

**BEFORE
TRIPURA HUMAN RIGHTS COMMISSION
KUNJABAN, AGARTALA**

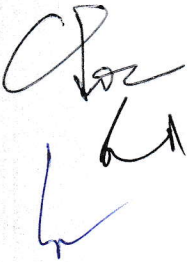
**Complaint No.08 of 2023
Suo-Motu Cognizance**

**Ragging of a Student (girl) of Eklavya Model
Residential School, Kumarghat.**

FINAL ORDER DATE 14.12.2023

Attention of the Commission was drawn to a news item published in a daily newspaper namely: "Tripura Bhabhishyat" dated 21.08.2023 with the heading "ৰ্যাগিং এৰ শিকার ছাত্ৰী" wherein it was reported that a girl student namely : Miss Simafu Mog, D/O Mangal Mog, a student of Class - X of Eklavya Model Residential School was subjected to ragging by some senior students of Class- XII of the same school on 16.08.2023 while some programme on "planting of plants" was going on in the school. Those three boys of higher class abused Shimafru Mog with filthy words and also assaulted her. She fell ill in the school and was taken to Kumarghat Sub-Divisional Hospital. After primary treatment she was taken back to hostel of the school. But on 17.08.2023, she again fell ill and thereafter the school authority took her to Kumarghat Hospital again and there from she was referred to AGMC & GBP Hospital, Agartala. The school authority informed her parents and on receipt of the information, father of the girl went to hospital and took her back home.

It was further alleged that though it was the duty of the school authority to look after the treatment etc. of the girl, they did not take any further action.

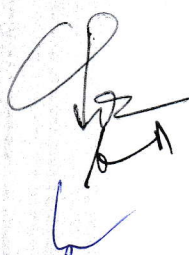


Since ragging is considered to be a crime especially in residential Schools/Colleges/Educational Institutions which sometimes turn to most heinous offences, the Commission thought it appropriate to ascertain the fact from the administration of the school so that the crime of ragging cannot go unnoticed when committed in such a reputed Government Institution.

As such before taking formal cognizance, the Commission asked the District Magistrate and Superintendent of Police, Unakoti District to submit reports on the alleged incident published in the newspapers.

The Commission further directed the Principal/Head of the Institution of Kumarghat Ekalabya School to submit a detail report in respect of the reported incident.

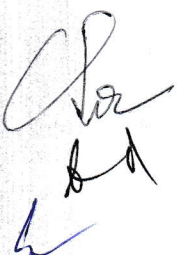
2. In reply to the direction of the Commission, District Magistrate & Collector, Unakoti District vide his letter No. F.5 (38)/DUJ/2023/1177 dated 13.09.2023 forwarded copy of the report submitted by the Sub-Divisional Magistrate, Kumarghat and SDWO, Kumarghat through whom the D.M. got the matter inquired into.
3. Sri Subrata Kr. Dash, Sub-Divisional Magistrate, Kumarghat submitted his report to the District Magistrate & Collector, Unakoti. He only forwarded the report of Sub-Divisional Welfare Officer, Kumarghat and informed that the matter was also being inquired into by a team of officers headed by the Joint Director, Tribal Welfare Department, Govt. of Tripura.
4. From the report of Sri Bidhan Debnath, SDWO, Kumarghat, the following facts are transpired :-



(i) On 24.08.2023, he, along with one lady official (Extension Officer, TW) of Kumarghat SDM office visited the Eklavya Model Residential School, Kumarghat and interacted with Vice-Principal regarding the news of 'Ragging' published in the Newspaper/Electronic media.

(ii) The School Authority denied any kind of ragging held in the school premises. The Vice Principal, EMR School reported that on 16.08.2023 there was a scheduled CBSE programme 'One Child One Tree' at the school premises. One girl student namely: Shimafru Mog a student of class -X was in the class room during the programme time. There students of Class-XII namely: (1) Chikamani Chakma (2) Moses Debbarma (3) Jyotish Chakma entered in her class room and instructed her to join the assembly hall programme. But Shimafru Mog refused to attend the programme. Loud talking continued for a while among them. After a while, she became nervous and fell unconscious. Some of the students carried her from class room to Principal's room and as per immediate decision of the school authority, she was shifted to Kumarghat Sub-Divisional Hospital. After primary treatment, Kumarghat SDH authority released her. He was unable to show the register to the inquiring authority regarding treatment of Shimafru on 16.08.2023. After that Shimafru returned to her hostel room.

