



2024:DHC:6375-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision:- 21st August, 2024.

+ **W.P.(CRL) 793/2017, CRL.M.A. 13198/2017, 14493/2017, 15145/2017, 16619/2017, 16639/2017, 3556/2018, 4559/2018, 8441/2018, 34126/2019, 4524/2020 & 8850/2024**

COURTS ON ITS OWN MOTION IN RE: SUICIDE COMMITTED BY SUSHANT ROHILLA, LAW STUDENT OF I.P. UNIVER

.....Petitioner

Through: Mr. Dayan Krishnan, Sr Adv. Amicus Curiae with Mr. Sukrit Seth, Ms. Aakashi Lodha & Mr. Sanjeevi Seshadri, Advs. for Amicus Curiae (M: 9871167778).

versus

.....

.....Respondent

Through: Mrs. Avnish Ahlawat, SC NSUT with Mr. N.K. Singh, Ms. Lavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehwat, Advocates.
Mr. Raajan Chawla & Gautam Chauhan Advs. for R-1 (M: 9871733347).
Mr. Rajesh Yadav, Sr. Adv with Mr. Honey Khanna & Mr. Shyam Singh, Advocates for R-4 and 5 (M: 9899649343).
Ms. Monika Arora Advocate for R-13-IIMC (M: 9810246300).
Mr. Arjun Mitra, Advocate for R-14 and 15.
Ms Bharathi Raju, Advocate for R-16 (M: 9868895906).
Mr. Siddharth Panda, Advocate for R-19 (M: 9891488088).
Mr. Mohinder JS Rupal Adv. for University of Delhi (M: 9811151216).



Mr. Hardik Rupal, Adv. for Jamia Hamdard University (M: 9811316090).

Mr. Neeraj Verma Advocate for R-24 (M: 9810762420).

Mr. Amitesh Kumar, Ms. Priti Kumari and Ms. Mrinaal Kishor, Advocates for R-27 (M: 7503397704).

Mr. Vibhakar Mishra, Advocate for Shri Lal Bahadur Sashtri University (M: 9810092597).

Mr. Ankit Jain and Ms. Divyanshu Rathi, Advs. for ILI (M: 8396996188).

Mr. Keshav Datta, Mr. Rupal Luthra and Mr. Abhishek Budhiraja, Advs. for Complainant (M: 8860995133).

Mr. Raajan Chawla and Ms. Yashi Singh, Advs. for Amity law school.

Ms. Pragya P Singh, Adv. for R-32.

Ms. Anju Bhushan Gupta, Mr. Aditya Goel and Mr. Sanjay Gupta, Advs. for R-33.

Mr. Yashvardhan, Ms. Kritika Nagpal, Mr. Gyanendra Shukla and Mr. Pranav Das, Advocates for DPSRU.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE AMIT SHARMA

Prathiba M. Singh, J. (ORAL)

1. This hearing has been done through hybrid mode.
2. At the outset, it is submitted by the Id. Counsel for the Complainant that in view of the use of the expression “*after giving an opportunity to Id. counsel for the parties concerned*” in order dated 22nd February, 2024, the Accused are also seeking a hearing in the Protest Petition in which they have no *locus standi* by filing an application.



3. In order to ensure that the decision on the closure report can be taken on an expeditious basis, it is made clear that the said order would not affect the outcome of the application which has now been moved by the Accused. The Protest Petition as also the application of the Accused shall be decided by the concerned Court expeditiously on its own merits, in terms of the order dated 24th July, 2024.

Background:

4. The present petition began due to an extremely unfortunate incident which resulted in the loss of a young life. A letter dated 20th August, 2016 was sent to Hon'ble the Chief Justice of India by one Raghav Sharma, wherein he sought help and assistance for the sister of Sh. Sushant Rohilla, a student of Amity Law School, Delhi, who had unfortunately committed suicide. The said letter was based on an allegation that the deceased had been subjected to harassment by the institution and some faculty members, for maintaining low attendance. He was forced to repeat an entire academic year in the B.A.LL.B. course. He passed away on 10th August, 2016 and had also made allegations against some of the faculty members of the institution. As per Raghav Sharma, he was a friend of the deceased and he stated that Sushant was an extremely talented individual. Raghav Sharma sent a letter petition to the Hon'ble Chief Justice of India wherein he prayed for appointment of a committee and for formulation of rules and regulations for all colleges and institutions of higher education across the country. The prayer he seeks in his letter petition dated 20th August, 2024 is set out below:

