IN THE SUPREME COURT OF BANGLADESH

HIGH COURT DIVISION

(SPECIAL ORIGINAL JURISDICTION)

Writ Petition No. 14068 of 2019
With
Writ Petition No. 14669 of 2019
with
Writ Petition No. 14861 of 2019
with
Writ Petition No. 14862 of 2019
with
Writ Petition No. 14863 of 2019
with
Writ Petition No. 14864 of 2019
with
Writ Petition No. 14865 of 2019
With
Writ Petition No. 14866 of 2019
with
Writ Petition No. 14867 of 2019
with
Writ Petition No. 1260 of 2021
with
Writ Petition No. 15211 of 2019
With
Writ Petition No. 15203 of 2019
with
Writ Petition No. 14471 of 2019
with
Writ Petition No. 1803 of 2020
with
Writ Petition No. 1804 of 2020
with
Writ Petition No. 1805 of 2020
with
Writ Petition No. 1806 of 2020
with
Writ Petition No. 1807 of 2020
with
Writ Petition No. 1808 of 2020
with
Writ Petition No. 1809 of 2020
with
Writ Petition No. 1810 of 2020
with
Writ Petition No. 1811 of 2020
with

Writ Petition No. 1812 of 2020
with
Writ Petition No. 1813 of 2020
with
Writ Petition No. 1814 of 2020
with
Writ Petition No. 1815 of 2020

IN THE MATTER OF
An application under Article 102 of the Constitution of the People's Republic of Bangladesh
-AND-

IN THE MATTER OF:
A.S.M. Mahadi Hassan
... Petitioner
(in writ petition No. 14068/2019)
Akib Hasan Rafin
... Petitioner
(in writ petition No. 14669/2019)
Mirza Mohammad Galiv
... Petitioner
(in writ petition No. 14861/2019)
Zahidul Islam
... Petitioner
(in writ petition No. 14862/2019)
Muntasir Ahmed Khan
... Petitioner
(in writ petition No. 14863/2019)
Asif Mahmud
... Petitioner
(in writ petition No. 14864/2019)
Mohammad Mustasin Moin
... Petitioner
(in writ petition No. 14865/2019)
Anfalur Rahman
... Petitioner
(in writ petition No. 14866/2019)
Arnab Chowdhury
... Petitioner
(in writ petition No. 14867/2019)
Md. Farhad Hossen
... Petitioner
(in writ petition No. 1260/2021)
Shobyashachi Das Dibya and others
... Petitioners
(in writ petition No. 15211/2019)
Nahid Ahmed
... Petitioner

(in writ petition No. 15203/2019)
Md. Mubasshir Hossain
... Petitioner
(in writ petition No. 14471/2019)
Md. Kutubujjaman Kazol
... Petitioner
(in writ petition No. 1803/2020)
Kazi Golam Kibria Rifat
... Petitioner
(in writ petition No. 1804/2020)
A F M Mahfuzul Kabir
... Petitioner
(in writ petition No. 1805/2020)
Md. Boktiar Mahbub Murad
... Petitioner
(in writ petition No. 1806/2020)
Toiyob Hossain
... Petitioner
(in writ petition No. 1807/2020)
Md. Toufic Hassan
... Petitioner
(in writ petition No. 1808/2020)
Mohammad Tahmidul Islam
... Petitioner
(in writ petition No. 1809/2020)
Md. Raian Tahsin
... Petitioner
(in writ petition No. 1810/2020)
Tahazibul Islam
... Petitioner
(in writ petition No. 1811/2020)
Sk Asifur Rahman
... Petitioner
(in writ petition No. 1812/2020)
Ferdous Hasan Fahim
... Petitioner
(in writ petition No. 1813/2020)
Shakib Shahria
... Petitioner
(in writ petition No. 1814/2020)
Syed Shahrier Alam Prottoy
... Petitioner
(in writ petition No. 1815/2020)

-Versus-

The Government of the People's Republic of Bangladesh and others
….Respondents
(in Writ Petition Nos. 14068/2019

Bangladesh University of Engineering and Technology (BUET) Dhaka-1000, Bangladesh represented by its Vice-Chancellor and others

... Respondents
(in all the writ petitions)

Ms. Syeda Nasrin, Advocate

…. For the petitioners
(in Writ Petition No. 14068 & 14669/2019)

Mr. Aneek R. Haque with
Mr. Md. Monzur Nahid, Advocates

.....For the petitioners
(in Writ Petition Nos. 14861-14867/2019, 1260/2021 & 1803-1815/2020)

Mr. Anukul Talukdar Dalton with
Mr. Sakib Rezwan Kabir, Advocate

…. For the petitioners
(in Writ Petition No. 15211/2019)

Mr. Shamsur Rahman for
Ms. Nahid Sultana &
Ms. Sakila Rawshan, Advocates

…. For the petitioner
(in Writ Petition Nos. 15203/2019)

Mr. Md. Muhibullah Tanvir, Advocate

…. For the petitioner
(in Writ Petition Nos. 14471/2019)

Mr. Mohammed Noor Hossain, Advocate

….. For the respondent No. 1
(in all the writ petitions)

Heard on 27.9.2021, 28.9.2021
Judgment on 29.9.2021

Present:
Mr. Justice J.B.M. Hassan
and
Mr. Justice Razik-Al-Jalil

J. B. M. Hassan, J:

The Rules Nisi issued in the above-mentioned writ petitions involved similar questions of facts and laws. Hence, all (total 26) the Rules Nisi have been heard together and are being disposed of by this common judgment.

All the petitioners are students of Bangladesh University of Engineering and Technology (BUET) in different departments, terms and levels. The petitioners are all residential students of three halls, namely, Titumir Hall, Ahsanullah Hall and Sohrawardy Hall. About certain allegations brought by some students, the University Authority made three different inquiry committees in those three halls for conducting inquiry about the allegations in the name of "Ragging". The different Inquiry Committees after making inquiry in the above-mentioned three respective halls, came to the conclusion opining that the allegations were proved against the petitioners. Accordingly, the Board of Residence and Discipline of the University issued the impugned orders taking disciplinary action against the petitioners imposing different terms of punishment in accordance with section 5 of the Ordinance relating to the Board of Residence and Discipline, amended and approved by the Academic Council of BUET in its meeting held on 31.07.1989 (shortly, the Disciplinary Ordinance).

