

**IN THE SUPREME COURT OF THE DEMOCRATIC SOCIALIST**  
**REPUBLIC OF SRI LANKA**

In the matter of an application under  
and in terms of Article 17 and 126 of  
the Constitution of the Democratic  
Socialist Republic of Sri Lanka.

1. Jayasingha Arachchige Shermila  
Priyadarshani Silva,  
No. 261/B, Kamaragoda,  
Dewalapola.
2. Jayasingha Arachchige Pasindu  
Hirushan Silva,  
No. 261/B, Kamaragoda,  
Dewalapola.

**Petitioners**

**SC FR Application No: 216/2020**

**Vs.**

1. University Grants Commission,  
20, Ward Place,  
Colombo 07.
2. Snr. Prof. Sampath Amaratunge,  
Chairman,  
University Grants Commission,  
20, Ward Place,  
Colombo 07.
- 2A. Snr. Prof. Kapila Seneviratne,  
Chairman,  
University Grants Commission,

20, Ward Place,  
Colombo 07.

3. Snr. Prof. Sudantha Liyanage,  
Vice Chancellor (Acting),  
University of Sri Jayawardenepura.
4. Prof. P.D. Nimal,  
Dean - Faculty of Management  
Studies and Commerce,  
Gangodawila,  
Nugegoda.
5. Hon. Attorney General,  
The Attorney General's Department,  
Colombo 12.
- 6A. Prof. H.D. Karunaratne,  
Vice Chancellor,  
University of Colombo,  
College House 94,  
Kumaratunga Munidasa Mw,  
Colombo 03.
- 7A. Prof. Thampoe Mangaleswaran,  
Vice Chancellor,  
University of Vavuniya,  
Pampaimadu,  
Vavuniya.
- 8A. Prof. V. Kanagasingam,  
Vice Chancellor,  
Eastern University,  
Vantharumoolai,  
Trincomalee Highway,  
Chenkalady.

- 9A. Prof. Sivakolundu Srisatkunarajah,  
Vice Chancellor,  
University of Jaffna,  
Thirunelvely,  
Jaffna.
- 10A. Prof. Nianthi De Silva,  
Vice Chancellor,  
University of Kelaniya,  
Kandy Road,  
Dalugama,  
Kelaniya.
- 11A. Prof. N.D. Gunawardena,  
Vice Chancellor,  
University of Moratuwa,  
Katubedda,  
Moratuwa.
- 12A. Prof. M.D. Lamawansa,  
Vice Chancellor,  
University of Peradeniya,  
Peradeniya.
- 13A. Prof. G.A.S. Ginigaddara,  
Vice Chancellor,  
Rajarata University,  
Mihintale.
- 14A. Prof. Sujeewa Amarasena,  
Vice Chancellor,  
University of Ruhuna,  
Wellamadama Complex,  
Matara.

- 15A. Prof. P.M.C. Thilakerathne,  
Vice Chancellor,  
Open University,  
Nawala,  
Nugegoda.
- 16A. Prof. R.M.U.S.K. Rathnayake,  
Vice Chancellor,  
University of Sabaragamuwa,  
Belihuloya,  
Balangoda.
- 16B. Prof. M. Sunil Shantha,  
Vice Chancellor,  
University of Sabaragamuwa,  
Belihuloya,  
Balangoda.
- 17A. Prof. (Dr). A. Rameez,  
Vice Chancellor,  
South Eastern University,  
University Park,  
Oluvil.
- 18A. Prof. Jayantha Lal Ratnasekera,  
Vice Chancellor,  
University of Uva Wellassa,  
Passara Road,  
Badulla.
- 19A. Prof. Rohanlal Pandukabhaya  
Mahaliyanaarachchi,  
Vice Chancellor,  
University of Visual and Performing  
Arts,

21, Albert Crescent,  
Colombo 07.

19B. Prof. Rohan Nethsinghe,  
Vice Chancellor,  
University of Visual and Performing  
Arts,  
21, Albert Crescent,  
Colombo 07.

20A. Prof. Udith K. Jayasinghe,  
Vice Chancellor,  
University of Wayamba,  
Lionel Jayathilaka Mawatha,  
Kuliypitiya.

21A. Prof. Ranjana W. Seneviratne,  
Vice Chancellor,  
Gampaha Wickramarachchi  
University,  
Kandy Road,  
Yakkala.

22A. Dr. Susil Premajayantha,  
Minister of Education,  
Isurupaya,  
Battaramulla.

22B. Hon. Dr. Harini Amarasuriya,  
Minister of Education,  
Ministry of Education,  
Higher Education and Vocational  
Education (Higher Education  
Division)

No. 18, Ward Place,  
Colombo 07.

23A. C.D. Wickremarathne,  
Inspector General of Police,  
Office of the Inspector General of  
Police,  
Police Headquarters,  
Church Street,  
Colombo 01.

23B. Snr. DIG Priyantha Weerasooriya,  
Inspector General of Police (Acting),  
Office of the Inspector General of  
Police,  
Police Headquarters,  
Church Street,  
Colombo 01.

**Respondents**

**Before:**        **Justice A.L. Shiran Gooneratne**  
                  **Justice K. Priyantha Fernando**  
                  **Justice Sobhitha Rajakaruna**

**Counsel:**     Shavindra Fernando, PC with Mirthula Skandarajah for the  
                  **Petitioners.**

Dr. Avanthi Perera, DSG for the **1<sup>st</sup> to 5<sup>th</sup> Respondents** and  
**22B and 23B Added Respondents.**

Hiran De Alwis with Randhini Fernando for the **6A Added**  
**Respondent.**

Manoja Gunawardana for the **7A, 13A and 20A Added Respondents.**

K. Subakar instructed by T. Thivagar for the **9A Added Respondent.**

S.N. Vijith Singh with M.C.M. Nawaz for the **17A Added Respondent.**

Chathura Galhena with Dharani Weerasinghe instructed by Devmini Bulegoda for the **8A, 11A, 15A, 16A, 19A and 21A Added Respondents.**

Presanna Ekanayake instructed by K. Dissanayake for the **10A Added Respondent.**

Asthika Devendra with Aruna Madushanka instructed by Niluka Dissanayake for the **12A Added Respondent.**

Uditha Egalahewa, PC with Thilini Bandara instructed by Lilanthi De Silva for the **14A Added Respondent.**

**Argued on:** 27/03/2025

**Decided on:** 09/07/2025

**A. L. Shiran Gooneratne J.**

### **Factual Background**

1. By Petition and Affidavit dated 13/07/2020, the Petitioners are before this Court for an alleged incident of ragging which took place on 06/03/2020, during a social event organized by the senior students to mark the conclusion of the 'ragging period' for first-year students at the University of Sri Jayewardenepura Kotte. The events of that night led to the 2<sup>nd</sup> Petitioner, Jayasinghe Arachchige Pasindu Hirushan Silva, sustaining

grievous injuries, and presently in a stage of recovery. This incident is the subject of proceedings preferred before the Magistrate's Court of Gangodawila under Case No. 1245/2020.

2. By this Petition, the Petitioners seek a just and equitable relief for the injuries suffered by the 2<sup>nd</sup> Petitioner while also advocating for systemic accountability to prevent future ragging incidents. By holding the Respondents accountable for their acts of negligence, the Petitioners aim to safeguard university students from similar harm and ensure a ragging-free educational environment.
3. The 2<sup>nd</sup> Petitioner was enrolled as a first-year student of the Faculty of Management Studies and Commerce in December, 2019. He also pursued his academic aspirations in Chartered Accountancy. Known for his involvement in sports and aesthetic studies, he was determined to fund his education independently. However, due to the serious injuries sustained on the night of the incident, he was incapable of personally signing the Petition; therefore, was compelled to prefer this Petition through the 1<sup>st</sup> Petitioner, Jayasingha Arachchige Shermila Priyadarshani Silva, Attorney-at-Law, his elder sister.
4. The Petitioners assert that ragging, despite being prohibited under Sri Lankan law, remains a deeply ingrained practice within the "university culture", particularly in the weeks following a new intake. The incident in question took place in the early hours of 06/03/2020, during a welcome party organized by the senior students. Amidst the celebrations, a large backhoe tyre was rolled down a flight of stairs, striking the 2<sup>nd</sup> Petitioner, standing at the bottom of the staircase. The resulting impact caused him to be thrown a considerable distance away from where he was, leading to severe head and chest injuries, including fractures to the skull and brain trauma, resulting in retrograde amnesia and partial paralysis.



