26/50007> [Accessed 09 April 2023].

¹⁸ ibid

¹⁹ ibid

²⁰ Samson Nallapu. 'Students Perceptions and Feedback on Ragging in a South Indian Medical College; (2013) *South-East Asian Journal of Medical Education*, Volume 7, No-2: 33-39.

of introduction²¹. In our context, inaction and underreporting can be cited as major causes of encouraging ragging. There is another kind involving is political emasculation: e.g. the death of a BUET student Abrar. The other reasons for the prevalence of Ragging in Bangladesh phenomenon may be the following:

- Eagerness of seniors to show off their power, authority and superiority and influence over their junior students;
- To let-off the mental and physical sufferings of the seniors which they have suffered in the past; (seniors were ragged, so they also do the same thing to their juniors).
- Temporary suspension of perpetrators makes them more motivated and cruel because they know they can surely come back after the suspension and will become monsters again.
- Lack of qualified and competent hostel superintendent;
- Lack of supervision and administrative control of university hostel authorities;
- Lack of implementation of anti-ragging measures by university authorities.

6. Ragging: Need Strict Legal Enforcement and Policy

Presently, Ragging has been a persistent issue in educational institutions worldwide and Bangladesh is no exception. Public universities have yet to take an uncompromising stand against ragging. The High Court even summoned the UGC in January to take action against campus bullying. But there have not been any visible measures. Although some universities have characterized sexual harassment policies, but ragging is a specific culture that needs proper legal attention²². Recent incidents of ragging at universities in Bangladesh have raised serious concerns regarding the safety and well-being of students in higher education institutions. These incidents have highlighted the urgent need for effective measures to prevent ragging and to ensure that every student feels safe and secure on campus. Today, almost every country in the world has implemented strict anti-ragging legislation. In India, the Supreme Court provided strong directions that enabled several states to combat ragging. Some of the states have enacted laws to prevent ragging in educational institutions following the recommendations of the Supreme Court of India. On the other hand, it has been completely eradicated in countries like Canada and Japan. But sadly, Bangladesh has not been introduced any effective laws or policy to free herself from the clutches of this inhuman practice. Although Bangladesh has never attempted to implement any anti-ragging laws, the time has come to criminalize such awful practices by enacting strong anti-ragging legislation²³.

7. Initiation to Combat Ragging in Bangladesh: Judicial Response

Ragging appears to be a socio-legal problem. Under the pretext of fun, it demoralizes the victim who joins higher educational life with many hopes and expectations. Along with severe

²¹ R. Garg, "Ragging: A Public Health Problem in India," Indian Journal of Medical Science 63 (July 14, 2009): 263-271.

²² Shamsad Mortuza, 'Rage, rage against the ragging in the campus; The Daily Star (Dhaka 5 Sept 2020) Available at: <https://www.thedailystar.net/opinion/blowin-the-wind/news/rage-rage-against-the-ragging-the-campus-1956005>[Accessed 01 April 2023].

²³ Mohsena Akter Drishty, 'Bangladesh should introduce anti-ragging laws', The Daily Observer (2 November, 2019) Available at: <https://www.observerbd.com/news.php?id=226098>[Accessed 05 April 2023].

physical and emotional suffering, the victim also experiences intensive psychological distress and trauma. In extreme cases, incidents of suicide and culpable homicide might happen as well. In order to resist this socio-academic disease, all the universities and colleges should strictly prohibit any sort of activities in the name of Ragging. The HCD of Bangladesh has expressed concern over the incidents of ragging occurring in higher educational institutions and needs to eliminate it altogether. The first real initiation to stop ragging was taken in 2020 by the HCD to which witnessed a series of violent incidents of campus ragging. Guidelines on Ragging were given following the writ petition Nos. 14068/2019 filed on the event of the death of BUET student Abrar Fahad. In this decision, the Supreme Court directed all the universities and colleges (under universities) to be stringent in taking anti-ragging measures. Therefore, all educational institutions (including universities and colleges) shall observe the following measures or directives to protect and prevent the activities taking place in the name of Ragging:

1. Educational institutions shall not allow the students to participate in any untoward incident and all sorts of activities/gatherings/performances in the name of Ragging.
2. Every educational institution including all university authorities should have a “Vigilance Committee” to ensure vigil on incidents that may happen under the garb of Ragging.
3. Authorities of all educational institutions shall publish the consequences for committing Ragging. Particularly at the institution's key and visible points.
4. Posters containing measures against Ragging have to be posted on the website of respective institutions which will warn the students about the consequences of committing Ragging.
5. An affidavit in the form of undertaking may be obtained from the students and their parents before the start of the new session to the effect that if any student is found involved in Ragging he/she will be punished.
6. Whatever the term “Ragging” or any other word is used, whenever, an incident happens with the elements of criminal offences, the authority should take action against the perpetrators under the prevailing law and also stern action under the Disciplinary Ordinance of the University like expelling the perpetrators from the university for good.

Physical and mental torture is obviously a criminal offense, thus, merely expelling students who are accused of ragging is insufficient. Stern action should be taken against those included in “ragging” so that these incidents do not take place again and again.

Strict implementation of the guidelines issued by the Honorable Supreme Court on this issue should be stressed by the Ministry. In addition, proper legal action against the perpetrators needs to be taken and the cooperation of the local law enforcement agencies is essential in this regard²⁴.

8. Anti-Ragging Legislation and Policy Frameworks in Bangladesh

In India, in the case of *Sawen Prakesh v. Yenopoya Dental College*,²⁵ it is observed that ragging is considered as an offence under their national legislation (Indian Penal Code).

²⁴Kongkon Karmaker, ‘Ragging at Dinajpur HSTU: 4 students leave campus in 4 years; The daily star, (27 February 2023), Available at: <https://www.thedailystar.net/youth/education/campus/news/ragging-dinajpur-hstu-4-students-leave-campus-4-years-3258566> [Accessed 09 April 2023].

²⁵ AIR 2000, 245

Although Bangladesh has never attempted to legislate any anti-ragging laws before, in 2020, the High Court division declared that, if a student commits a severe crime in any educational institution of the country, legal actions can be taken against them under criminal law²⁶. Despite the HCD declaration, the Government couldn't amend the penal code to include 'ragging' as a criminal offence. Nonetheless, in the meantime, there are some specific sections under the Penal Code (PC) where we can track Ragging in Bangladesh and deal with ragging cases to ensure justice in this regard. These provisions are: Abetment to ragging²⁷, Criminal conspiracy to ragging²⁸, Unlawful assembly to constitute ragging²⁹, Public nuisance³⁰ created during ragging, Obscene acts and songs³¹ and Injury to body: Punishment for culpable homicide not amounting to murder³². Causing simple³³ and Grievous hurt³⁴, wrongfully restraint³⁵ and confined³⁶ the victim of the ragging, Assault³⁷ as well as Sexual offences like assault or criminal force to woman with intent to outrage her modesty³⁸. Unnatural offences³⁹, Extortion⁴⁰, Criminal trespass⁴¹, Criminal intimidation⁴², Punishment for criminal intimidation⁴³, Word, gesture, or act amounted to disrespecting the modesty of a woman⁴⁴ and also under the Violation of decency and morals through ragging under the Pornographic Control Act, 2012.

9. Policy Adopted Against Ragging in Bangladesh

The Government has taken the initiative to stand against the evil culture and proposed a policy by making some effective provisions in order to control and eradicate the evil practice of ragging from the universities and educational institutions. In addition, some universities have also considered the practice of ragging as a grave offence and determined punishment for that. Following are the important policies adopted to deal with the evil practice.

10. The Educational Institution Bullying or Ragging Prevention Policy 2023

In response to the High Court Division's directives in *Suo Moto* Rule No. 8 of 2018, the government has created a new policy with severe punishments for both teachers and students who are found to be involved in ragging. The policy will be executed at higher educational

²⁶ Tasnim Binte Maksud, 'Ragging is a heinous crime, so is the culture of impunity', The Daily Star, (Dhaka, 10 March 2023) Available at: <<https://www.thedailystar.net/law-our-rights/news/ragging-heinous-crime-so-the-culture-impunity-3267641>> [Accessed 27 march 2023].