For our better understanding, the students' (petitioners) identity and the imposed punishment have been described below:

Writ Petition No.	**Name, Student ID and Hall**	**Imposed Penalty**
14068/2019	A.S.M. Mahadi Hassan ID No. S201712048 সোহরাওয়ার্দী হল	(১) চলতি টার্মসহ আরো তিন টার্ম (মোট চার টার্ম) এর জন্য একাডেমিক কার্যক্রম থেকে বহিস্কার (২) আবাসিক হল থেকে আজীবনের জন্য বহিস্কার এবং আবাসিক ছাত্র হওয়ার অনুপযুক্ত ঘোষণা
14669/2019	Akib Hasan Rafin ID No. S201704105 সোহরাওয়ার্দী হল	(১) চলতি টার্মসহ আরো তিন টার্ম (মোট চার টার্ম) এর জন্য একাডেমিক কার্যক্রম থেকে বহিস্কার (২) আবাসিক হল থেকে আজীবনের জন্য বহিস্কার এবং আবাসিক ছাত্র হওয়ার অনুপযুক্ত ঘোষণা
14861/2019	Mirza Mohammad Galiv ID No. S201710147 তিতুমীর হল	(১) চলতি টার্মসহ আরো ছয় টার্ম (মোট সাত টার্ম) এর জন্য একাডেমিক কার্যক্রম থেকে বহিস্কার (২) আবাসিক হল থেকে আজীবনের জন্য বহিস্কার এবং আবাসিক ছাত্র হওয়ার অনুপযুক্ত ঘোষণা

Writ Petition No.	Name, Student ID and Hall	Imposed Penalty
14862/2019	Zahidul Islam ID No. S201708012 তিতুমীর হল	(১) চলতি টার্মসহ আরো তিন টার্ম (মোট চার টার্ম) এর জন্য একাডেমিক কার্যক্রম থেকে বহিস্কার (২) আবাসিক হল থেকে আজীবনের জন্য বহিস্কার এবং আবাসিক ছাত্র হওয়ার অনুপযুক্ত ঘোষণা
14863/2019	Muntasir Ahmed Khan ID No. S201704085 তিতুমীর হল	(১) চলতি টার্মসহ আরো তিন টার্ম (মোট চার টার্ম) এর জন্য একাডেমিক কার্যক্রম থেকে বহিস্কার (২) আবাসিক হল থেকে আজীবনের জন্য বহিস্কার এবং আবাসিক ছাত্র হওয়ার অনুপযুক্ত ঘোষণা
14864/2019	Asif Mahmud ID No. S201704098 তিতুমীর হল	(১) চলতি টার্মসহ আরো তিন টার্ম (মোট চার টার্ম) এর জন্য একাডেমিক কার্যক্রম থেকে বহিস্কার (২) আবাসিক হল থেকে আজীবনের জন্য বহিস্কার এবং আবাসিক ছাত্র হওয়ার অনুপযুক্ত ঘোষণা
14865/2019	Mohammad Mustasin Moin ID No. S201708042 তিতুমীর হল	(১) চলতি টার্মসহ আরো তিন টার্ম (মোট চার টার্ম) এর জন্য একাডেমিক কার্যক্রম থেকে বহিস্কার (২) আবাসিক হল থেকে আজীবনের জন্য বহিস্কার এবং আবাসিক ছাত্র হওয়ার অনুপযুক্ত ঘোষণা
14866/2019	Anfalur Rahman ID No. S201710127 তিতুমীর হল	(১) চলতি টার্মসহ আরো তিন টার্ম (মোট চার টার্ম) এর জন্য একাডেমিক কার্যক্রম থেকে বহিস্কার (২) আবাসিক হল থেকে আজীবনের জন্য বহিস্কার এবং আবাসিক ছাত্র হওয়ার অনুপযুক্ত ঘোষণা
14867/2019	Arnab Chowdhury ID No. S201704103 আহসান উল্লা হল	(১) চলতি টার্মসহ আরো তিন টার্ম (মোট চার টার্ম) এর জন্য একাডেমিক কার্যক্রম থেকে বহিস্কার (২) আবাসিক হল থেকে আজীবনের জন্য বহিস্কার এবং আবাসিক ছাত্র হওয়ার অনুপযুক্ত ঘোষণা
15211/2019	Shobyashachi Das Dibya ID No. S201710178 আহসান উল্লা হল	(১) চলতি টার্মসহ আরো ছয় টার্ম (মোট সাত টার্ম) এর জন্য একাডেমিক কার্যক্রম থেকে বহিস্কার (২) আবাসিক হল থেকে আজীবনের জন্য বহিস্কার এবং আবাসিক ছাত্র হওয়ার অনুপযুক্ত ঘোষণা
	Sowmitro Lahiri ID No. S201710089 আহসান উল্লা হল	(১) চলতি টার্মসহ আরো ছয় টার্ম (মোট সাত টার্ম) এর জন্য একাডেমিক কার্যক্রম থেকে বহিস্কার (২) আবাসিক হল থেকে আজীবনের জন্য বহিস্কার এবং আবাসিক ছাত্র হওয়ার অনুপযুক্ত ঘোষণা
	Plabon Chowdhury ID No. S201716023 আহসান উল্লা হল	(১) চলতি টার্মসহ আরো পাঁচ টার্ম (মোট ছয় টার্ম) এর জন্য একাডেমিক কার্যক্রম থেকে বহিস্কার (২) আবাসিক হল থেকে আজীবনের জন্য বহিস্কার এবং আবাসিক ছাত্র হওয়ার অনুপযুক্ত ঘোষণা
15203/2019	Nahid Ahmed ID No. S201706145 আহসান উল্লা হল	(১) চলতি টার্মসহ আরো তিন টার্ম (মোট চার টার্ম) এর জন্য একাডেমিক কার্যক্রম থেকে বহিস্কার (২) আবাসিক হল থেকে আজীবনের জন্য বহিস্কার এবং আবাসিক ছাত্র হওয়ার অনুপযুক্ত ঘোষণা
1260/2021	Md. Farhad Hossen ID No. S201708046 আহসান উল্লা হল	(১) চলতি টার্মসহ আরো তিন টার্ম (মোট চার টার্ম) এর জন্য একাডেমিক কার্যক্রম থেকে বহিস্কার (২) আবাসিক হল থেকে আজীবনের জন্য বহিস্কার এবং আবাসিক ছাত্র হওয়ার অনুপযুক্ত ঘোষণা
14471/2019	Md. Mubasshir Hossain S201712045 সোহরাওয়ার্দী হল	(১) চলতি টার্মসহ আরো পাঁচ টার্ম (মোট ছয় টার্ম) এর জন্য একাডেমিক কার্যক্রম থেকে বহিস্কার (২) আবাসিক হল থেকে আজীবনের জন্য বহিস্কার এবং আবাসিক ছাত্র হওয়ার অনুপযুক্ত ঘোষণা
1803/2020	Md. Kutubujjaman Kazol S201702039 সোহরাওয়ার্দী হল	১) চলতি টার্মের বাকি সময়সহ আগামী চার টার্ম আবাসিক হল থেকে বহিস্কার ২) ভবিষ্যতের জন্য সতর্ক
1804/2020	Kazi Golam Kibria Rifat S201704028	১) চলতি টার্মের বাকি সময়সহ আগামী চার টার্ম আবাসিক হল থেকে বহিস্কার ২) ভবিষ্যতের জন্য সতর্ক