5. Following the incident, the 2<sup>nd</sup> Petitioner was immediately rushed to Colombo South Teaching Hospital and, due to the gravity of his injuries, he was later transferred to the National Hospital, Colombo. He remained in intensive care for over three months, undergoing multiple surgeries to address haemorrhage and fractures. His recovery has required extensive physiotherapy, including chest therapy, limb rehabilitation, speech therapy, and occupational therapy. Despite these medical interventions, the extent of his long-term recovery remains uncertain, raising concerns about his ability to resume a normal life.
6. Through the Petition, the Petitioners seek judicial intervention to ensure accountability and justice. They emphasize that this case not only concerns the personal grievances of the 2<sup>nd</sup> Petitioner, but also has broader implications for university students at large. The Petition urges institutional reforms and heightened oversight to prevent future instances of ragging that could disrupt the lives of young students seeking to pursue higher education.
7. The Petitioners assert that the University Administration, despite granting permission for the social event on 05/03/2020, failed to ensure compliance with the stipulated conditions. The administration had mandated that the event conclude by 10:00 p.m. and explicitly prohibited the prevalence of alcohol within university premises. However, these restrictions were not adequately enforced. The lack of oversight resulted in alcohol being brought onto campus premises, leading to intoxication among some of the students, including individuals involved in the incident that caused severe injuries sustained to the 2<sup>nd</sup> Petitioner. Moreover, the event continued past midnight, far beyond the permitted time, highlighting a lapse in supervisory measures.
8. Following the incident, six students from the University of Sri Jayewardenepura were arrested and produced before the Magistrate's

Court of Gangodawila on 11/03/2020. The Petitioners acknowledge that these proceedings remain pending, and it is acknowledged in the Petition that the accused students are currently enlarged on bail.

9. Given the totality of the circumstances outlined in the Petition, the 1<sup>st</sup> Petitioner submits that the 2<sup>nd</sup> Petitioner's Fundamental Right to Equality and Equal Protection under Article 12(1) of the Constitution has been violated.

### **Expansion of Proceedings and Inclusion of Additional Respondents**

10. On 24/01/2022, this Court was inclined to grant Leave to Proceed under Article 12(1) of the Constitution. The Affidavit and the supporting documents of the 2<sup>nd</sup> Respondent were filed on 30/11/2022.
11. By Order dated 08/06/2023, the Court held that; although, Leave to Proceed was granted in this matter and the matter was fixed for hearing, taking into consideration the issues involved, exercising its powers vested in the Supreme Court in terms of Article 126(4), the Court was of the view that the scope of this application should be expanded so that effective remedies can be considered and appropriate orders made.
12. The 2<sup>nd</sup> Petitioner, clearly a victim of an act of ragging, has sustained serious injuries due to that act. 'Ragging' has been identified to cause a series of adverse consequences in university education, primarily physical, physiological, and behavioral changes, and is identified as a cause for an increasing number of university drop-outs. Having realized the gravity and the urgent attention it requires, the Court inquired from the learned President's Counsel for the Petitioners and the learned Deputy Solicitor General Dr. Avanti Perera representing some of the Respondents, whether an expansion of the scope of this application is necessitated particularly, given the relief prayed for in paragraph "e" of the Petition which reads thus;

*“Declare through order of Your Lordships’ Court guidelines to be implemented and enforced through the 1<sup>st</sup> Respondent Commission to all National State Universities under the 1<sup>st</sup> Respondent Commission.”*

13. Given this prayer, the Court was of the view that Vice Chancellors of all Universities that came under the University Grants Commission [UGC] (the 1<sup>st</sup> Respondent) should be made “Added Respondents” in terms of Section 34(2) of the Universities Act No. 16 of 1978 (as amended). Accordingly, the Vice-Chancellors of the following Universities that come within the purview of the UGC were added as Respondents to this Application, i.e.;

- (1) University of Colombo
- (2) University of Vavuniya
- (3) Eastern University
- (4) University of Jaffna
- (5) University of Kelaniya
- (6) University of Moratuwa
- (7) University of Peradeniya
- (8) Rajarata University
- (9) University of Ruhuna
- (10) Open University of Sri Lanka
- (11) University of Sabaragamuwa
- (12) South-Eastern University
- (13) University of Uva Wellassa
- (14) University of Visual and Performing Arts
- (15) University of Wayamba
- (16) Gampaha Wickramaarachchi University of Indigenous Medicine

14. The said ‘Added Respondents’ were directed to submit a report to this Court within 8 weeks from the date of Order, on all measures presently in place in their respective Universities to curb and curtail instances of

‘Ragging’, and such report also to contain the complaints received by the respective Universities of all incidents of Ragging during the past 3 years, and the follow up remedial steps taken by such University in that regard.

15. This Court also directed the Petitioners to add the Inspector General of Police as the 23<sup>rd</sup> Added Respondent. The Inspector General of Police was directed to submit a report within 8 weeks from the date of the said Order, on investigations conducted by the Sri Lanka Police concerning instances of ‘Ragging’ and the action taken under “The Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act No. 20 of 1998”, on all pending cases filed under that Act.
16. In addition, it was brought to the attention of this Court that in terms of Sections 19 and 20 of the Universities Act No. 16 of 1978, it is incumbent on the Minister of Higher Education to issue directions on university education to the UGC (the 1<sup>st</sup> Respondent), and such general and written directions as deemed necessary, in pursuance of National Policy. In the circumstances, the Minister of Higher Education was added as a Respondent.
17. The Petitioners filed an Amended Caption adding the Added Respondents as per the Order dated 08/06/2023.
18. On 29/08/2023, the Acting Vice Chancellor of the University of Sri Jayawardenepura (3<sup>rd</sup> Respondent), along with his affidavit, filed the Disciplinary Committee report relating to the incident where the 2<sup>nd</sup> Petitioner, Pasindu Hirushan, had sustained serious injuries (3R1). On page 07 of the said report, which refers to extracts of the statement made by the injured student, reveals that the freshers were subjected to assault by the senior students, specifically the students staying in residential halls.

19. The Court directed the Vice Chancellor (Acting) of University of Sri Jayawardenepura (3<sup>rd</sup> Respondent) and the Dean of Faculty of Management Studies and Commerce of University of Sri Jayawardenepura (4<sup>th</sup> Respondent) to submit a detailed report as to what action was taken by them to identify and take disciplinary action against the senior students who had engaged in ragging the freshers as revealed by the 2<sup>nd</sup> Petitioner. In case no such action had been taken up to now, the said Respondents were directed to set out reasons for such lapse. The annexures to the affidavit of the 2<sup>nd</sup> Respondent, marked and produced as 2R7A, 2R7B, and 2R7C, refer to relief recommended by the ‘Ragging Relief Committee’. The 2<sup>nd</sup> Respondent was directed to submit a detailed report on the nature of ragging of the students referred to in the said statements and the action taken by the 2<sup>nd</sup> Respondent or the competent authority of the relevant University regarding the students who engaged in ragging the students referred to in the said documents. The 2<sup>nd</sup> Respondent was further directed to submit details of disciplinary action taken against the students regarding the offences referred to in page xiv of Schedule 2 of the UGC Circular no. 946 dated 10/02/2011 (2R4).

