

Prohibition Of Ragging And Other Forms Of Violence In Educational Institutions

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AN ACT TO ELIMINATE RAGGING AND OTHER FORMS OF VIOLENCE, AND CRUEL, INHUMAN AND DEGRADING TREATMENT, FROM EDUCATIONAL INSTITUTIONS

BE it enacted by the Parliament of the Democratic, Socialist Republic of Sri Lanka as follows :ö

[29th April
, 1998]

Short title. **1.** This Act may be cited as the Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act, No. 20 of 1998.

Ragging. **2.**

(1) Any person who commits, or participates in; ragging, within or outside an educational institution, shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable, to rigorous imprisonment for a term not exceeding two years and may also be ordered to pay compensation of an amount determined by court, to the person in respect of whom the offence was committed for the injuries caused to such person.

(2) A person who, whilst committing ragging causes sexual harassment or grievous hurt to any student or a member of the staff, of an educational institution shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to imprisonment for a term not exceeding ten years and may -also be ordered to pay compensation of an amount determined by court, to the person in respect of whom the offence was committed for the injuries caused to such person.

Criminal intimidation. **3.** Any person who, within or outside an educational institution, threatens, verbally or in writing, to cause injury to the person, reputation or property of any student or a member of the staff, of an educational institution (in this section referred to as 'the victim') or to the person, reputation or property of some other person in whom the victim is interested, with the intention of causing fear in the victim or of compelling the victim to do any act which the victim is not legally required to do, or to omit to do any act which the victim is entitled to do, shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to rigorous imprisonment for a term not exceeding

five years.

Hostage taking. **4.** Any person who does any act by which the personal liberty and the freedom of movement of any student or a member of the staff of an educational institution or other person within such educational institution or any premises under the management and control of such educational institution, is restrained without lawful justification and for the purpose of forcing such student, member of the staff or person to take a particular course of action, shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate, be liable to rigorous imprisonment for a term not exceeding seven years.

Wrongful restraint. **5.** Any person who unlawfully obstructs any student or a member of the staff of an educational institution, in such a manner as to prevent such student or member of the staff from proceeding in any direction in which such student or member of the staff, has a right to proceed, shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to rigorous imprisonment for a term not exceeding seven years.

Unlawful confinement. **6.** Any person who unlawfully restrains any student or a member of the staff of an educational institution in such a manner as to prevent such student or member of the staff from proceeding beyond certain circumscribing limits, shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to imprisonment for a term not exceeding seven years.

Forcible occupation and damage to property of an educational institution. **7.**

(1) Any person who, without lawful excuse, occupies, by force, any premises of, or under the management or control of, an educational institution shall be guilty of an offence under this Act, and shall on conviction after summary trial before a Magistrate be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding ten thousand rupees or to both such imprisonment and fine.

(2) Any person who causes mischief in respect of any property of, or under the management or control of, an educational institution shall be guilty of an offence under this Act and shall on conviction after summary trial before a Magistrate he liable to imprisonment for a term to not exceeding twenty years and a fine of five thousand rupees or three times the amount of the loss or damage caused to such property, which ever amount is higher.

Orders of expulsion or dismissal. **8.** Where a person is convicted of an offence under this Act, the court may, having regard to the gravity of the offence:-

(a) in any case where the person convicted is a student of an educational institution, order that such person be expelled from such institution ;

(b) in any case where the person convicted is a member of the staff of an educational institution, order that such person be dismissed from such educational institution.

Bail. 9.

(1) A person suspected or accused of committing an offence under subsection (2) of section 2 or section 4 of this Act shall not be released on bail except by the judge of a High Court established by Article 154P of the Constitution. In exercising his discretion to grant bail such Judge shall have regard to the provisions of section 14 of the Bail Act, No. 30 of 1997.

(2) Where a person is convicted of an offence under subsection (2) of section 2 or section 4 of this Act, and an appeal is preferred against such conviction, the Court convicting such person may, taking into consideration the gravity of the offence and the antecedents of the person convicted, either release or refuse to release, such person on bail.