Writ Petition No.	Name, Student ID and Hall	Imposed Penalty
	সোহরাওয়ার্দী হল	
1805/2020	A F M Mahfuzul Kabir S201706045 সোহরাওয়ার্দী হল	১) চলতি টার্মের বাকি সময়সহ আগামী চার টার্ম আবাসিক হল থেকে বহিস্কার ২) ভবিষ্যতের জন্য সতর্ক
1806/2020	Md. Boktiar Mahbub Murad S201706026 সোহরাওয়ার্দী হল	১) চলতি টার্মের বাকি সময়সহ আগামী চার টার্ম আবাসিক হল থেকে বহিস্কার ২) ভবিষ্যতের জন্য সতর্ক
1807/2020	Toiyob Hossain S201706013 সোহরাওয়ার্দী হল	১) চলতি টার্মের বাকি সময়সহ আগামী চার টার্ম আবাসিক হল থেকে বহিস্কার ২) ভবিষ্যতের জন্য সতর্ক
1808/2020	Md. Toufic Hassan S201712044 সোহরাওয়ার্দী হল	১) চলতি টার্মের বাকি সময়সহ আগামী চার টার্ম আবাসিক হল থেকে বহিস্কার ২) ভবিষ্যতের জন্য সতর্ক
1809/2020	Mohammad Tahmidul Islam S201704003 সোহরাওয়ার্দী হল	১) চলতি টার্মের বাকি সময়সহ আগামী চার টার্ম আবাসিক হল থেকে বহিস্কার ২) ভবিষ্যতের জন্য সতর্ক
1810/2020	Md. Raian Tahsin S201708010 সোহরাওয়ার্দী হল	১) চলতি টার্মের বাকি সময়সহ আগামী চার টার্ম আবাসিক হল থেকে বহিস্কার ২) ভবিষ্যতের জন্য সতর্ক
1811/2020	Tahazibul Islam S201704058 সোহরাওয়ার্দী হল	১) চলতি টার্মের বাকি সময়সহ আগামী চার টার্ম আবাসিক হল থেকে বহিস্কার ২) ভবিষ্যতের জন্য সতর্ক
1812/2020	Sk Asifur Rahman S201702051 সোহরাওয়ার্দী হল	১) চলতি টার্মের বাকি সময়সহ আগামী চার টার্ম আবাসিক হল থেকে বহিস্কার ২) ভবিষ্যতের জন্য সতর্ক
1813/2020	Ferdous Hasan Fahim S201706180 সোহরাওয়ার্দী হল	১) চলতি টার্মের বাকি সময়সহ আগামী চার টার্ম আবাসিক হল থেকে বহিস্কার ২) ভবিষ্যতের জন্য সতর্ক
1814/2020	Shakib Shahria S201706113 সোহরাওয়ার্দী হল	১) চলতি টার্মের বাকি সময়সহ আগামী চার টার্ম আবাসিক হল থেকে বহিস্কার ২) ভবিষ্যতের জন্য সতর্ক
1815/2020	Syed Shahrier Alam Prottoy S201711049 সোহরাওয়ার্দী হল	১) চলতি টার্মের বাকি সময়সহ আগামী চার টার্ম আবাসিক হল থেকে বহিস্কার ২) ভবিষ্যতের জন্য সতর্ক

All the petitioners preferred their respective appeals before the Appellate Authority (Academic Council) in accordance with section 7 of the Disciplinary Ordinance. After hearing, the Appellate Authority dismissed all the appeals affirming the order passed by the Board of Residence and Discipline (shortly, "**the Board**").

In this backdrop, challenging the imposed punishment the petitioners filed the above-mentioned writ petitions and obtained Rules Nisi in their respective writ petitions.

The Bangladesh University of Engineering and Technology (BUET), as respondent No. 1 appearing in the Rules have filed Affidavits-in-Opposition in the respective Rules.

Contentions of the answering respondent are more or less similar and identical in all the writ petitions and so the contentions of BUET (respondent No. 1) in these Rules are summarized as below:

> The petitioners were directly involved in the incidents of Ragging in their respective Halls and the allegations were clearly proved before the inquiry committee having taken into consideration of statements of various persons, students including the petitioners. The witnesses deposed that the petitioners were engaged in the alleged occurrence and so, they were asked by the respective letters addressed to them to appear before the Disciplinary Board of the BUET giving opportunity of being heard. . After hearing, the Board came to the decision unanimously under sections 5, 17, 21 and 24 of the Ordinance. It is stated that the BUET Authority took the disciplinary action as per law and rules of the Ordinance maintaining all formal procedures. The petitioners preferred their respective appeals to the Academic Council which were dismissed and thereby the decisions of the Board were upheld as the Academic Council also found that the petitioners were directly involved in those incidents. The entire process was fair and in accordance with the relevant provisions of law and the authority took the decision in compliance with the entire legal requirement involved.

For the well being of students of the educational institution and peaceful atmosphere of the University, the statute allows the respective authorities to impose punishment. Thus, following the laws the University authority rightly punished the writ petitioners with different terms of suspension from academic courses and permanently from residential halls on consideration of their involvement in the offences.