(iii) On 17.08.2023 Shimafru Mog reported to her room mates and Hostel Superintendent that she was unable to move due to leg pain. Again she was brought to the Kumarghat Sub-Divisional Hospital on 17.08.2023 and was referred to Kailashahar District Hospital due to



lower limb weakness and subsequently, referred from Kailashahar District Hospital to AGMC & GBP Hosital for better treatment.

(iv) While referred from KSD Hospital to Kailashahar District Hospital, the school authority informed the matter of sickness to her parents over phone. Without taking any medical facilities from GBP Hospital, Agartala her parents brought her to their own residence at Mogpara, Gandacherra Sub-Division.

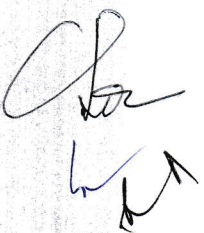
(v) The school authority suspended three accused students from school for 15 days for their inappropriate behavior on 16.08.2023 with Shimafru Mog.

(vi) During interaction with her room mates, it was found that Shimafru Mog had been suffering from leg injury for a week after playing Kabadi game in the school.

(vii) In this regard, a team headed by Joint Director, TW Department, Government of Tripura was also enquiring into the matter and the final report was to be submitted within a few days, to the department.

(viii) On the order hand, Sri Mangal Mog F/O Shimafru Mog of Gandacherra has submitted a written statement wherein he refused any allegation of ragging in the school premises of EMR School, Kumarghat. In his statement, he also mentioned that Shimafru's mother uttered the ragging word before the media persons on 18.08.2023 seeing her sick daughter.

5. The Joint Director, Tribal Welfare Department, Govt. of Tripura submitted a detailed inquiry report to the Commission vide his letter No. F.6-309/TW/GL/HRC/2023/16598-99 dated 04.10.2023.



During inquiry the Joint Director of Tribal Welfare, examined the following witnesses and recorded their statements :

(1) Miss Shimagru Mog (2) Principal-in-charge, EMR School, Kumarghat, Unakoti Tripura (3) Miss Reshmita Reang of Class X (4) Miss Manidhipa Chakma of Class X (5) Miss Magdalin Debbarma of Class X (6) Miss Barsha Chakma of Class X (7) Miss Anjali Chakma of Class - X (8) Miss Manashi Chakma of Class - XII (9) Miss Manshi chakma of Class - XII (10) Master Chikamani Chakma of Class - XII (11) Master Jyotish Chakma, Class XII (12) Master Moses Debbarma of Class XII.

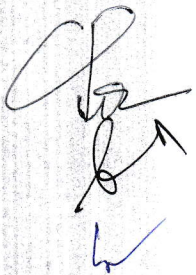
From the statements of the witnesses, Mr. P. Majumder, Joint Director Tribal Welfare gave the following findings:-

" On careful examination of depositions of either side, it is made clear that on the date of incident there was no such occurrence of ragging or any other act of physical assault was happened or reported as per the statements of eye witnesses. During interaction, the eye witnesses have further reported that the senior boys who have been made accused were just came to the classroom of Shimafru Mog to call her to attend the Plantation Programme which was going on in the Assembly Hall of EMR School, Kumarghat, Unakoti Tripura on the date of incident on 16.08.2023. The heated altercation started between Shimafru Mog and senior boys when she refused to go to the programme and uses disrespectful words with her seniors. Furthermore, no such bad touch is reported by the eye witnesses. Otherwise, there is no such pre-planned activities is reported to have been found since all the boys are reported to be very obedient and active in all respect by the Principal-in-charge of the said school and

teachers. With regard to the cause of non-functioning of leg of Miss Shimafru Mog just after the date of incident is required further medical examination/ inquiry".