²⁷ Section 109 of the Penal Code, 1860 (Act No. XLV of 1860).

²⁸ Ibid, Section 120B.

²⁹ Ibid, Section 143.

³⁰ Ibid, Section 290.

³¹ Ibid, Section 294.

³² Ibid, Section 304.

³³ Ibid, Section 323.

³⁴ Ibid, Section 325.

³⁵ Ibid, Section 341.

³⁶ Ibid, Section 342.

³⁷ Ibid, Section 352.

³⁸ Ibid, Section 354.

³⁹ Ibid, Section 377.

⁴⁰ Ibid, Section 384.

⁴¹ Ibid, Section 447.

⁴² Ibid, Section 503.

⁴³ Ibid, Section 506.

⁴⁴ Ibid, Section 509.

institutions across the country⁴⁵. Moreover, the High Court division also declared that, if a student commits a serious crime in any educational institution in the country, legal actions can be taken against them under criminal law. The court recommended to the authorities that the policy should include the words "ragging" and "harassment"⁴⁶. The policy includes the definition of "ragging" in the following words "name-calling, making lewd gestures, teasing, placing emotional pressure, neglect or avoidance, and defamation. It also states that in addition to kids, teachers, and parents may also be involved in ragging. The perpetrators can act either individually or in group.

11. Types of Ragging/Bullying under the Policy

It has been said that man's imagination has no boundaries. True, nevertheless when it comes to ragging, it can be truly said that man's bizarre imagination knows no limitations⁴⁷. Nonetheless, the policy includes the following forms of ragging;

a) Verbal Ragging:

The policy defined verbal ragging as saying or writing something to someone that implies a bad thing or has negative intentions.

Verbal ragging includes mocking, name-calling, and using offensive phrases, as well as yelling, whistling, and threatening.

b) Physical Bullying or Ragging:

Meanwhile, physical bullying or ragging has been defined as hitting, slapping, kicking, pushing, punching, spitting, tying, directing, or compelling someone to be in a specific position, taking or breaking things by force, and making obscene or obnoxious actions with the face or hands.

c) Social Ragging:

Social ragging was defined as making fun of someone's social status, spreading myths about them, openly insulting them, and making comments about religion, caste, tribe, or caste.

d) Sexual Bullying or Ragging:

Sexual bullying or ragging was characterized as intentionally touching or attempting to do anything insulting to portions of the body, exhibiting signs, stripping, forcing someone to undress, or dumping water or paint on the body.

e) Other Bullying:

The act of hazing and equivalent activities is classified as "other bullying or ragging.

⁴⁵ Mamun Abdullah, 'What is in the anti-ragging policy for educational institutions? Dhaka Tribune, (30 January 2023), Available at: <https://www.dhakatribune.com/bangladesh/2023/01/30/what-is-in-the-anti-ragging-policy-for-educational-institutions> [Accessed 02 April 2023].

⁴⁶ Tasnim Binte Maksud, 'Ragging is a heinous crime, so is the culture of impunity', The Daily Star, (Dhaka, 10 March 2023) Available at: <https://www.thedailystar.net/law-our-rights/news/ragging-heinous-crime-so-the-culture-impunity-3267641> [Accessed 27 March 2023].

⁴⁷ R.H. Waghmode, J.L. Kalyan and S.S. Angadi, 'RAGGING IN INDIA: PROBLEM AND PERSPECTIVE; (2014), *Reviews of Literature*, Volume 1(6): 3.

12. Formation of Anti-ragging Committees

Furthermore, the policy mandates the formation of anti-ragging committees at all educational institutions to look into ragging issues in detail by holding a detailed inquiry and giving suggestions on the means of prevention of ragging in educational institutions. The committees will be responsible for monitoring the issue and must hold regular meetings and file reports. Reports will be sent to the Ministry of Education for action as per the rules.