The University authority has taken consideration of the statements and explanation made by the petitioners and also gave them proper chance to defend. The actions were taken, only on the basis of evidences against the petitioners, found through their respective statements, statements of other students, witnesses and the security guard and as such, there is no violation of natural justice.

The allegations against the writ petitioners were serious in nature, sensitive and obviously harmful to the peaceful atmosphere of the education and the same was found and detected by the independent inquiry committee. Therefore, if the imposed punishment is withdrawn, that will open floodgates for the offenders and on that situation the authority will be fallen in serious trouble in the management of peaceful atmosphere of the institution.

Ms. Syeda Nasrin, the learned Advocate appears for the petitioners in Writ Petition Nos. 14068 & 14669 of 2019.

Mr. Aneek R. Haque with Mr. Md. Monzur Nahid, the learned Advocates appear for the petitioners in writ petition Nos. 14861-14867 of 2019, 1260 of 2019 and 1803-1815 of 2020.

Mr. Anukul Talukdar Dalton with Mr. Sakib Rezwan Kabir, the learned Advocates appear for the petitioners in Writ Petition No. 15211 of 2019.

Mr. Shamsur Rahman, learned Advocate for Ms. Nahid Sultana, the learned Advocate appears for the petitioners in Writ Petition No. 15203 of 2019.

Mr. Md. Muhibullah Tanvir, the learned Advocate appears for the petitioners in Writ Petition Nos. 14471 of 2019.

The submissions of the learned Advocates appearing on behalf of the petitioners in all the writ petitions are more or less similar and identical and so those submissions have been summarized below:

(i) The petitioners in writ petition Nos. 14068 of 2019, 14669 of 2019, 14861-14867 of 2019, 15203 of 2019, 15211 of 2019 and 14471 of 2019 and 1260 of 2021 were punished once by the Provost of their respective Halls and then again by the Directorate of Students Welfare for the same allegations/offences. Thereafter, they have again been punished for the 3rd time by the impugned order for the same offence expelling them from academic activities for different terms and also expelling them from their respective halls for good. Since Article 35 of the Constitution impose bar to punish a person for more than once the impugned punishment, is on the face of it, illegal and without lawful authority.

(ii) Section 6 of the Disciplinary Ordinance authorizes the Vice-Chancellor to impose further punishment being dissatisfied about punishment awarded by the lower authority, in the present petitioners' cases there is no

material that the Vice-Chancellor has taken the impugned action under section 6 of the Disciplinary Ordinance and as such, the impugned punishment imposed for the 3rd time for the same offence, are liable to be declared without lawful authority.

(iii) Although before taking action, the show cause notice was issued upon the petitioners but in those notices the respondents did not mention time, place and manner of allegations and even some of the notices were given on the same day of appearing before the inquiry committee. Thus, due to lack of adequate opportunity of being heard, the petitioners were deprived of to defend themselves before taking the impugned action.

(iv) To strengthen the submissions, the learned Advocates for the petitioners refer to the cases of Bangladesh Telecom (Pvt.) Ltd. vs. Bangladesh T & T Board & ors, reported in 48 DLR (AD) 20, Md. Abdul Mazid and Monir Ahmed vs. The Secretary Ministry of Energy and Mineral Resource, Bangladesh Secretariat, Dhaka and others reported in 1 ADC 409 and the case of Md. Shamsujjaman and ors vs. Bangladesh and ors reported in 71 DLR (HCD) 505.

In reply, Mr. Mohammad Noor Hossain, the learned Advocate for the respondent No. 1 (BUET) in all the writ petitions contends as follows:

(a) The general students of these three Halls i.e. Suhrawardy Hall, Titumir Hall and Ahsanullah Hall made several complaints against these petitioners bringing certain allegations as to mental and physical torture to those students on different dates in the name of “Ragging”. On the basis of those allegations, the University Authority made three separate inquiry committees for those three respective Halls and that as per report of the Inquiry Committee, the impugned action was taken.

(b) On different dates the Inquiry Committee heard the victims, witnesses and the accused petitioners as well, and thus, taking all evidences and also giving opportunity to the petitioners concluded inquiry and opined that the allegations brought against the petitioners were proved.

(c) On consideration of the materials supplied by the Inquiry Committee, the Board of Residence and Discipline imposed the punishment upon the petitioners in accordance with sections 4 and 5 of the Disciplinary Ordinance and as such, there is no illegality in the impugned action. The Appellate Authority has also considered all the cases of the petitioners and finding no illegality in the decision of the Board of Residence and Discipline, affirmed the same.

(d) The petitioners of the above-mentioned writ petitions were earlier punished by the Provost and Directorate of

> Student Welfare relating to a particular incident. Now the University Authority on the basis of subsequent fresh allegations regarding continuing physical and mental torture by these petitioners in the name of Ragging, on different occasions for a certain period, the punishment has been imposed and as such, it cannot be said that they have been punished twice or trice for the self same allegations. Moreover, the Vice-Chancellor has the authority under section 6 of the Disciplinary Ordinance to impose higher punishment on the same allegations, if he is not satisfied with the punishments awarded by the lower authority. Therefore, there is nothing illegal in the impugned punishment awarded by the University Authority and so all the Rules are liable to be discharged.

We have gone through the writ petitions, affidavits-in-opposition filed by the BUET in the respective writ petitions, supplementary affidavits, the cited cases and other materials on records.

It appears that a good number of the residential students of three different residential Halls of BUET, namely, Titumir Hall, Suhrawardy Hall and Ahsanullah Hall had been making several complaints against some students who were torturing the general students physically and mentally on different occasions in different manners in the name of “Ragging”, a concept traditionally practised in the higher educational institutions. With

regard to some of the incidents, although the Hall authority cautioned the perpetrators, but by lapse of time “the Ragging” turned into severe criminal offences. In the circumstances, on the basis of several complaints of the victim students, the University Authority constituted 3 different enquiry committees who were assigned to conduct inquiry on the allegations of victim students regarding alleged incidents with the title “সাম্প্রতিককালে সংঘটিত র‍্যাগিং এর ঘটনা”.