### **Institutional Responses on Preventive Measures Against Ragging**

20. The reports thus submitted by the respective Universities *inter alia* included the following;

a) **The University of Kelaniya**; “*Measures to Curb and Curtail Instances of Ragging and the Steps taken by the University for complaints received*”. University of Kelaniya employs *strict surveillance and rapid response* mechanisms:

- Marshal Patrol System: Marshals patrol the university hourly, securing all student gathering areas.
- Student Counselling Services: Faculty-specific counsellor networks handle complaints immediately.

- Emergency Response: Victims and witnesses receive security protection when reporting incidents.
  - Awareness & Contact Numbers: Hotline details and complaint procedures are posted in key locations across campus.
- b) **Eastern University;** Combines *strict surveillance* with *student mentorship*:
- UGC-Approved Student Charter: Clear conduct guidelines for students.
  - Exclusive Freshers' Hostels: Ensuring senior-student interactions are minimized.
  - Cyber-Ragging Prevention: Digital evidence from CCTV cameras and phone logs is admissible in disciplinary cases.
  - Severe Consequences for Non-Cooperation: If victims refuse to identify perpetrators, they may face minimum penalties for withholding information.
- c) **Rajarata University of Sri Lanka;** *“Preventive Measures Implemented to Mitigate and Curb Instances of Ragging”*. Rajarata University deploys *multi-level interventions* at both the university and faculty levels:
- University-Specific Initiatives:
    - Anti-Ragging Committee: Monitors student discipline.
    - Marshal Units: Oversee behaviour in student gathering areas.
    - Proctor Appointments: Dedicated faculty proctors handle ragging-related discipline.
  - Faculty-Specific Initiatives:
    - Vigilant Groups monitor fresher orientations.
    - Mentor-Mentee Networks foster positive student interactions.
    - Scheduled Awareness Lectures to guide disciplinary procedures.

- d) **University of Moratuwa;** As a technology-focused institution, University of Moratuwa enforces stringent digital monitoring and student accountability policies:
- Zero Ragging Policy: University-wide policy ensures immediate expulsion for any ragging-related offences.
  - Anti-Ragging Affidavit: Seniors sign legally binding agreements promising zero involvement in ragging.
  - Online Complaint Box: Students can submit direct grievances via an online complaint system.
  - Awareness Campaigns: Orientation programs ensure students fully understand laws and reporting mechanisms.
- e) The Affidavit of the Vice Chairman of the **University Grants Commission** together with the annexures marked "1R1", "1R2", "1R3", "1R4" (*Measures taken by the University Grants Commission for Eradicating Ragging*) and "1R5"; the Affidavit of the Inspector General of Police together with the annexure marked "23R1"; and the Affidavit of the Secretary, Ministry of Education together with the annexures marked as "24R1", "24R2", "24R3", "24R4", "24R5", "24R6", "24R7" and "24R8" (a letter dated 07/03/2023 from the Office of the DIG Crimes Range; “නවක වදයට අදාළ පැමිණිලි ඉදිරිපත් කිරීම සඳහා ‘1997’ දුරකථන අංකය හඳුන්වාදීම සම්බන්ධව”), has been filed of record.
- f) By motion dated 02/11/2023, the **University of Sri Jayawardenepura**, tendered only a report regarding the measures taken by the 3<sup>rd</sup> and 4<sup>th</sup> Respondents on the incidents of ragging in the past 3 years.
- g) **University of Colombo;** focuses on student involvement, faculty support, and monitoring systems to prevent ragging:
- Student Unions: Entrusted with ensuring ragging-free faculties, acting as an accountability mechanism.

- Faculty Engagement: Deans supervise lecturers and student counsellors, ensuring anti-ragging measures remain proactive.
  - Student Counselling Initiatives: Over 113 student counsellors provide individual direction and emotional support to students, conducting monthly awareness sessions.
  - Personal Tutor Program: The Faculty of Medicine, Management & Finance, and Law workshops, where faculty members mentor the students.
- h) **University of Peradeniya**; integrates *faculty involvement, student counselling*, and *strong By-laws*:
- Faculty-Level Prevention Committees: Multiple committees oversee ragging control within the faculty.
  - Student Welfare & Grievance Committees: Build positive relationships among students and staff.
  - Sexual & Gender-Based Violence (SGBV) Policies: Ragging incidents with gender-based elements receive specialized intervention.
  - Formal Reporting System: A web complaint portal allows students to report violations anonymously.
- i) **South Eastern University of Sri Lanka** adopts *highly structured faculty and hostel-level interventions*:
- Faculty-Specific Committees: Each faculty has dedicated anti-ragging committees.
  - Marshals & Security Presence: Faculty marshals are strategically allocated to monitor ragging-prone areas.
  - Multi-Cultural & Recreational Programs designed to encourage harmonious interactions between students.
  - Separate Hostel Arrangements: Freshers and senior students are kept in different accommodation areas.



- j) **University of Vavuniya** has separate By-laws for student discipline;
- During registration, By-laws on how to prevent ragging and how to file a complaint are explained.
  - During the orientation program, how ragging spreads and how to avoid it is explained. Confidence given to freshers to report against ragging, citing previous disciplinary action taken.
  - Prompt action against ragging which helps prevent ragging.
  - Action against whoever is involved and support ragging, especially ragging of first-year students.
- k) **Wayamba University;**
- Implementing Student Discipline By-law No. 01 of 2018, attached to the Student Handbook distributed among students and published on the University website.
  - Recruiting a Marshal in 2018 to strengthen student discipline and order in the University.
  - Establishing the Student and Staff Advisory Welfare Discipline Management Committee (SAWDMC) to coordinate officers involved in student disciplinary matters.
  - Establishing a CCTV camera system in the University.
  - Raising awareness on student disciplinary matters during orientation programs with the participation of the proctor, deputy proctor, and police officers.
  - Appointing two student counsellors for the Kuliypitiya and Makandura premises.
  - Appointing student counsellors proportionately to the number of students in each faculty and establishing a mentoring system to prevent misconduct.
  - Establishing a Board of Discipline and a student appeals system according to the Student Disciplinary By-law to ensure fairness in disciplinary matters.

- l) **Open University of Sri Lanka;** since the Open University of Sri Lanka follows an *Open and Distance Learning (ODL) model*, ragging incidents are inherently minimal. However, strict preventative measures remain in place:
- Daily Counsellor Monitoring: Student counsellors visit different locations on a rotational basis.
  - Awareness Materials: Guidelines on anti-ragging policies, legal actions, and reporting procedures are displayed on university premises and websites.
  - Strict Hostel Regulations: Temporary Residential Facility (TRF) students are warned against ragging, with disciplinary hearings for violations.
- m) **Gampaha Wickramarachchi University of Indigenous Medicine;**
- Student Discipline By-laws are enforced to maintain order.
  - University Notices: Special published warnings against violence and ragging.
  - Limited Outdoor Exposure: First-year students are encouraged to stay focused on academics, minimizing interactions with senior students.
- n) **University of the Visual and Performing Arts;**
- Raise awareness among undergraduates
  - Appointment of relevant officers
  - Establishment of the Center for Gender Equity and Equality (CGEE)
  - Students are free to make complaints regarding ragging activities.
  - Facilitate the process of lodging complaints at the Police station.
  - Domestic investigation / Disciplinary inquiry process.