13. Punishment for Ragging under the proposed Policy

Teachers who are found to be bullying will face criminal charges and the cancellation of their MPO membership, while student bullies may be suspended or even expelled under the policy. If members of governing bodies, ad hoc committees, and management committees engage in ragging, their membership will be cancelled. Punishment will also be ensured under the Government Servants (Discipline and Appeal) Rules, 2018. The policy specifies that if the regulations are not followed, severe measures may be implemented under applicable legislation. The proper penalty will be determined by the severity of the bullying.

13.1 The BUET Authorities Sets a Good Example by Deciding on the Ragging Punishment

For the first time, the Bangladesh University of Engineering and Technology (BUET) authority stepped up and took action against the offenders of Ragging acts. They issued a letter describing various sorts of punishment for students found engaged in ragging or other organizational politics. The administration of (BUET) has determined charges and punishments for students who have been involved in ragging and political activity at the university. Those who are found guilty of ragging that ends up resulting in death, serious bodily harm, any form of disability, permanent mental imbalance or trauma, or disruption of a fellow student's academic life will be expelled from the university⁴⁸.

13.2 BRAC University: The Prevention of Workplace Bullying, Ragging and Violence Policy 2021

BRAC University has introduced the Prevention of Workplace Bullying, Ragging and Violence Policy. It aims to create a safe environment for all of its students, faculty members, and employees free of harassment, violence, and all sorts of discrimination. The policy defines “Ragging” generally is a form of bullying. It could be verbal, psychological, and physical. Under this policy, bullying and ragging at all Institutes and Schools, Departments, Courses, Semesters, Programmes, Residential and Non-residential, Dormitory of BRAC University will be considered as an offense⁴⁹.

⁴⁸Rajib Dhar, ‘BUET sets punishment for ragging, involvement in student politics; Dhaka Tribune, (3 December 2019), Available at: <https://archive.dhakatribune.com/bangladesh/education/2019/12/03/buet-sets-punishment-for-ragging-involvement-in-student-politics> [Accessed 03 April 2023].

⁴⁹Brac University, ‘Policy and Procedure on Prevention of Campus Bullying, Ragging and Violence; Available at: https://www.bracu.ac.bd/sites/default/files/Proctor_office/bu_disciplinary_policies/2.%20Policy%20and%20Procedure%20on%20Prevention%20of%20Campus%20Bullying%2C%20Ragging%20and%20Violence.pdf [Accessed 03 March 2023].

13.3 Anti-Ragging Helpline

Anyone subjected to bullying, ragging, harassment or violence should report the incident to any of the reporting channels as soon as possible. Complaints can be lodged through letters, phone calls, and emails immediately through the following ways:

- Calls: Anyone can call to lodge a complaint 24/7 through the helpline number +8801729071209 or +8809617445235
- Emails: Complaint can be lodged directly to the Proctor's Office in person or in writing (proctor@bracu.ac.bd). Complaints can also be lodged directly to SHBREC administration in writing [shbrec@bracu.ac.bd (proposed)] or in person to [SHBREC Administrator (Senior Officer-SHBREC) (yet to be appointed)].

Like any other act and policy this policy also has some loophole. It didn't imposed any particular punishment for ragging or hazing. Though the policy didn't provide substantive guideline to take up arms against ragging, yet it has recognized such activities as offense and provides some formal procedure to take action against it.

14. Anti-Ragging Policy Adopted by Haji Mohammad Danesh Science and Technology University

In 2019, the HSTU authority issued a notice against ragging, saying that ragging is a social offense that causes physical and mental problems for students along with destroying their educational environment. If someone gets involved in ragging or instigates ragging and a complaint is filed against them for doing so, proper legal action will be carried out against them. Following the notice, HSTU has implemented policies to combat ragging and promote a safe environment for students. If the ragging charge against the accused is proven, the policy suggests their removal from the institutes. In addition, the institution has established anti-ragging committees at all levels and contains a hotline number. However, the effectiveness of these policies in combating ragging is questionable.

This has resulted in the persistence of ragging within the university, demonstrating that the mere adoption of policies by the university to avoid ragging may not be totally effective⁵⁰.