In many educational institutes, we often hear that new students were tortured physically and mentally in the name of Ragging. The term “Ragging” being used in those misdeeds, sometimes concerned teachers do not take it seriously against those perpetrator-students and as a result a good number of innocent students have to suffer both physical and mental torture at the very beginning of their higher academic life. Eventually, those students are turning to long term phsico patient and sometimes, it reaches to the incident of suicide. In view of the aforesaid context, time has come to ponder over such traditional concept of ‘Ragging’ in disguise of which the students are being misguided and eventually, they are walking through a wrong track and thereby healthy environment of educational institutions are being hampered. Therefore, in the aforesaid context, let us first be introduced with the concept of “Ragging” first.

According to the Chamber English Dictionary, in the common parlance “Ragging” means playing practical jokes on somebody or teaching someone a lesson.

From this literal meaning of the word “Ragging” seems to be a positive concept of teaching someone as a learner.

However, Readers Digest Great Encyclopedia Dictionary clears the word “Ragging” describing as below:

> “*ragging means a noisy disorderly conduct, annual parade of students in fancy dress to collect money for charity, playing rough jokes or throughing into wild disorder a person’s room etc.*”

From the above, meaning of the word “Ragging” gives us a mixed message both in positive and negative manner.

Originally, Ragging is a western concept. In the western world this term was introduced in long back as a “Fresher’s Ritual” in the higher educational institutions for the betterment of new entrants, who were stranger to a University for the first time and the senior students introduced themselves to the new entrants and played practical jokes at the time of welcoming freshmen 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.

But subsequently, in the guise of this concept, the senior students were harassing the junior students both physically and mentally and the perpetrators were getting excuse from the authority using the term “Ragging” due to its previous positive

image. In the circumstances, maximum countries including Canada, Japan etc. have enacted stern laws banning the “Ragging”.

Now-a-days in the higher educational institutions of South-Asian countries including India, Bangladesh etc. the concept of “Ragging” has appeared as physical, verbal and mental abuse committed by senior student(s) against junior student(s). In such devastating situation the Indian Supreme Court has defined the concept of Ragging in the case of Vishwa Jagriti Mission through President vs Central Govt. through Cabinet Secretary and others reported in 2001(3) SCR 540 which is as under:

> “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 indisciplined activities which causes or is likely to cause annoyance, hardship or psychological harm or to raise fear or apprehension thereof in a fresher or a junior student or asking the students to do any act or perform something which such student will not do in the ordinary course and which has the effect of causing or generating a sense of shame or embarrassment so as to adversely affect the physique or psyche or a fresher or a junior student.”

Moreover, in the name of Ragging, intimidation, wrongfully restraining and confining or injuring/assaulting a victim or by using criminal force on him/her or by holding out to her/him or sexual abuse, blackmail, all these acts are criminal offences. Thus, considering misuse of Ragging, the Indian Supreme Court now termed it as a crime and pursuant to the said judgment in India, some of the States, in the meantime, enacted laws prohibiting Ragging.

In our country, although so far there is no law but as Mr. Aneek R. Haque has drawn our attention that the Ministry of Education is going to frame a guideline regarding bullying and ragging in the educational institutions as per directions of the High Court Division passed in Suo Moto Rule No. 8 of 2018.

Ragging, now-a-days, appears to be a socio-legal problem. It demoralizes the victim who joins higher education life with many hopes and expectations. Besides the physical and mental torture including grievous injuries, it simultaneously causes grave psychological stress and trauma to the victim. Even the victim may drop out and thereby hampering his/her career prospects. In extreme cases, incidents of suicides and culpable homicide may also be happened.

In the circumstances, in order to resist this socio-academic disease, all the universities and colleges (under universities) should strictly prohibit any sort of activities in the name of Ragging. All the universities and colleges (under universities) should be stringent in taking anti-ragging measures.

Therefore, all educational institutions (including universities and colleges) shall observe the following measures to protect and prevent the activities in the name of Ragging:

i) Educational institutions shall not allow the students to participate in any untoward incident and all sorts of activities/gathering/performance in the name of Ragging.

ii) Every educational institution including all university authorities should have Vigilance Committee to ensure vigil on incidents that may happen under the garb of Ragging. Managements of educational institutions should be responsible for non-reporting or inaction against the incidents of Ragging in their respective premises including residential halls.

iii) Authorities of all educational institutions shall publish the consequences for committing Ragging. In particular, at the main and prominent spot/point(s) of the institution.

iv) Posters containing measures against the Ragging have to be posted in the website of respective institutions which will warn the students about the consequences for committing Ragging.

v) An affidavit in the form of undertaking may be obtained from the students and their parents before start of new session to the effect that if any student found involving in Ragging he/she will be punished.

vi) 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.

Regarding impugned penalties imposed by the university (BUET) upon the petitioners:

Now coming to the present impugned orders of punishment, we find that the University (BUET) has got its Disciplinary Ordinance, namely, Ordinance relating to the Board of Residence and Discipline approved on 31.7.1989 relevant provisions of the said Ordinance are as follows:

> "*4. All incidents which appear to be acts of indiscipline and misconduct committed by any student including immediate action taken, if any, shall be reported to the Vice-Chancellor by the provosts through the Director or Students Welfare in respect of indiscipline and misconduct in the Halls of Residence and their premises and by the Head of Department in respect of indiscipline and misconduct in class rooms, laboratories, workshops, studios and all parts of the academic premises, by the invigilator through the Chief Supervisor in respect of indiscipline and misconduct in the examination halls, and by the person concerned from among the students and employees of the University in respect of misconduct committed outside the University campus.*
>
> *5. (a) A student, who neglects his studies, disobeys and/or denounces orders, rules and regulations, ordinances, statutes of the University, shows misbehaviour towards the members of the staff or Officers of the University or commits any other offence which will be deemed by the Vice Chancellor or Director of Students' Welfare or Teachers of the University as misconduct and breach of discipline, will be liable to disciplinary action which may range from warning, imposition of fines, suspension, to expulsion for good from the University depending on the magnitude of the offence as will be deemed fit by the authorities competent to take disciplinary action as defined in 5(b).*
>
> *(b) Authorities to take disciplinary action with their respective powers to the extent to which they can impose punishment on any student nr group of students are:*