- o) **Uva Wellassa University of Sri Lanka**; a Report on a single complaint recorded on the “*Ragging / Sexual & Gender-Based Violence (SGBV) Complaint Portal of the University Grants Commission*”, and a brief explanation on the action taken was submitted as an annexure.
- p) **University of Ruhuna** focuses heavily on *monitoring and elimination targets*, with strict standards for eradicating ragging:
- Defined Targets:
    - Less than 2 cases per 1000 students reported to UGC.
    - No reports from intelligence networks, police, or internal university sources.
  - Surveillance & Intelligence Networks:
    - Ragging detection systems integrated with CID, NIB, and NIS.
    - Cyber-ragging surveillance system actively monitors social media and online harassment.
  - Legal Action and Disciplinary Structure:
    - Mandatory psychiatric evaluations for offenders.
    - Long-term rehabilitation for victims.
  - Community Engagement:
    - Mobilizing non-academic staff, wardens, canteen workers, and student leaders to act as deterrents.
- q) **University of Jaffna**; only complaints received on ragging by the University during the past 3 years and the steps taken were tendered to court.
- r) **University of Sabaragamuwa** by Motion dated 26.06.2024, has filed only a report regarding incidents of ragging.

## **Judicial Review of Institutional Effectiveness in Formulating Anti-Ragging Guidelines / Directives / Circulars for Higher Educational Institutions**

21. The Learned President's Counsel for the Petitioners submitted that what the Petitioners are seeking from this Court is not a declaration on the violation of the Petitioners' rights but directions and guidelines on the respective Universities and the UGC to ensure that any future occurrence of ragging would be addressed efficiently and effectively and take necessary steps to ensure elimination of Ragging from Universities as provided by law.
22. The learned Counsel for the added Respondents were of the view that even though the universities had taken necessary action keeping with the anti-ragging protocol in certain instances, the assistance extended by the law enforcement authorities in such instances was not forthcoming or efficient and effective. Therefore, it is necessary to have the law enforcement authorities also be apprised of the importance of this matter.
23. Accordingly, the Court directed the Hon. Attorney General to initiate a discussion with the UGC, inclusive of all the added Respondent universities as well as the law enforcement agencies, to review all existing guidelines, circulars and with the agreement of all universities, tender to Court consolidated and comprehensive guidelines to deal with ragging efficiently and effectively. All the Respondents who are named in these proceedings were directed to actively participate in this process and to liaise with the UGC in developing such guidelines.
24. On 25/09/2024, the learned Deputy Solicitor General drew the attention of this Court to the motion dated 13/09/2024, which was tendered to Court along with the final Draft Guidelines marked as "Z". The learned Deputy Solicitor General further submitted that the draft was developed with the

consultation of **all Universities, the University Grants Commission, the law enforcement agencies, and the Ministry of Higher Education**, as directed by this Court. (Empasis is added.)

25. In the above circumstances, on 27/03/2025, the learned President's Counsel for the Petitioners reiterated that he would not seek a declaration on the violation of rights by the Respondents but would seek guidelines/directions on the respective Universities to ensure the elimination of ragging efficiently as provided by law. All Respondent parties in principle agreed to this application and had no objections to this Court initiating the necessary process to draft guidelines that were to be tendered to this Court with the agreement of all relevant stakeholders.
26. Consequent to the above stand, the Hon. Attorney General, convened a meeting on 09/07/2024 with the Vice Chancellors of all the Higher Educational Institutions who are Respondents to this Application, as well as representatives of the University Grants Commission (1<sup>st</sup> Respondent), Sri Lanka Police (23B Respondent) and Minister of Higher Education (22B Respondent), to pursue a consultative approach, to prepare the Draft Guidelines to be formulated by the Hon. Attorney General. Upon receipt of recommendations from the aforesaid parties, the *“Guidelines to Combat Ragging in Higher Educational Institutions”* marked **"Z3"** was filed of record by the Hon. Attorney General with notice to all parties.
27. The ***“Guidelines to Combat Ragging in Higher Educational Institutions”*** (Z3) mandate every Higher Educational Institution [HEI], to establish Victim Support and Anti-Ragging Committees, provide legal, medical, and psychological support for victims, and enforce strict disciplinary procedures against perpetrators and negligent staff. It also makes sure that the HEIs ensure campus safety through surveillance, staff training, and secure accommodation, while also addressing substance abuse and cyberbullying.

## **Legal and Institutional Framework on Ragging: Systemic Failures in Regulatory Mechanisms, and the Need for Effective Enforcement**

28. Ragging in Sri Lankan Universities has led to devastating consequences, including students abandoning their academic pursuits and, in extreme cases, taking their own lives. Despite legal prohibitions and institutional policies aimed at curbing ragging, the practice continues to inflict severe psychological and physical harm on victims, often leaving them with no viable recourse.
29. Many students subjected to ragging experience intense emotional distress, leading to withdrawal from university education altogether. Victims often struggle with anxiety, depression, and post-traumatic stress, making it difficult for them to focus on their studies or integrate into campus life. Some students, unable to cope with the trauma, choose to discontinue their education, forfeiting their aspirations and future opportunities. Reports indicate that students from urban backgrounds or those perceived as socially or economically privileged are disproportionately targeted, further exacerbating inequalities in higher education.
30. Systematic failure on the part of the universities in the implementation of Anti-Ragging procedures can be clearly observed, given the reports submitted by the respective universities. Despite the existence of various policies and legal frameworks aimed at preventing ragging in Sri Lankan universities, their implementation remains inconsistent and ineffective. The University Grants Commission (UGC) has issued multiple directives, including regulatory mechanisms and relief measures for victims of ragging, having minimal or no avail.
31. In consequence of the inhumane incidents of ragging, several mechanisms and commissions have been established over the years to combat and prevent ragging in universities, such as;

- The Presidential Committee to Probe Ragging (1997-1998), appointed by the President, which investigated the causes and consequences of ragging in universities, made several recommendations, including strong disciplinary action, psychological counselling, and introducing anti-ragging legislation;
- The University Grants Commission Circulars No. 919 (2010), No. 946 (2011), No. 12/2019 (2019), and No. 04/2020 (2020);
- The UGC Anti-Ragging Task Force, which aimed to coordinate with universities on anti-ragging measures, investigate complaints, and recommend disciplinary and legal action;
- the UGC Standing Committee on Student Affairs, which monitored student welfare,
- Ministry of Higher Education initiatives on anti-ragging awareness campaigns.
- “Redressing Victims of Ragging & Providing a Regulatory Mechanism to Prevent Ragging Related Abusive Conduct in Sri Lankan State Universities and Higher Educational Institutions”, the Report of the Committee appointed by the University Grants Commission, headed by former Justice of the Supreme Court, Justice Dr. Saleem Marsoof PC, refers to the following reports;
  - Report of the Commission of Inquiry into “Ragging” at the Vidyalankara Campus of the University of Sri Lanka (also known as the “V. W. Kularatne Commission”), Sessional Paper No XI of 1975.
  - Prof. A. J. Weeramunda’s report entitled “Socio-Political Impact of Student Violence and Indiscipline in Universities and Tertiary Education Institutes” submitted to the National Education Commission in May 2008.
  - Dr. R. K. Raghavan Committee Report, “The Menace of Ragging in Educational Institutions and Measures to Curb it”, Report of

the Committee constituted by the Supreme Court of India in SLP No. 24295 of 2006.

32. The Court is possessed of the above findings and has considered the various measures taken and mechanisms adopted over the years to combat and prevent ragging in universities. We have examined the structure, implementation, and effectiveness of the said findings in addressing the issues relating to implementation, institutional accountability, and student safety.
33. The Universities Act No. 16 of 1978 (as amended) mandates the University Grants Commission (UGC), the regulation of the administration of higher educational institutions and matters connected therewith or incidental thereto.
34. Circular No. 919, issued on 15/01/2010, outlines the various forms of ragging occurring in Higher Education Institutions and provides measures for prevention, procedural guidelines, and associated penalties. It also introduces a 'Declaration' for new students, requiring them to sign an affidavit, countersigned by a parent or guardian, affirming their commitment to refrain from engaging in, assisting, or facilitating any form of ragging or violence. Furthermore, the circular mandates the establishment of an Anti-Ragging Committee, comprising the Vice Chancellor, Deans, a Council Member, a nominee from the University Grants Commission, the University Medical Officer, Student Counsellors, and Sub-Wardens. This committee is required to convene at least twice a month during high-risk periods and submit regular reports to the University Council. The circular also mandates that all reported ragging incidents be documented, either openly or confidentially, and reported to the nearest Police Station and the University Grants Commission (UGC). Additionally, it requires that victims be referred for medical or psychiatric evaluation. The circular further encourages the submission of evidence and



written complaints concerning ragging, with provisions allowing complaints to be filed on a confidential basis when necessary.