“10. Though there exists a report by Raghavan Committee formed by the Hon'ble Supreme Court of India in SLP No.(s) 24295 of 2006 which caters to the menace of Ragging but the tormented psychological state of students



in colleges and universities due to mental harassment by the authorities and professors is still waiting for cognizance. Hence, in light of all the events I have put forth above, it is humbly requested from the Hon'ble Supreme Court to take cognizance of this matter and perhaps constitute an Independent Committee which will not only go in depth to the case of Sushant's harassment and torture by the respective professor and ignorance of all this by other authorities but thereafter also formulates rules and regulations for all colleges and Institutes of Higher Education across the country to look into the mental health issues faced by students due to such reasons. I would be happy to make myself available for any committee and any inquiry looking into this matter”

5. This letter was considered on 05th September, 2016 by the Hon'ble Supreme Court and the following order was passed:-

“Heard.

We request Mr. F.S.Nariman, learned senior counsel to assist us in this matter. A copy of the writ petition paper-book shall be furnished to Mr. F.S.Nariman by the Registry. Mr. Siddharth Luthra, learned senior counsel who has entered appearance on behalf of Amity Law School and Mr. Ashok Mahajan are free to file any response/documents.

Post after the needful is done.”

6. Thereafter, on 06th February, 2017 a direction was given to the law school's Founder President to file an affidavit. Thereafter, on 06th March, 2017, the writ petition was transferred to this Court. The said order reads as under:-

“Let this writ petition be transferred to Delhi High Court, to be heard and decided on merits in accordance with law.

Parties may appear before the High Court on 14.03.2017.

Let the record of the case be transferred.”



7. After the matter was transferred to this Court, notice was issued to Guru Gobind Singh Indraprastha University, Delhi (hereinafter, 'GGSIPU') *vide* order dated 27th February, 2017 and thereafter, *vide* order dated 24th May, 2019 notice was also issued to various universities and regulatory authorities who are listed below:-

- i) Guru Gobind Singh Indraprastha University
- ii) Founder President of Ritanand Balved Education Foundation
- iii) All India Institute of Medical Sciences,
- iv) Ambedkar University Delhi;
- v) Delhi Pharmaceutical Science and Research University;
- vi) Netaji Subhash University of Technology;
- vii) Delhi Technological University;
- viii) Indian Agricultural Research Institute;
- ix) Indira Gandhi Delhi Technical University for Women;
- x) Indian Institute of Foreign Trade;
- xi) Indian Institute of Mass Communication;
- xii) Indian Institute of Technology Delhi;
- xiii) Indian Law Institute;
- xiv) Indian Statistical Institute;
- xv) Indira Gandhi National Open University;
- xvi) Indraprastha Institute of Information Technology;
- xvii) Institute of Liver and Biliary Sciences;
- xviii) Jamia Hamdard;
- xix) Jamia Millia Islamia;
- xx) Jawaharlal Nehru University;
- xxi) National Institute of Fashion Technology;
- xxii) National Institute of Technology, Delhi;
- xxiii) National Law University, Delhi;
- xxiv) National Museum Institute of the History of Art Conservation and Museology;
- xxv) National School of Drama;
- xxvi) National University of Educational Planning and Administration;



- xxvii) Rashtriya Sanskrit Sansthan;
- xxviii) School of Planning and Architecture;
- xxix) Shri Lal Bahadur Shastri Rashtriya Sanskrit Vidhyapeetha;
- xxx) South Asian University;
- xxxi) TERI University;
- xxxii) University of Delhi;
- xxxiii) Ambedkar University Delhi;
- xxxiv) Delhi Institute of Historical Research and Management;
- xxxv) Bar Council of India

8. *Vide* order dated 16th May, 2017, Mr. Dayan Krishnan, learned Senior Advocate was appointed as the *Amicus Curiae* in this matter. Further, parties, including Delhi Police and the two faculty members, were also impleaded in the present petition on 25th May, 2017. GGSIPU and the various regulatory authorities and universities and colleges filed their affidavits on record in respect of the Grievance Redressal Committees that were to be appointed by them. *Vide* order dated 23rd August, 2017, Bar Council of India was directed to file an affidavit regarding condonation of shortfall of attendance and all the Colleges and Universities were given time to file an affidavit with respect to Grievance Redressal Committees in their respective colleges.