Column-1	*Column-2*	*Column-3*
Authorities for taking disciplinary action	*Power*	*Appellate Authority*
Board of Residence and Discipline.	*Warning, imposing fine, suspension for any length of time, expulsion for good.*	*Academic Council.*
Vice-Chancellor	*Warning, imposing fine, suspension up to six months.*	*Board of Residence.*
Director of Students Welfare.	*Warning, imposing fine up to Tk. 200/- suspension and expulsion from the halls.*	*Vice-Chancellor.*
Provosts, (On students of his Hall of Residence).	*Warning, imposing fine up to Tk. 100/- suspension from the hall for a period of one year.*	*Director of Students Welfare.*
Head of Department (On students of his Department).	*Warning, imposing fine up to Tk. 200/- with a report to the Director of Students Welfare for record.*	*Vice-Chancellor*
Teachers & Assistant provosts & Director of Physical Education.	*Warning, imposing fine, up to Tk. 50/- with a report to the Director of Students Welfare (through the Head of the Department) for record.*	*Head of the Department, Provosts, Director of Students Welfare.*

6. If the Vice-Chancellor feels that the action taken against a student or a group of students (by any of the above authorities other than Board of Residence and Discipline) on an offence brought to him is not appropriate or that no action has he been taken on any offence observed by him, he will take appropriate disciplinary action against student or a group of students. If, however, in any case of breach of discipline the Vice-Chancellor is of the opinion that a punishment more than a suspension of six months is required he shall refer the matter to the Board of Residence and Discipline for a decision.

7. A student or a group of students against whom an action has been taken by appropriate authority mentioned in Column 1 of Section 5 (b) may prefer an appeal to the appropriate appellate authority mentioned in Column 3 of Section 5(b)."

From the above provisions, it appears that there are certain phases of authorities as mentioned in section 5(b) who are empowered to impose penalty/punishment which may range from the warning, imposing of fines, suspension for any length of time and expulsion for good from the University depending on the gravity and nature of the offences as would be deemed fit to the authority competent to take disciplinary action.

From the enquiry report, we find that the inquiry committee considered the allegations by examining witnesses including the victims-complainants and also statements of the accused-petitioners and some of them also confessed their guilt. It also appears from the inquiry report that the inquiry was made relating to allegations took place on different occasions for a particular period "সাম্প্রতিককালে সংঘটিত র‍্যাগিং এর ঘটনা".

Further, from the show cause notices issued upon the petitioners as annexed by them appear that they were given further chance to represent their defence against the allegations brought against them. Thus, it appears that the petitioners were given opportunity of being heard before taking the impugned action by the authority.

However, drawing our attention to the show cause notices the learned Advocates submit that in the show cause notices the respondents did not mention about the allegations brought against them and that time and place of incidents were not mentioned therein due to which the petitioners could not represent themselves

adequately and thereby principles of natural justice have been violated in awarding the impugned punishment.

To consider the submission, we have gone through the cited cases as referred to by the learned Advocates for the petitioners. In the case reported in 48 DLR (AD) 20, the petitioner was dismissed from service and that in the case reported in 71 DLR (HCD) 505, the petitioner was a student of Shahjalal University of Science and Technology and he was expelled permanently from his academic sessions.

In both the cases, the ratio was pronounced to the effect that ample opportunity has to be given to the incumbent for explaining his defence regarding allegations brought against him. In this particular case, it is not the case of the petitioners that they were not given an opportunity of being heard. But their case is, the opportunity was not adequate as the notices did not reflect the allegations and the time and place of incidents.

Here, the practical scenario is that certain incidents took place,which are criminal in nature. The inquiry committee called all the relevant witnesses, victims and also took statements from the petitioners, who appeared before the inquiry committee. As such, the petitioners are all well conversant with the allegations and facts involved with the alleged incidents. Therefore, due to non-mentioning of the allegations and the time and place in the subsequent notices to show cause, did not materially prejudice the petitioners in submitting their self-defence in terms of “being

heard by ample opportunity" and as such we are of the view that the principles of natural justice have not been violated, in other words, the cited cases are not applicable in view of different facts and circumstances of the present cases.

Rather, our views are supported by the case of State Bank of Patiala and others Vs S.K. Sharma reported in AIR 1996 (SC) 1669 wherein their Lordships held as under:

> "*There is no fixed standard as to the adequacy of the notice and it will vary from case to case. The test is whether in a given case the person concerned has been prejudiced in presenting his case and the Court will inquire whether the persons have a fair chance amongst the allegations brought against him.*"

Now, the next question raised by the learned Advocate for the petitioners that some of the petitioners have been punished for the second time and in some cases for third time for the selfsame offences which is not tenable in the eye of law.

To answer on this issue, we have gone through the relevant orders regarding first and second punishment as well as the present impugned orders and connected inquiry reports. It is on record that regarding 3(three) separate particular incidents took place at three different halls i.e Suhrawardy Hall, Ahsanullah Hall, and Titumir Hall on 05.09.2019 , 25.07.2019 and 23.07.2019 respectively and some of the petitioners were punished earlier for these incidents.

Some of the petitioners although were punished relating to those incidents but the inquiry reports relating to the present punishments show that on the basis of allegations of certain students of those halls to the effect that they were being tortured

physically and mentally by the present petitioners on several occasions for a certain period of time in the name of “Ragging”. The inquiry reports have disclosed number of incidents took place on different dates within a certain period of time in those three residential Halls.

In this regard relevant portions of the enquiry reports are quoted herein below:-