35. Circular No. 946, issued on 10/02/2011, establishes standardized guidelines on student discipline, detailing procedures for disciplinary action, appeals, and prescribed punishments. It grants the Vice Chancellor broad authority to address misconduct, including initiating investigations, gathering reports from staff, formulating charges, and enforcing punishments as recommended by the Board of Discipline or Senate. The circular outlines a comprehensive framework for handling disciplinary matters, ensuring structured enforcement, with clear stipulations on the maximum permissible penalties for violations.
36. Circular No. 12/2019, issued on 22/11/2019, mandates universities to implement prescribed anti-ragging strategies and develop corresponding By-laws while conducting awareness programs on the harmful effects of ragging and Sexual and Gender-Based Violence (SGBV). Vice Chancellors and Deans are tasked with ensuring student protection, with particular focus on identifying first-semester students who have missed exams and monitoring potential dropouts. Universities must collaborate with cleaning staff and security personnel to gather intelligence on ragging activities, while administrators are required to chair regular meetings with Wardens, Proctors, Marshals, and Student Counsellors to enhance preventive measures. Additionally, each university is instructed to form an Anti-Ragging Committee led by the Vice Chancellor, with individual faculties establishing their own committees headed by the Dean. These committees are to include representatives from academic and non-academic staff, proctors, marshals, student counsellors, and both new and senior students to ensure comprehensive oversight and enforcement.
37. Circular No. 04/2020, issued on 10/08/2020, directs the university Vice Chancellors to report complaints relating to ragging and Sexual and

Gender-Based Violence (SGBV) to the University Grants Commission (UGC) within seven days of receiving them.

38. Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act No. 20 of 1998 criminalizes ragging and prescribes severe penalties.

39. Sections 2, 3, 4, 5, 6, 7, and 8 of the **Prohibition of Ragging and Other Forms of Violence in Educational Institutions Act No. 20 of 1998** read thus:

*“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.*

*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.*

*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.*

*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.*

*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.*

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 be liable to imprisonment for a term 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, whichever amount is higher.*

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.”*

40. The Prohibition of Ragging Act establishes that ragging offences can be committed against both students and staff, whether within or outside educational institutions. The Act grants Magistrates the discretion to issue an expulsion order for an undergraduate or dismiss a staff member found guilty of such acts. Additionally, individuals accused of ragging involving sexual harassment or hostage-taking can only be granted bail by the High Court, as all offences under the Act are classified as cognizable, requiring immediate legal intervention.

41. The Prohibition of Ragging Act imposes stricter penalties than those prescribed for similar offenses in the Penal Code, underscoring the gravity of ragging-related crimes. Additionally, perpetrators may face charges not only under the Penal Code but also under the Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment Act, No. 22 of 1994, depending on the nature of the offence.
42. However, despite the existence of numerous laws, regulations, and circulars intended to prevent ragging-related suicides, permanent disabilities, and psychological trauma among university students, the failure to ensure due and timely enforcement of guidelines/directions has enabled perpetrators to continue violating established guidelines/circulars, with impunity.

### **Institutional Negligence and the Urgent Need for Reform**

43. Ragging often targets students based on socioeconomic background, ethnicity, gender, or regional identity, perpetuating existing prejudices within the student community. Senior students use ragging as a tool to assert dominance, fostering a culture of subservience rather than equality. In addition, ragging also takes on sexist and misogynistic forms, where female students are subjected to additional forms of humiliation, objectification, or even sexual harassment, which can be identified as a manifestation of gender-based prejudice.
44. Enforcement mechanisms have manifestly failed with or without the implicit support of the authorities that matter, permitting ragging to persist as a deeply ingrained practice within “university culture”. Despite the various countermeasures in place, enforcement remains elusive or, at its best, abrupt and inconsistent. Many cases stand unreported due to institutional negligence or the victims' fear of retaliation, a cause for prejudice, or retribution.

45. The “free education” system in Sri Lanka aims to provide equal academic opportunities to all students from the poorest to the wealthiest; however, ragging disproportionately affects all strata of society. Student dropouts due to fear and psychological trauma act as a barrier to pursuing their right to “free education.” Sri Lanka invests heavily in higher education, but due to widespread ragging incidents, public-funded universities have become sites for violence rather than institutions for academic progression. Ragging corrupts the core intent of free education, restricting academic access and nurturing abuse under the guise of “institutional norms”.
46. Thus, ragging is not merely bullying, but also an institutionalized manifestation of prejudice, preventing students from equal opportunities, fostering discrimination, and enabling systemic injustices. This Court is of the view that strengthening oversight and ensuring strict implementation of laws is crucial in eradicating ragging from Sri Lankan universities.
47. As discussed earlier in this Judgment, most universities have established internal mechanisms to prevent ragging, including disciplinary codes and student conduct guidelines. However, it is lamentable that these measures are often poorly enforced or not enforced at all, leaving the victim more vulnerable and unsafe, due to administrative failures to take appropriate and proactive steps to monitor and prevent ragging. In many cases, complaints are either ignored or inadequately addressed, leaving victims without proper recourse. The lack of stringent enforcement mechanisms has contributed to a culture of impunity, where perpetrators continue with their abusive practices unabated.
48. The Court observed that a significant number of ragging cases go unreported due to fear of reprisal, social stigma, and lack of trust in institutional authorities. Victims often refrain from filing complaints due to concerns that their academic progression or personal safety may be jeopardized. Additionally, some students perceive ragging as an

unavoidable rite of passage, further discouraging them from seeking justice. The underreporting, which has led to a distorted perception of the prevalence of ragging, allowing university administrators to downplay its severity, is deplorable.

49. The Court also observed that one of the reasons ragging in universities continued for years on end is that university staff members remained silent about ragging incidents. Some administrative or faculty members advocate silence and complaisance, either due to personal affiliations or external influence, and fail to take action against perpetrators. This complicity enables ragging to continue unchecked, reinforcing a cycle of abuse within the university environment. The absence of independent oversight mechanisms exacerbates this issue, making it difficult to hold institutions accountable for their failure to protect students. This is clearly supported by the Vice Chancellor of the University of Ruhuna, in paragraph 54 of his affidavit dated 21/02/2024, which reads as follows;

*“I further state that it was not possible for the ragging in that form to have existed for a long period of time without the knowledge of the academic staff, non-academic staff, security staff including Rakna Lanka staff, cleaning staff, canteen keeper and his staff, sub wardens, wardens. They were part of the whole process. There was simple ignorance of responsibility of civil society in the prevention of crimes.”*

50. This Court recognizes that the persistence of ragging in Sri Lankan universities underscores the urgent need for systemic reform. Universities must not only declare but also enforce a zero-tolerance policy towards ragging, ensuring that complaints are promptly investigated, appropriate disciplinary action is taken swiftly, and accountability measures are enforced for lapses in implementation. Strengthening legal frameworks, improving awareness campaigns, and fostering a culture of respect and

inclusion are essential steps toward eradicating ragging and ensuring a safe educational environment for all students.

51. The Court is of the view that the inability to prevent or to hold perpetrators accountable must result in consequences for individuals responsible. University administrative members should be held responsible for failing to report ragging incidents. If systemic negligence is proven, penalties such as suspension or dismissal must be enforced. Additionally, accountability should extend to faculty members who are entrusted with ensuring a safe and disciplined educational environment, and mandatory anti-ragging training to recognize signs of ragging, intervene effectively, and resist bribery or external pressure to ignore complaints.