Certain Provisions of the Code of Criminal Procedure Act not to apply to persons convicted or found guilty of an offence under this Act. **10.** Notwithstanding anything in the Code of Criminal Procedure Act, No, 15 of 1979

(a) the provisions of section 303 of that Act shall not apply in the case of any person who is convicted,

(b) the provisions of section 306 of that Act shall not apply in the case of any person who pleads or is found guilty, by or before any court of any offence under subsection (2) of section 2 or section 4 of this Act.

Offences under this Act deemed to be cognizable offences. **11.** All offences under this Act shall be deemed to be cognizable Offences for the purposes of the application of the provisions of the Code of Criminal Procedure Act, No. 15 of 1979, notwithstanding anything contained in the First Schedule to that Act.

Certificate. **12.** Where in any prosecution for an offence under this Act, a question arises whether any person is a student or a member of the staff of an educational institution or whether any premises or property is the property of, or is under the management and control of, an educational institution a certificate purporting to be under the hand of the head or other officer of such educational institution to the effect that the person named therein is a student or a member of the staff of such educational institution, or that the premises or property specified therein is the property of, or is under the management and control of, such educational institution, shall be admissible in evidence without proof of signature and shall be prima facie evidence of the facts stated therein.

Admissibility of statement in evidence. **13.**

(1) If in the course, of a trial for an offence under this Act, any

witness shall on any material point contradict either expressly or by necessary implication a statement previously given by him in the course of any investigation into such offence, it shall be lawful for the Magistrate if, after due inquiry into the circumstances in which the statement was made, he considers it safe and just to

(a) to act upon the statement given by the witness in the course of the investigation, if such statement is corroborated in material particulars by evidence from an independent source; and

(b) to have such witness at the conclusion of such trial, tried before such court upon a charge for intentionally giving false evidence in a stage of a judicial proceeding,

(2) At any trial under paragraph (b) of subsection (1) it shall be sufficient to prove that the accused made the contradictory statements alleged in the charge and it shall not be necessary to prove which of such statements is false.

Provisions of this Act to be in addition to and not in derogation of the provisions of the Penal Code & c.

14. The provisions of this Act shall be in addition to and not in derogation of, the provisions of the Penal Code, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Act, No. 22 of 1994 or any other law.

Priority for trials and appeals under this Act.

15. Every Court shall give priority to the trial of any person charged with any offence under this Act and to the bearing of any appeal from the conviction of any person for appeals under any such offence and any sentence imposed on such conviction.

Sinhala text to Prevail in case of inconsistency

17. In this Act unless the context otherwise requires

“criminal force”, “fear”, “force”, “grievous hurt”, “hurt” and “mischief” shall have the respective meanings assigned to them in the Penal Code;

“educational institution” means

(a) a Higher Educational Institution;

(b) any other Institution recognized under Chapter IV of the Universities Act, No. 16 of 1978;

(c) the Buddhist and Pali University established by the Buddhist and Pali University of Sri Lanka Act, No. 74 of 1981;

(d) the Buddha Sravaka Bhikku University, established by the Buddha Sravaka Bhikku University Act, No. 26 of 1996;

(e) any Institute registered under section 14 of the Tertiary and Vocational

Education Act, No. 20 of 1990;

(f) any Advanced Technical Institute established under the Sri Lanka Institute- of Technical Education Act, No. 29 of 1995;

(g) a Pirivena registered under the Pirivena Education Act, No. 64 of 1979 and receiving grants from State funds and includes a Pirivena Training Institute established under that Act;

(h) the Sri Lanka Law College;

(i) the National Institute of Education established; by the National Institute of Education Act, No.

(j) a College of Education established by the: Colleges of Education Act, No. 30 of 1986, or a Training College;

(k) a Government school or an assisted school or an unaided school, within the meaning of the Education Ordinance (Chapter 185);

and includes any other institution established for the purpose of providing education, instruction or training;

“head of an educational institution” means the Vice- Cancellor, Mahopadyaya, Director, President, Principal or any other person howsoever designated charged with the administration and management of the affairs of such educational institution;

“Higher Educational institution” has the meaning assigned to it in the Universities Act, No. 16 of 1978;

“ragging” means any act which causes or is likely to cause physical or psychological injury or mental pain or : fear to a student or a member of the staff of an educational institution;

“student” means a student of an educational institution;

“sexual harassment” means the use of criminal force, words or actions to cause sexual annoyance or harassment to a student or a member of the staff, of an educational institution;