> “৪.১৬। উপরে উল্লেখিত ঘটনা প্রবাহ থেকে প্রতীয়মান হয় যে, কতিপয় ছাত্র আহসান উল্লাহ হলে র‍্যাগিং এর মাধ্যমে একটি ত্রাসের রাজত্ব কায়েম করে আসছিল। র‍্যাগিং এর মাধ্যমে আহসান উল্লাহ হলে একটি ভয় এবং আতঙ্কের পরিবেশ বিরাজ করছিল। অনেক ছাত্রই র‍্যাগিং এর মাধ্যমে মানসিক এবং শারীরিক নির্যাতেনের শিকার হয়েছে এবং অনেকেই পরবর্তীতে মানসিক ভাবে বিপর্যস্ত হয়েছে এর ফলশ্রুতিতে তাদের স্বাভাবিক শিক্ষা কার্যক্রম মারত্মক ভাবে ব্যাহত হয়েছে।”
>
> “৭.২) তিতুমীর হলের তদন্ত কমিটির প্রতিবেদন থেকে প্রতীয়মান হয় যে, কতিপয় ছাত্র তিতুমীর হলে র‍্যাগিং এর মাধ্যমে একটি ত্রাসের রাজত্ব কায়েম করে আসছিল। র‍্যাগিং এর মাধ্যমে তিতুমীর হলে একটি ভয় এবং আতঙ্কের পরিবেশ বিরাজ করছিল। অনেক ছাত্রই র‍্যাগিং এর মাধ্যমে মানসিক এবং শারীরিক নির্যাতনের শিকার হয়েছে এবং অনেকেই পরবর্তীতে মানসিক ভাবে বিপর্যস্ত হয়েছে। এর ফলশ্রুতিতে তাদের স্বাভাবিক শিক্ষা কার্যক্রম মারাত্মক ভাবে ব্যাহত হয়েছে। কাজেই বুয়েটের বৃহত্তর স্বার্থে উপরোক্ত অভিযুক্ত ছাত্রদের প্রতি কৃপাশীল না হয়ে কঠোর শাস্তি দেয়ার জন্য তদন্ত কমিটি জোরালো অনুরোধ করছে।”
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> “৪.৩। সোহরাওয়ার্দী হলের তদন্ত কমিটির প্রতিবেদন থেকে প্রতীয়মান হয় যে, কতিপয় ছাত্র সোহরাওয়ার্দী হলে র‍্যাগিং এর মাধ্যমে একটি ত্রাসের রাজত্ব কায়েম করে আসছিল। র‍্যাগিং এর মাধ্যমে সোহরাওয়ার্দী হলে একটি ভয় এবং আতঙ্কের পরিবেশ বিরাজ করছিল। অনেক ছাত্রই র‍্যাগিং এর মাধ্যমে মানসিক এবং শারীরিক নির্যাতনের শিকার হয়েছে এবং অনেকেই পরবর্তীতে মানসিক ভাবে বিপর্যস্ত হয়েছে। এর ফলশ্রুতিতে তাদের স্বাভাবিক শিক্ষা কার্যক্রম মারাত্মক ভাবে ব্যাহত হয়েছে ”

The Enquiry reports show that several incidents in the name of Ragging had been taken place for a certain period of time by different incidents on different times. Considering those inquiry reports, the University Authority has imposed the punishment in question to the petitioners and therefore, it cannot be said that for

the selfsame offences they have been punished for the second time or third time.

From the above discussions, it appears to us that although the incidents have been branded with the word “Ragging” but the allegations clearly fall within the ambit of section 5(a) of the Disciplinary Ordinance under the terms of misconduct and breach of discipline. Therefore, we hold that, the University Authority issued the impugned orders following the provisions of laws incorporated in the Disciplinary Ordinance.

However, allegations against the petitioners are in the name of “Ragging” and this concept was introduced long back in the western countries for the welfare of the fresher’s (newly entrants in the educational institution). But in the name of this concept the students of the educational institutions are getting excuse in spite of committing several criminal offences within the knowledge of the Authority.

From the materials as appear in these writ petitions, we find that earlier similar incidents took place but the Hall authority or the University authority did not take any effective and punitive measures and thereby the students are being encouraged to commit these sorts of offences without any impediment or action from the University authority.

Now, for the first time the BUET authority had come forward and took action against the perpetrators. Certainly, this will give a

clear message in future, to all perpetrators regarding their offences in the name of Ragging.

Since the authority took the punitive measures for the first time, the students including the petitioners shall be cautioned in future. Hence, considering the academic career of the petitioners, we have examined the allegations and materials independently against every petitioners for taking lenient view by going through the inquiry reports as submitted by the respondents. But in the inquiry reports, the allegations against 4 (four) petitioners appear to be very heinous in nature. In particular, against the petitioners, namely, (1) Mirza Mohammad Galiv (Titumir Hall), (2) Mobasshir Hossein Shanto (Suhrawardy Hall) (3) Shobyashachi Das Dibya (Ahsanullah Hall) and (4) Sowmitro Lahiri (Ahsanullah Hall) the enquiry reports disclosed as follows:

> **"২. মির্জা মোহাম্মদ গালিব ওরফে গালিব (স্টুডেন্ট নং ১৭১০১৪৭)**
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> **১।)** ২০১৮ ব্যাচের ২ (দুই) জন ছাত্র তাদের জবানবন্দীতে ও লিখিত বক্তব্যে উল্লেখ করেন যে, গালিব ঋদ্ধি, অপি, সাদিক, সায়মন, জিতু এবং কায়েসকে হলের ছাদে নিয়ে যান, এবং ঋদ্ধিসহ একাধিক জনকে স্ট্যাম্প দিয়ে মারেন। গালিব ঋদ্ধিকে অসংখ্যবার স্ট্যাম্প দিয়ে মারেন।
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> **২)** ২০১৮ ব্যাচের ৩ (তিন) জন ছাত্র তাদের জবানবন্দীতে ও লিখিত বক্তব্যে উল্লেখ করেন যে, গালিব তাদের অশ্লীল ভিডিও দেখা এবং সেই অনুযায়ী অশ্লীল অভিনয় করার নির্দেশ দিয়েছেন।
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> **৩)** ২০১৮ ব্যাচের ১ (এক) জন ছাত্র এবং ২০১৭ ব্যাচের ৪ (চার) জন ছাত্র তাদের জবানবন্দীতে উল্লেখ করেন যে, গালিব অশ্লীল গল্প লেখা এবং পড়ার নির্দেশ দিয়েছেন।
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> **৪)** ২০১৮ ব্যাচের ৫ (পাঁচ) জন ছাত্র এবং ২০১৭ ব্যাচের ১ (এক) জন ছাত্র তাদের জবানবন্দীতে ও লিখিত বক্তব্যে উল্লেখ করেন যে, গালিব বিভিন্ন সময়ে র‍্যাগিং এর সার্বিক নির্দেশনা প্রদান করতেন।
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> **৫)** ২০১৮ ব্যাচের ২ (দুই) জন ছাত্র এবং ২০১৭ ব্যাচের ৪ (চার) জন ছাত্র তাদের জবানবন্দীতে ও লিখিত বক্তব্যে উল্লেখ করেন যে, গালিব র‍্যাগিং এর সময় বকাবকি করতেন এবং হুমকি দিতেন।