**Creating a Safe Environment for Victims of Ragging to Lodge Complaints.**

52. Strengthening implementation mechanisms alone will be insufficient to curb and curtail ragging if affected students refrain from lodging complaints due to fear of retaliation or institutional apathy. The effective eradication of ragging necessitates not only robust enforcement but also the creation of a legal and administrative environment wherein students are assured protection, free from intimidation ensuring their willingness to report such offences. Higher Education Institutions must unequivocally reinforce that ragging constitutes a criminal act with no place within academic settings, necessitating strict procedural safeguards that both deter perpetrators and empower students to seek justice without fear.
53. Upon filing a complaint regarding ragging, the complainant's safety must be ensured through protective measures akin to witness protection protocols. Universities must implement strict confidentiality policies to prevent disclosure of the complainant's identity and provide necessary safeguards to protect them from retaliation by senior students or other interested parties. This includes secure accommodation, monitored access



to facilities, and direct coordination with law enforcement where necessary, ensuring that the students can continue their education without fear of intimidation or further harm.

54. The academic and non-academic staff, should intervene positively to report ragging incidents. Consciously permitting such incidents to persist must bear accountability for negligence in performing their duties, and disciplinary measures should follow. Additionally, accountability should extend to student union leaders to ensure they actively prevent and/or discourage ragging instead of nurturing a culture of silence and impunity.
55. Therefore, this Court insists that a safe environment should be created for the protection of university students to approach first responders at the earliest to seek redress and to be afforded such relief promptly and in a purposeful manner without being subjected to fear or favor. Creating that environment would rest squarely on the authorities.

## **Conclusions**

56. This Court is of the view that the *Guidelines to Combat Ragging in Higher Educational Institutions*, marked "Z3", drafted with the agreement of all Added Respondents and relevant stakeholders, would curtail incidents of ragging and further act as a deterrent in its application. Accordingly, the said '***Guidelines to Combat Ragging in Higher Educational Institutions***', identified as "**Orders of Court**", referred to in **Annexure I**, shall form part of this Judgement. All '*Orders of Court*', in Annexure I, shall be duly implemented by all Respondents. The Respondents shall report back to this Court the steps taken to comply with the directions of the Court, inter alia, making of By-laws, designing a foundation course, issuing ministerial orders, issuing police circulars, requesting budgetary allocations, within 6 months from the date of this Judgment. This Court

insists on strict compliance and enforcement of the said orders by all relevant stakeholders.

57. In due consideration of the submissions made by the learned President's Counsel for the Petitioners, this Court would not proceed to make a declaration on the violation of Article 12(1) of the Constitution by any of the Respondents as prayed for, and the subsequent grant of Leave in terms of Article 12(1).
58. In conclusion, we wish to place on record our deep appreciation of the assistance given by the learned Deputy Solicitor General, Dr. Avanti Perera, the learned President's Counsel who represented the Petitioners and all other learned Counsel who appeared for the added Respondents and made submissions in this matter.

**Judge of the Supreme Court**

**K. Priyantha Fernando, J.**

I agree

**Judge of the Supreme Court**

**Sobhitha Rajakaruna, J.**

I agree

**Judge of the Supreme Court**

## **Annexure I**

### **ORDERS OF COURT**

#### **A. Guidelines to Combat Ragging in Higher Educational Institutions.**

1. Every Higher Educational Institution<sup>1</sup> (HEI) shall establish a Victim Support Committee for victims of ragging,<sup>2</sup> including representatives from the academic and non-academic staff,<sup>3</sup> a qualified counsellor and/or clinical psychologist,<sup>4</sup> an independent person from outside of the HEI with experience in the field of law enforcement, health, or social services,<sup>5</sup> and not more than three (03) Final Year Students with unblemished academic and disciplinary records with a minimum running GPA of 3.5, appointed by the Council of the HEI,<sup>6</sup> for fixed terms, and which Committee shall exercise the powers, discharge the duties, and perform the functions set out below:
  - a) Operate a 24/7 emergency hotline/call center for victims and witnesses of ragging to make complaints/report incidents;
  - b) Receive complaints/reports of incidents of ragging which are made directly to the Committee or any member thereof;

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<sup>1</sup> The term “Higher Educational Institution” has the meaning assigned to it in the Universities Act, No.16 of 1978.

<sup>2</sup> The term “ragging” has the meaning assigned to it in the Prohibition of Ragging and Other Forms of Violence in Educational Institutions, No.20 of 1998. For the avoidance of doubt, it shall include ragging committed on cyberspace and social media.

<sup>3</sup> The academic and non-academic staff may comprise *ex officio* members (such as the Deputy Vice Chancellor, if any, Deputy Registrar/Senior Assistant Registrar/Assistant Registrar in charge of Student Affairs and the Marshal/Warden/Student Affairs Director/Chief Student Counsellor of the relevant HEI), members nominated by the UGC, on the recommendation of the Centre for Gender Equity and Equality (CGEE), and members appointed by the Vice Chancellor (such as a specified number of Senior Lecturers).

<sup>4</sup> Where a HEI already has Student Counsellors, one or more such Student Counsellors appointed by the Council of the HEI may be co-opted to the Victim Support Committee. If not, the HEI may identify qualified counsellors and/or clinical psychologists from outside who are willing to offer their professional services *pro bono*.

<sup>5</sup> Such person should preferably be a person who has retired from the public service or private sector, having reached a senior position.

<sup>6</sup> There may also be appointed on volunteer basis, alumni or retired Professors of the relevant HEI.

- c) Provide a swift response (at least within 03 days) upon receipt of a complaint or report, including mobilising internal support staff such as the Proctor, Marshalls, Wardens, or Security Officers and, where necessary, seeking the assistance of law enforcement authorities;
- d) Provide necessary support for a victim to make a formal complaint (at least within 05 working days from the date on which the complaint or report reaches the Committee), without fear of further harassment or embarrassment;
- e) Where necessary, provide an alternative safe space in a neutral location other than a police station, to facilitate the police recording the first complaint from the victim;
- f) Provide advice to parents or other family members of the victim on the importance of making and maintaining complaints of incidents of ragging;
- g) Follow up (not later than 14 days from the date of the complaint) on the investigations conducted by the police, and be entitled to be informed immediately if the victim has withdrawn the complaint;
- h) Ascertain the reason for withdrawal of the complaint and, if found to be have been unduly influenced to do so by any member of the staff of the HEI, other student or any other person, the same shall be promptly informed to the Proctor, who shall forthwith inform the Vice Chancellor for steps to inquire into such incident and take necessary action;
- i) Where the police fail to commence investigations of a complaint of ragging within 30 days of the complaint or unduly influences a victim or his family members to have the complaint withdrawn, the Committee shall notify the Vice Chancellor who shall make a complaint against the relevant police officers to the Inspector General of Police, with a copy to the Attorney General;

- j) Identify and seek the assistance of a panel of attorneys-at-law, who have sufficient experience and preferably having a practice within the province in which the HEI is located, who are willing to provide *pro bono* legal representation for victims<sup>7</sup> and facilitating access to justice for victims;
- k) Require that a member of the Committee, as well as an attorney-at-law from the aforesaid panel, accompanies a victim to the police station to report the alleged incident of ragging, where the victim has not already lodged a complaint by himself;
- l) Facilitate victims to obtain medical treatment, including professional counselling and mental health services, where necessary;
- m) Facilitate victims and witnesses to avail themselves of the provisions under the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 10 of 2023;
- n) Recommend, after assessment, whether a victim should be granted welfare and relief measures such as extra tutoring, a leave of absence and extension of academic deadlines, in terms of the applicable rules and regulations,<sup>8</sup> with a view to minimizing drop-outs due to the trauma of ragging;
- o) Facilitate all victims, until the completion of their degree, to access continuous counselling services within the HEI, if available, or as provided by professionals or relevant authorities outside the HEI;
- p) Ensure that, in the course of exercising the functions of the Committee, every member thereof shall respect the privacy of the victim and maintain confidentiality;

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<sup>7</sup> Alternatively, the UGC may provide for a central panel of attorneys-at-law from among whom each HEI may seek, *pro bono* legal assistance in respect of incidents of ragging, as and when necessary, on a case by case basis. The HEI or the UGC, as the case may be, may seek the assistance of the Bar Association of Sri Lanka in order to constitute the panel of attorneys-at-law,

<sup>8</sup> If existing rules and regulations are inadequate to implement this guideline, the HEI should take steps to amend the same or make new rules or regulations.