9. Today, the Court has heard some submissions made by the learned *Amicus Curiae* as also counsel Mr. Amitesh, appearing for NIEPA, Mr. Rahul Kaushik appearing for GGSIPU, Mr. Preet Pal Singh appearing for Bar Council of India, etc.

10. Learned Counsels for AICTE, some other regulatory authorities and institutions are not present in the Court. Let intimation be given to them for appearance on the next date of hearing.

11. In addition, notice be also issued to the Standing Counsel for Union of India with the request that learned ASG may appear and assist the Court.



12. Notices shall be issued by the Registry to the learned Counsels who have filed affidavits on behalf of the various organisations and institutions and if there are no filings, notice be issued to the nominated counsel.

13. In the opinion of this Court, the crux of the issue that arises is whether attendance requirements ought to be mandatory in undergraduate or postgraduate courses. This issue deserves to be addressed at a much higher level rather than restricting it to any specific course/college/university/institution. Regulatory bodies as also some universities have in their statutes/ordinances, historically, prescribed mandatory attendance requirements. In the opinion of this Court, the same may require reconsideration, especially bearing in mind the teaching methods which have substantially changed including post the COVID-19 pandemic. In recent times, it is not unusual for colleges and universities to hold classes virtually, to hold examinations virtually or *via* online platforms.

14. The issue of mandatory attendance is also a cause for concern in the younger generation who perceive the same in a completely different manner than was traditionally thought. Education is no longer restricted to class room teaching or text book education and, in fact, has been extended to more practical areas. Addition of skills has been given greater focus in recent times through programs such as SKILL INDIA, for e.g., through the National Skill Development Corporation (NSDC).

15. There is an imminent need, therefore, to have reconsideration of norms of attendance in general, whether it ought to be made mandatory at all or what should be the minimum required standards of attendance or should attendance be encouraged rather than penalties being imposed for lack of attendance etc.

16. The mental health of students, which is also affected due to the



mandatory attendance norms needs, to be borne in mind while reconsidering attendance requirements. The role of grievance redressal mechanisms in educational institutions and their establishment is required to be streamlined. There may be a need for making a distinction between professional and non-professional courses so far as attendance requirements is concerned.

17. It is not uncommon for youngsters who finish school to also be employed and parallelly pursuing education in order to support themselves and their families. Such situations also need to be borne in mind.

18. Further, attendance requirements may or may not be the same in urban and rural areas where technology may not be fully permeable. Attendance may have to be positively encouraged rather than shortage being penalised by debarring from exams etc.

19. It is not uncommon for students to now learn subjects which could even be extremely complex, scientific subjects or mathematics through videos which are uploaded on the internet.

20. Global practices followed by leading educational institutions around the world would also need to be analysed to see whether mandatory attendance requirements are even required. In the opinion of this Court, teachers and students need to be consulted in order to consider what should be the standards of attendance. Wider consultation would also be required to be undertaken to have a relook at the need to have mandatory attendance.

21. The aforesaid as well as other factors have to be considered in order for education to be made more meaningful in the modern world.

22. In these circumstances, this Court intends to form a Committee to study all the above factors and to place a report before the Court so that certain uniform practices can be evolved for undergraduate and postgraduate courses



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in respect of attendance requirements.

23. Ld. *Amicus Curiae* and some ld. Counsels have already been partly heard today.

24. Let notice be issued to Mr. Anil Soni, CGSC for AICTE, Mr. Tanoodbhav Dev Singh for NMC and Mr. Kirtiman Singh, ld. CGSC for the UOI, Secretary, Department of Education for making submissions on the above issues. Ld. ASG- Mr. Chetan Sharma is requested to make submissions in this matter for the Court's assistance.

25. If any of the educational institutions and Universities have not filed their affidavits in terms of the previous orders, they are at liberty to do so by 5th September, 2024.

26. List on 9th September, 2024 on top of board.

27. This shall be a part heard matter.

28. *Dasti* order.

PRATHIBA M. SINGH
JUDGE

AMIT SHARMA
JUDGE

AUGUST 21, 2024/MR/BH
(corrected & released on 24th August, 2024)