৬) ২০১৮ ব্যাচের ২ (দুই) জন ছাত্র এবং ২০১৭ ব্যাচের ১ (জন) ছাত্র তাদের জবানবন্দীতে ও লিখিত বক্তব্যে উল্লেখ করেন যে, গালিব র‍্যাগিং উপভোগ করতেন এবং বিভিন্ন সময়ে উপহাস করতেন ।

৭) ২০১৮ ব্যাচের ১ (এক) জন ছাত্র এবং ২০১৭ ব্যাচের ১ (জন) ছাত্র তাদের জবানবন্দীতে ও লিখিত বক্তব্যে উল্লেখ করেন যে, গালিব হাসিব, ইশতিয়াক, জিসান এবং মেহেদীকে র‍্যাগিং সংক্রান্ত বিভিন্ন ঘটনা তদন্ত কমিটির নিকট গোপন করতে বলেন এবং তদন্তের সময় মিথ্যা তথ্য প্রদান করতে বলেন।

৮) গালিব র‍্যাগিং এর ঘটনায় শারীরিক নির্যাতনে তার সম্পৃক্ততার কথা সরাসরি অস্বীকার করেন।"

(Underlined)

Regarding the petitioner, namely, Mobasher Hossein Shanto, a student of Suhrawardy Hallঃ

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নং	অভিযুক্ত ছাত্র	অপরাধসমূহ	ভুক্তভোগী ছাত্র
১।	**মোবাশ্বের হোসেন শান্ত (১৭১২০৪৫)**	মারাত্মক শারীরিক নির্যাতন, মানসিক নির্যাতন, র‍্যাগিংয়ের ঘটনায় অংশগ্রহণ।	হিমু মিয়া (১৮১০১৫৭) মতিউর রহমান (১৮০৬১২০) জাইয়ান সাদিদ ইফতি (১৮০৬১০৯) মোঃ তানভীর হোসেন ত্বাহা (১৮১০০৬৫)

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Regarding the petitioner, namely, Shobyashachi Das Dibbyo and Sowmitro Lahiri both are students of Ahsanullah Hallঃ

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নং	অভিযুক্ত ছাত্র	অপরাধসমূহ	ভুক্তভোগী ছাত্র
১।	**সব্যসাচী দাস দিব্য (১৭১০১৭৮)**	কতিপয় ছাত্রকে শারীরিক নির্যাতন, মানসিক নির্যাতন, র‍্যাগিংয়ের ঘটনায় সমর্থন প্রদান, র‍্যাগিয়ের পরিকল্পনাকারী এবং অংশগ্রহণকারী, মিথ্যা সাক্ষী দিয়ে তদন্ত কাজে অসহযোগিতা।	হোসেইন মোঃ জুবায়ের (১৮০৪০৯৬) রিয়াজ মাহমুদ (১৮১১০১০) আমিমুল এহসান রাহি (১৮০৫০৫৬)
২।	**সৌমিত্র লাহিড়ী (১৭১০০৮৯)**	মারাত্মক শারীরিক নির্যাতন, মানসিক নির্যাতন, র‍্যাগিংয়ের ঘটনায় অংশগ্রহণ।	অভিজিৎ কর (১৮০২০৫২) রিয়াজ মাহমুদ (১৮১১০১০) আমিমুল এহসান রাহি (১৮০৫০৫৬)

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Allegations brought against these 4(four) petitioners are very serious in nature which are tantamount to criminal offences punishable under the criminal law. However, considering the fact that it is the first time punitive measures taken in the University (BUET) and considering the academic career and tender age of petitioners, the penalties given to them for seven terms (including running term) are hereby reduced to one term (6 months) prospectively from the next term. However, the suspension order from the residential Halls shall be continued till conclusion of their academic sessions in respect of the petitioners, namely, (1) Mirza Mohammad Galiv (Titumir Hall), (2) Shobyashachi Das Dibya (Ahsanullah Hall) (3) Sowmitro Lahiri (Ahsanullah Hall) and (4) Md.Mobasshir Hossein (Suhrawardy Hall).

Except the above mentioned 4(four) petitioners relating to all other petitioners of the above mentioned writ petitions, the suspension of academic terms is hereby declared to be without lawful authority and of no legal effect. However, the suspension order from the residential Halls shall be continued till conclusion of their academic sessions.

Mr. Aneek R. Haque, the learned Advocate for the petitioners submits that due to imposition of impugned punishments the University authority suspended payment of the petitioners' stipend. However, since Mr. Mohammad Noor Hossain, the learned Advocate for the respondent No. 1 (BUET) submits that after disposal of the writ petitions there will be no embargo in

payment of stipend to the petitioners. As such, we are not making any observations on this issue.

In view of the above discussions, the Rules Nisi issued in Writ Petitions No. 14068 of 2019, 14669 of 2019, 14861-14867 of 2019, 1260 of 2021, 15211 of 2019, 15203 of 2019 and 14471 of 2019 are disposed of with the above observations, directions and recommendations. No costs.

The Rules Nisi issued in Writ Petition Nos. 1803-1815 of 2020 are discharged without any order as to costs.

The penalties for seven terms (including running term) awarded to (1) Mirza Mohammad Galiv (Titumir Hall), petitioner of writ petition No. 14861 of 2019 (2) Shobyashachi Das Dibya (Ahsanullah Hall), (3) Sowmitro Lahiri (Ahsanullah Hall), both are petitioners No. 1 and 2 of writ petition No. 15211 of 2019 And penalties for six terms (including running term) awarded to (4) Md.Mobasshir Hossain (Suhrawardy Hall) petitioner of writ petition No. 14471 of 2019 are hereby reduced to one term (6 months) prospectively from the next term. However, the suspension order against them (4 (four) petitioners) from the residential Halls shall be continued till conclusion of their academic sessions. Except the above mentioned 4(four) petitioners relating to all other petitioners of the writ petitions No. 14068 of 2019, 14669 of 2019, 14862-14867 of 2019, 1260 of 2021, 15211 of 2019 and 15203 of 2019 the suspension of academic term is hereby declared to be without lawful authority and of no legal effect and the suspension order from the residential Halls shall be continued till conclusion of their academic sessions.

Let a copy of this judgment and order be communicated to the respondents, the University Grants Commission of Bangladesh and the Secretary, Ministry of Education for their information and necessary action.

Razik-Al-Jalil, J:

I agree.