- q) Make recommendations to the Anti-Ragging Committee and/or the Gender Focal Point of the HEI, on measures to prevent ragging.
2. Every HEI shall have an effective internal disciplinary inquiry mechanism, which includes the following features:
- a) Strict compliance with the procedure set out in University Grants Commission (UGC) Circular No. 946 dated 10.02.2011 on *Common Guidelines on Student Discipline* including any amendments thereto, as well as any other Guidelines or Directives issued by the UGC with regard to ragging;
  - b) During the pendency of the investigation and inquiry, the anonymity of the victim, perpetrator and any witness, as well as confidentiality, shall be maintained as far as possible, and any disclosure shall be made only where it is necessary in the interest of ensuring the transparency, credibility and efficacy of the formal inquiry process;
  - c) Pending an inquiry during which period both parties continue to attend academic activities at the university premises, the perpetrator and, where necessary, any of his associates, should be imposed with no-contact orders restricting them from coming within close distance of or communicating with the victim or any witness. Subject to available resources, reasonable measures should also be taken to ensure that both parties do not share the same hostel/accommodation facilities during the pendency of the inquiry.
3. Every HEI shall facilitate any student against whom disciplinary proceedings in respect of an alleged incident of ragging are pending or have been concluded without an order for expelling such student, to access counselling services within the HEI, if available, or as provided by professionals or relevant authorities outside the HEI.

4. Subject to the availability of resources and requisite approvals from the relevant authorities, every HEI shall ensure the safety and security of its students, as well as its property, within the university and hostel premises, by taking steps including the following:
- a) Recruiting an adequate number of male and female Proctors, Marshalls, Wardens, Security Officers, Student Counsellors and other non-academic support staff, upon a reasonable ratio to the number of undergraduate students in the respective HEI, with particular consideration of the number of students in hostel accommodation;
  - b) Providing adequate accommodation facilities for Wardens and Sub-Wardens within hostel premises;
  - c) Providing for effective surveillance of public spaces within the University and hostel premises, by installing CCTV cameras in entrance and exit points, canteens, sports grounds, gymnasiums, corridors and pathways, as well as adequate illumination (preferably sensor lighting) in such areas, ensuring proper maintenance of the CCTV camera and illumination systems so that they are in good working condition at all times, and ensuring that CCTV recordings of incidents of ragging are saved and preserved in order to facilitate inquiries;
  - d) Providing equipment such as night vision camcorders, voice recorders, body cameras high beam power torches and effective communication equipment such as walkie talkies to authorized personnel (Marshalls, Wardens, Sub-Wardens and Security Officers);
  - e) Ensuring controlled entry and exit points at hostel premises<sup>9</sup>;
  - f) Ensuring that access to hostel accommodation is strictly limited to permitted students and authorized staff of the HEI only, and that

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<sup>9</sup> A digital card/barcode on the student ID may be considered for purposes of effective access control.

any other persons including other students are prohibited from entering into the same, except with the prior written permission of the relevant authority;

- g) Requiring regular patrol of and random visits to university and hostel premises by authorized personnel, particularly between 6 p.m. to 6 a.m.;
- h) Requiring the Proctor/Marshall to call for periodic reports from his subordinates on ragging-related incidents, and for the Proctor/Marshall to prepare and submit through the Student Affairs Director or the Deputy Vice Chancellor, as the case may be, a periodic report to the Vice Chancellor, unless an incident requires urgent attention and immediate reporting is necessary;
- i) Employing physically and mentally fit resident caretakers to hostel premises;
- j) Strictly prohibiting the consumption of alcohol within the university and hostel premises;
- k) Conducting regular audits of safety and security measures;
- l) Providing training to the relevant officers and security personnel on emergency responses, conflict resolution and modern security techniques and technology, as well as develop and determine clear protocols to be followed when an incident of ragging is discovered or reported<sup>10</sup>;
- m) Forming an internal intelligence force comprising a select group of persons from the academic and non-academic staff, guided by expert training, with a view to identifying potential threats of organized ragging events.

5. Every HEI shall address substance abuse among students, by taking steps including the following:

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<sup>10</sup> The assistance of the UGC may be sought to facilitate the conducting of training programmes on safety and security, particularly in order to obtain the services of experts in the field.



- a) Reporting forthwith to the nearest police station or the Police Narcotic Bureau any drug-related offence<sup>11</sup> committed within the university or hostel premises;
  - b) Making all students aware of the dangers of substance abuse, by providing continuous awareness-creation activities;
  - c) Permitting authorized personnel employed by the HEI to carry out regular and random searches for drugs in the university and hostel premises;
  - d) Obtaining the assistance of experts to provide training to academic and non-academic staff to identify students who may be suffering from drug dependency and to distinguish victims from suppliers;
  - e) Supporting students who have been referred to drug rehabilitation centres, to access such services;
  - f) Providing welfare and relief measures for students who are receiving treatment for drug dependency, such as extra tutoring, granting a leave of absence and extending their academic deadlines in terms of the applicable rules and regulations,<sup>12</sup> with a view to minimizing drop-outs.
6. The UGC shall develop a Foundation Course designed to create awareness of and combat ragging.<sup>13</sup> The course components should cover the following topics:
- a) The law relating to ragging and other forms of harassment, including online and sexual harassment;

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<sup>11</sup> An offence under the Poisons, Opium and Dangerous Drugs Ordinance as amended or any other applicable law in respect of the prevention and combatting of substance abuse.

<sup>12</sup> If existing rules and regulations are inadequate to implement this guideline, the HEI should take steps to amend the same or make new rules or regulations.

<sup>13</sup> This Foundation Course must be in addition and complementary to any course already formulated by the Centre for Gender Equity/Equality (CGEE) of the UGC.

- b) Case studies and testimonies of past victims and perpetrators of ragging to demonstrate the grave and harmful consequences of ragging;
  - c) Reasons for zero-tolerance of ragging and tools for new students to become agents of change;
  - d) Developing independence of thought and critical thinking;
  - e) Removing stigma related to mental health issues and tools for stress-management, including positive-thinking;
  - f) Encouraging the creation of peer support groups;
  - g) Non-violent conflict resolution;
  - h) Combatting substance abuse and alcoholism;
  - i) Instilling a sense of pride in receiving free education and the duty to avail of its opportunities and privileges to the fullest, without engaging in activities disruptive to the physical, mental, social and educational wellbeing of students;
  - j) Techniques of bystander intervention.
7. The aforesaid Foundation Course shall be offered by every HEI as a compulsory requirement for all First Year Students. A compulsory Refresher Course on the same should be offered annually to Senior Students (students who have completed their First Year) in their remaining Academic Years.
8. Subject to the availability of resources and requisite approvals from the relevant authorities, and with a view to preventing large numbers of students, particularly First Year Students and Senior Students, gathering together on a single site outside teaching hours and increasing vulnerability to ragging,
- a) Every HEI shall identify alternative student accommodation in private lodgings and minimize hostel accommodation;