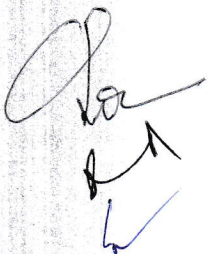
6. Sri Rajib Saha , Principal In-Charge EMR School, Kumarghat, Unakoti Tripura also made a thorough inquiry into the alleged incident of ragging of Miss Shimafru Mog, student of Class X. After inquiry he submitted a detailed report. From his report the following facts transpired:-

On 16.08.2023 a programme was organized in the EMR School in connection with celebration of "one child one plant" campaign. When most of the students of the school came out from their classes to attend plantation, Miss Shimafru Mog was seated in her class room. At 12:15 PM, 3 male students of class XII namely : (1) Chikamani Chakma (2) Jyotish Chakma, and (3) Moses Debbarma came down from 1st floor and entered class room of class X and found Miss Shimafru Mog lying on her head down on the bench. They called her to join the plantation campaign but she refused. When the male students asked her to cite reasons for her not participating in the plantation campaign, she refused give any reply and continued to sit with her head down on the bench. Above mentioned 3 male students took exception to her behavior and there was exchange of hot words between Miss Shimafru Mog and 3 male students. After sometime, she felt sick and was taken to the Principal Chamber. There she started weeping. The school authorities arranged her treatment at Kumarghat Hospital and then at District Hospital, Kailashahar. Her father Mangal Mog was informed of her sickness. But he did not come to see her in the hospital. She was



admitted at Kailashahar District Hospital and was given treatment there. The school authorities also sent some staff and student to attend her at hospital till 18.08.2023 morning when her father arrived there. The doctors of District Hospital Kailashahar could complete the process of diagnosis of Miss Shimafru Mog and referred her to AGMC & GBP Hospital. The school authorities paid initially Rs. 600/- and then Rs. 3000/- for her treatment. When her father told the school authorities that he cannot manage money to take his daughter to GBP Hospital, the school authorities again gave Rs. 2000/- on 19.08.2023 and assured him of further monetary assistance, if required. The Principal-in-Charge came to know on 21.08.2023 evening that her condition slightly improved and his father was not willing to send her to hospital.

In his report, the Principal-in-Charge has further mentioned that on 19.08.2023 morning the hostel Superintendent called the guardians of all 3 students namely: (1) Chikamani Chakma (2) Jyotish Chakma, and (3) Moses Debbarma of class XII and suspended them from school hostel temporarily. Despite Miss Shimafru Mog's hospitalization in District Hospital Kailashahar and then referring her to AGMC & GBP Hospital following the incident of physical assault on her on 16.08.2023, the Principal-in-Charge tried to undermine the incident, attempting to protect the involved students stating that there was no ragging on Miss Mog on that day. It only shows that the contradictory report of Principal-in-Charge is biased. His report was mainly aimed at protecting the culprit students and for shielding the school authorities from their utter negligence and lackadaisical attitude towards such incident of



indiscipline and physical and mental assault on a junior and minor girl student.

7. Though all the reports of SDM, Kumarghat, Sub-Divisional Welfare Officer, Kumarghat, Principal In-charge Eklavya Model Residential School, Kumarghat, Unakoti Tripura including statement of the victim's father Mongal Mog denied the allegations of ragging upon Miss Shimafru Mog on 16.08.2023, however, all those reports established the fact that on that day some incident had definitely taken place wherein three students namely : Chikamani Chakma, Moses Debbarma and Jyotish Chakma entered into the class room of Miss Shimafru Mog and there was exchange of hot and filthy words among them. It was further established that during the altercation Miss Shimafru was pushed and dashed by Jyotish Chakma, Chikamani Chakma and Moses Debbarma for which she started weeping. After the incident she became senseless and had to be hospitalized subsequently.

Now, as per Section 3 of the Tripura Educational Institutions (Prevention of Ragging) Act, 1990 definition of ragging is:

"In this Act, unless the context otherwise requires, Ragging will mean the following kind of offence:-

Whoever, being a student in any Educational Institution, causes a fellow student to suffer physically or mentally by way of assault, intimidation, insult, tease, torment or any other form of torture commits ragging".