15. Ragging: Violation of Human Rights

Ragging activity is a violation of victim's fundamental human rights which is declared by various national and international documents⁵¹. As per the United Nations Universal Declaration of Human Rights (UDHR) 1948. *'Education shall be directed that, to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms'*⁵². In Bangladesh ragging commonly involves physical, mental and psychological abuses that causes clear violations of human rights. It also refers to an act that

⁵⁰Hajee Mohammad Danesh Science & Technology University, (24 February 2023), Available at: https://en.wikipedia.org/wiki/Hajee_Mohammad_Danesh_Science_%26_Technology_University [Accessed 09 April 2023].

⁵¹ D. V. Shinde, "The Menace of Ragging in Educational Institutes: A Human Right Perspective," International Journal of Advanced Research and Development 2, no. 6 (2017): 664-667.

⁵² Article 26.2 of the Charter of the United Nations (UN) as the Universal Declaration of Human Rights, 1948.

violates the dignity of a person. The court has recently passed an order in order to prevent ragging and protect the student's life and dignity. Life and dignity of human being also protected as human rights under the auspices of UN charter.

The Preamble of UN charter reads as follows-

“We the peoples of the United Nations determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person”⁵³.

Furthermore, the term “Right to Life” is not only confined to physical existence but it includes within its ambit the right to live with human dignity⁵⁴.

Article 32 of the constitution of Bangladesh is relevant regarding the matter. Article 32 of the Constitution of Bangladesh reads as follows,

“No person shall be deprived of life and personal liberty except according to the procedure established by law”⁵⁵.

With the passage of time, the horizon of ‘Right to Life’ envisaged in Article 32 has been expanding massively. Today right to ‘life’ includes a wide range of matters, ranging from right to livelihood, right to a pollution-free environment, right to a speedy trial to the right to privacy. It is important to note in this context that right to life and human dignity are integral matters dealt with by the United Nations Universal Declaration of Human Rights (UDHR) 1948. Similarly, Article 5 of the Declaration states that no one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment”⁵⁶

16. Suggestions to prevent the evil practice of ragging in Educational Institutions

In our country, ragging is one of the most dangerous hindrances to the development of the education system. In order to control and eliminate the evil practice of ragging from the educational institutions the Governments have enacted policies to deal with ragging and made some effective provisions in these policies to deal with it. Besides following are some suggestions to curb the menace of the evil practice of ragging and bullying in the higher educational institutions of Bangladesh:

- The parliament of Bangladesh should enact a comprehensive anti-ragging law;
- There should be more accountability of the educational institution's staff in case of ragging incidents.
- Involvement of NGOs in creating public opinion/awareness regarding ragging as a social evil.
- Implementation of Anti-ragging committee should be established in educational institutions.
- Ragging should be treated as severe nature of crime and abuse of human rights,
- There should be providing moral support to the victims of ragging.
- Institution must take steps to arrange Closed Circuit Television (CCTV).

⁵³ Ibid, Preamble.

⁵⁴ *Smt. Maneka Gandhi v/s Union of India*, AIR 1978 SC 594

⁵⁵ The Constitution of the People's Republic of Bangladesh (ACT NO. OF 1972), Available at: <http://bdlaws.minlaw.gov.bd/act-367/section-24580.html>, [Accessed 17 April 2023].

⁵⁶ Universal Declaration of Human Rights (UDHR), 1948.

17. Conclusion

The evil practice of ragging and bullying in higher educational institution cannot be stopped solely by establishing policies and legislation; appropriate execution of these policies, legislations, and preventive measures suggested by the Hon'ble Supreme Court in various cases, as well as guidance released through UGC regulations, are required. To combat the ragging trend, anti-ragging committees, squads, and patrols can play an important role in minimizing the burden of ragging⁵⁷. Furthermore, those who engage in ragging should face strong penalties, which may include expulsion or suspension from the university or college or classes, a fine, a public apology, withholding scholarships or other privileges, or suspension from the hostel and mess, among other things.

⁵⁷ D. V. Shinde, "The Menace of Ragging in Educational Institutes: A Human Right Perspective," *International Journal of Advanced Research and Development* 2, no. 6 (2017): 664-667.