- b) Each HEI should inspect and register such private lodgings, based on minimum standards, and make the register available for students to select their choice of accommodation<sup>14</sup>;
  - c) Where such alternative student accommodation is not available for all First Year Students, hostel accommodation should be set aside, where possible, for First Year Students.
9. Every HEI shall, through its respective Gender Focal Point and with the assistance of the UGC and relevant experts, address ragging on cyberspace and social media, by taking steps including the following:
- a) Developing and enforcing a comprehensive social media policy to address cyber-related ragging and related activities;
  - b) Providing expert training to Student Welfare Staff on how to identify online ragging;
  - c) Putting in place monitoring and intelligence systems to identify organization of ragging events in advance and reporting them promptly to the relevant authorities;
  - d) Making all students aware of the dangers of online ragging and how to deal with/report such incidents.
10. Every HEI shall ensure that Student Unions and any other organized student groups within the institution do not initiate or promote ragging, by taking steps including the following:
- a) Ensuring gender parity and ethnic balance in elections to Student Unions and their office bearers, and conducting elections in a

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<sup>14</sup> Financial support over and above the Mahapola Scholarsip should be allocated for the accommodation of needy students in the registered private lodgings. The payment of rent may be made directly by the HEI to the property owners. A template tri-partite agreement may be formulated, including the terms and conditions upon which such student accommodation is provided, including liability of the student for any destruction of the property due to negligence or willful act or omission, the obligation of the lessor to ensure adequate security and hygiene at the premises, and permission for authorized staff of the HEI to access the premises for the purpose of ensuring the safety and security of students.

manner where individual candidates can contest for each post instead of being elected on the basis of a list of nominated officer-bearers submitted by a contesting group, subject to written law<sup>15</sup>;

- b) Collaborating and establishing partnerships with Student Unions to promote anti-ragging activities and to inculcate positive attitudinal and behavioural changes among students;
- c) Providing continuous leadership training to representatives of Student Unions, with the aim of capacity building based on universal values, rights and freedoms of human beings and skills of positive influence on peers and other students;
- d) Encouraging student unity, where all students including First Year Students and Senior Students treat each other with equal respect;
- e) Assigning special Student Counsellors/Mentors for representatives of Student Unions and requiring regular and close contact between them. For this purpose, such Counsellors/Mentors should liaise with Senior Treasurers appointed to the Student Unions by the HEIs;
- f) Creating Student Support Groups, including students in hostel accommodation, to assist in safety and security measures taken by the relevant authorities, as well as to assist the Victim Support Committee and the Anti-Ragging Committee to carry out the functions vested in it in terms of these Guidelines.

11. Every HEI shall introduce as part of its Orientation Programme for First Year Students, a leadership training programme to build their confidence and resilience, prior to the commencement of studies. Emphasis on diversity, equity, and inclusion should be included in such training programme.

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<sup>15</sup> The Ministry of Higher Education, in consultation with the UGC, shall identify the amendments required to be made to the Universities Act, No. 16 of 1978 and any other written laws, in order to implement this guideline.

12. Every HEI shall introduce a mentorship programme so that a group of students is assigned a Mentor who shall be in regular and close communication with that group. If the Mentor identifies a student as continuing to display a pro-ragging mentality, he should be directed to obtain specialized services from the Student Counsellor or any other qualified professional.
13. Every HEI shall establish an Anti-Ragging Committee comprising representatives from the academic staff appointed by the Vice Chancellor, student counsellors of the HEI, where available, and *ex officio* members such as the Head of the Victim Support Committee. The Committee shall exercise the powers, discharge the duties and perform the functions set out below:
- a) Formulate and recommend measures to enhance and improve anti-ragging measures;
  - b) Involve the Student Union in the development and implementation of anti-ragging measures;
  - c) Ensure the dissemination and effective implementation of the Zero-Tolerance for Ragging Policy;
  - d) Use creative strategies, including social media, to create awareness on ragging;
  - e) Maintain statistics on incidents of ragging and outcomes of complaints and provide periodic reports to the Vice Chancellor, who shall forward the same to the UGC;
  - f) Publicize the identities of those who are expelled or convicted after the conclusion of internal disciplinary inquiries or court cases, as the case may be;
  - g) Engage stakeholders, including parents and families of students, to strengthen awareness amongst the community with regard to ragging and the importance of supporting victims to make and maintain complaints without disrupting their education, as well as

the importance of advising perpetrators of the serious consequences of ragging.

14. Every HEI shall apply disciplinary measures against any member of the academic or non-academic staff who fails to report an incident of ragging or influences or attempts to influence a victim or witness to refrain from making/maintaining a complaint or cooperating in an inquiry/investigation into such incident.
15. The UGC shall, through the Centre for Gender Equity/Equality (CGEE), establish a central Victim Support Committee comprising academics, qualified counsellors and/or clinical psychologists, medical professionals and attorneys-at-law, which is available to render services, particularly where a Victim Support Committee of a HEI is unable to effectively provide the necessary support in a complex case.
16. The UGC shall establish a multi-disciplinary task force and create a network of persons who shall visit HEIs and conduct periodic anti-ragging programs. They may include awareness creation through forum theatre, role-playing, performing arts, and other innovative forms.
17. The UGC shall provide all necessary support to HEIs to implement these Guidelines, including the taking of proactive measures to secure the necessary budgetary allocations and relevant approvals for increasing the number of staff, facilitating the organization of expert training programs, assisting the development and designing of Foundation Courses to combat ragging, and monitoring the incidents of ragging and the effectiveness of the responses thereto by the HEIs.

18. Subject to the availability of resources and requisite approvals from the relevant authorities, the UGC, together with the Ministry of Higher Education, shall establish a Victim Support Fund to consider applications for financial assistance, where a victim requires professional healthcare services (physical or psychological), disability-related equipment, special learning equipment necessitated by impairments caused by ragging, or special accommodation, which cannot otherwise be provided free of charge.
19. Every student who is admitted to a HEI shall be provided with a copy of these Guidelines prior to the commencement of their academic programme. The orientation programme of every HEI shall include a compulsory session to create awareness of the provisions of these Guidelines and the remedies available in the event of a breach thereof. These Guidelines and other mechanisms to address ragging must be communicated to students on a regular basis, including via social media.
- B.** The Higher Educational Institutions under the 3<sup>rd</sup>, 4<sup>th</sup> and the 6A to 21A Added Respondents are directed to make By-laws in terms of Section 135(1)(d) of the Universities Act No. 16 of 1978, to give full effect to the aforesaid Guidelines Nos. 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14 and 19.
- C.** The 1<sup>st</sup> Respondent is directed to take steps in pursuance of its powers under Section 15(xii) of the Universities Act, to implement the aforesaid Guidelines Nos. 6, 15, 16 and 17.
- D.** The 22B Respondent is directed to order the 1<sup>st</sup> Respondent in terms of Section 20(2)(a) of the Universities Act, to investigate compliance by the aforesaid Higher Educational Institutions of the aforesaid By-laws and report thereupon, every 6 months.

- E.** The 22B Respondent is also directed to take expeditious steps to ensure that necessary financial, technical and other assistance is secured from the relevant authorities for the implementation of these Guidelines.
- F.** Where any person holding office in any of the aforesaid Higher Educational Institutions, including an Officer of the University in terms of Section 33 of the Universities Act, fails to exercise powers, discharge duties or perform functions in compliance with the aforesaid By-laws, he shall be reported to the relevant appointing authority or disciplinary authority, as the case may be, as well as to the 1<sup>st</sup> Respondent, for disciplinary measures to be taken against him in terms of the applicable written law.
- G.** The 23B Respondent is directed to issue necessary instructions to the Sri Lanka Police to seek the advice of the Attorney General in respect of every investigation conducted into an incident of ragging, including matters connected therewith, such as obstruction of justice where any attempt is made by any person to unduly influence a police officer, victim or witness concerned with such investigation.
- H.** These Directions are complementary to existing mechanisms in operation under the authority of the Respondents, to address ragging. However, in the event of any inconsistency between such mechanisms and these Directions, the latter shall prevail.