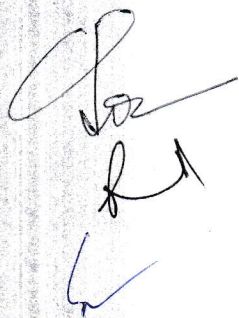
All concerned reports established the fact that Miss Shimafru Mog, a student of Eklavya Model Residential School, Kumarghat, on 16.08.2023 had to suffer both physically and mentally due to

assault, intimidation and insult which severely tormented her. Those intimidation and insult definitely amount to commission of ragging as per the act of Tripura Educational Institutions (Prevention of Ragging) Act, 1990.

Section 4 of the said act provides -

"Whoever commits ragging shall be punished with imprisonment of either description for a term which may extend to four years or with fine or with both".

8. It appears that the school authorities as well as the inquiring authorities may not be aware of the provisions of the said Act and knowingly or unknowingly ignored the serious incident of ragging on 16.08.2023 on Miss Shimafru Mog, a minor girl by three male students of senior class and that too was deliberately done on flimsy ground and on a trifling issue. Three male students of senior class entering in the room of a junior girl student who was sitting alone is itself an act of indiscipline and misbehavior. If they were disciplined and courteous, their duty was to inform the school authorities or their teachers if they had any issue with the minor girl. This discourteous behavior on the part of the three male students towards a minor girl student of junior class itself amounts to ragging as per definition of the Act. However, the Commission cannot ignore such an incident of ragging being committed in an educational institution managed by the Govt. of India where the students are imparted education with residential facilities absolutely free. Commission has further observed with pain that ragging in educational institutions starting from School to University level has taken a serious turn and has already become a menace to the



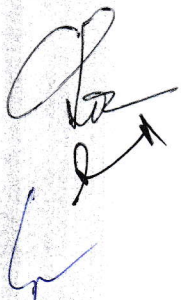
society. Needless to say that Commission cannot give indulgence to such undesirable happenings and cannot keep its eyes shut.

9. To obviate such incidents in future, the Commission issues the following guidelines for strict compliance by the School Authorities:-

(i) Legal action under the provisions of Indian Penal Code and the Tripura Educational Institution (Prevention of Ragging) Act, 1990 have to be taken against the students involved in the incident of 16.08.2023.

(ii) Notice should be displayed in prominent places in the school and hostel premises mentioning that ragging in any form is strictly prohibited.

(iii) Character, discipline and punctuality etc of a child are built in the family and in the school from childhood. If proper education is imparted to a child, it is most likely that he will come up as a responsible citizen and will be helpful for not only the family but also for the society and the country as a whole. The Eklavya Model Residential School is established under a special scheme of Govt. of India with a view to developing an excellent class of future citizens through proper teaching. The incident under reference shows that the senior male students of class XII resorted to acts of ragging on a junior girl student, which indicates that appropriate education for developing their good sense has not been developed in the school. But to prevent such incidents the school management committee should immediately set up a Disciplinary Committee, if not already done, to look into the behavior of the students in the school and in the hostel.



10. The School Authorities should also religiously follow the guidelines issued by the Govt. of India from time to time to prevent incidents of ragging in the school and in the hostel.

With the above instructions the case stands disposed of.

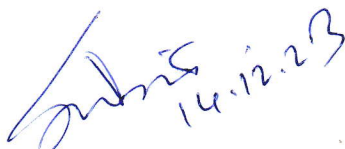
11. Copy of this order should be sent to the Principal-in-Charge, Eklavya Model Residential School for strict compliance of the instructions given by the Commission.

12. A copy of this order should be sent to the D.M. & Collector, Unakoti District for information.

13. A copy of this order should be sent to the SDM, Kumarghat Unakoti District for information.

14. A copy of this order should be sent to the Sub-Divisional Welfare Officer, Kumarghat, Unakoti District for information.

15. Further, a copy of this order should also be sent to the Chief Secretary, Govt. of Tripura for information.


(S.C. SAHA)
MEMBER


(JUSTICE S.C. DAS)
CHAIRPERSON


(B.K. RAY)
MEMBER 14/12/23