



## BY-LAWS RELATING TO STUDENTS

31

### 31.1 Student Discipline

Given below are the By-Laws made by the Council of the University of Peradeniya under Section 29 (n) read with Section 135(1) (d) of the University Act No.16 of 1978 as amended by Acts No. 7 of 1985 and No. 26 of 1988.

#### By-Laws

##### Part I – General

1. These By-laws may be cited as the “By-laws, No. 01 of 1996, relating to Students Discipline” and shall come into operation on 26<sup>th</sup> October 1996. These By-laws supersede any other By-laws or Regulations that may have been issued to students earlier.
2. Notwithstanding anything to the contrary in any of the provisions of these By-laws, the Vice-Chancellor shall take appropriate action he deems necessary to maintain discipline at the University and nothing in these By-laws shall be construed in a manner to detract from the powers, duties and functions conferred on or imposed upon the Vice-Chancellor by the Universities Act No.16 of 1978 (hereinafter referred to as the “Act”) or by any other Instrument.
3.
  - (1) Upon coming into operation of these By-laws, there shall be established a Board of Discipline (referred to as the “Board”) constituted as provided in Sub-paragraph (2).
  - (2) The Board of Discipline shall consist of the following Members, who shall hold office for a period of 03 (three) years with effect from the date of appointment:
    - i. The Dean of each Faculty,
    - ii. A Proctor, if any, or a Deputy Proctor nominated by the Proctor,
    - iii. Two Wardens nominated by the Vice-Chancellor,
    - iv. Two members of the Council nominated by the Council, from among its appointed members,
    - v. Two senior Student Counselors nominated by the Vice-Chancellor.
  - (3) The Registrar or his nominee shall be the ex-officio Secretary of the Board.

- (4) The Chairman of the Board shall be elected by the members from among the Deans and he shall preside at all meetings of the Board. If the Chairman is unable to preside at a meeting the members shall elect any Dean to preside at such meeting.
  - (5) The Chairman shall hold office for a period of one year reckoned from the date of his election so long as he retains the status of membership by virtue of which he was eligible for election as the Chairman of the Board and is eligible for re-election.
  - (6) The quorum for the meeting of the Board shall be seven members.
4. Subject to the provisions of the Act, and of any other appropriate Instrument, the Board shall have the following powers, duties and functions:
- (1) To regulate and determine all matters concerning the maintenance of student discipline within the University,
  - (2) To make Rules pertaining to student discipline within the University,
  - (3) To hold inquiries or cause inquiries to be held pertaining to allegations of indiscipline or misconduct on the part of any student or students of the University,
  - (4) The Vice-Chancellor may appoint a Committee of Inquiry to inquire into an incident where he thinks it appropriate in the circumstances and the Board of Discipline shall consider such reports made by such a Committee and recommend appropriate action.
  - (5) To impose appropriate penalties or punishments, on any student or students who have been found guilty of any acts of indiscipline or misconduct or who have been found guilty of an offense under these By-laws or, of acting in contravention of the provisions of these By-laws or the Rules made by the Board,
  - (6) To do all other acts incidental to the powers aforesaid as may be required in order to further the objectives of these By-laws.

## **Part II**

1. Without prejudice to the generality of the powers, duties and functions conferred upon or imposed on the Council by the Act or any other Instrument, the Council shall be responsible for the administration and implementation of these By-laws.
2. (1) These By-laws shall apply to every Registered Student of the University of Peradeniya (hereinafter referred to as the "University").  
(2) (i) For the purpose of these By-laws "Registered Student" means any

- student who has already been duly admitted and registered at the University for any academic year or any student who is duly admitted and registered from time to time in respect of any Academic year, or, other period of study.
- (ii) "Academic Year" for the purpose of these By-Jaws, shall be construed to mean the academic year as decided by the Senate from time to time.
- (3) (i) Every student of the University shall be of good behaviour and shall at all times conduct himself in an orderly manner befitting the status of an undergraduate or graduate student.
- (ii) Students of the University shall at all times endeavour to safeguard the dignity, good name and reputation of the University.
3. Students are admitted and registered as undergraduates or graduate students of the University, subject to their good behaviour and the observance of strict discipline.
4. Each and every student duly registered as a student of the University shall be issued with a copy of these By-laws, the provisions of which will be binding on him in conformity with the declaration made by him in terms of Section 17(b) of the application for University admission submitted by him to the University Grants Commission.
5. Upon the receipt of an application on the prescribed form for registration as a student of the University, together with such documents as may be necessary for this purpose, the Registrar or such other officer as may be nominated by him for this purpose shall register such student and shall issue to the student so registered an Identity Card and a Students' Record Book bearing the photograph of the student concerned duly embossed with the seal of the University which shall be final and conclusive evidence pertaining to the Identity of the student and also to the accuracy of the particulars stated therein.
6. Every registered student of the University shall have in his possession either such Identity Card or Students' Record Book, which he shall produce when called upon to do so by a member of the academic staff or by any officer authorized by the Vice-Chancellor or Registrar for this purpose.
7. If any registered student shall fail to produce or willfully refuses to produce or neglects to produce such Identity Card or Students' Record Book when called upon to do so by an authorized officer of the University, such student shall be deemed to be guilty of an offense punishable under these By-laws.

8. In the event of the failure or the refusal to produce such Identity Card or Students' Record Book to any member of the academic staff or an authorized officer, such officer shall have the power to take such student into custody and to produce him before the Dean of the respective Faculty or Warden of the respective Hall of Residence of such student if he claims to be residing in a Hall of Residence for identification. In the event of such student not being a resident of a Hall of Residence, such student may be produced before the Marshal/Chief Security Officer, who shall report him to the Proctor for appropriate action.
9. The particulars stated in the Identity Card or Students' Record Book shall be deemed to contain *prima facie* evidence of the status of the student and shall be in the manner prescribed in Schedule I of these By-laws.
10.
  - (1) The Dean of each Faculty of the University shall have full power and authority to exercise supervisory control over the discipline of all students within the Faculty.
  - (2) The Vice-Chancellor may appoint a senior academic member as the Proctor of the University and he shall act on behalf of the Vice-Chancellor in matters of student discipline within the University. The Vice-Chancellor may delegate any of his powers and duties regarding student discipline within the University to the Proctor.
  - (3) The Vice-Chancellor may, in consultation with the Dean and the Proctor, appoint a member of the academic staff of each Faculty as the Deputy Proctor for such Faculty. The first Deputy Proctor may be appointed by the Vice-Chancellor in consultation with the Dean of the respective Faculty.
  - (4) A Deputy Proctor shall assist the Dean and the Proctor in matters of student discipline within the Faculty.
  - (5) A Deputy Proctor shall also assist the Proctor in his functions as Proctor in matters of student discipline within the University.
11. For the purpose of exercising the powers conferred upon the Dean by the preceding paragraph, the Dean may issue from time to time instructions as he deems necessary for the maintenance of discipline in his Faculty.
12. Where the Dean of a Faculty of the University is satisfied that there is a likelihood of the breakdown of the smooth functioning of his Faculty due to the disorderly behaviour or conduct on the part of a student or students, the Dean may take immediate remedial measures with the assistance of the Proctor and his Deputies to prevent a breakdown of the functioning of the Faculty by -
  - (i) Reprimanding such student or students for disorderly behaviour, or
  - (ii) Suspension of such student or students from the University or from attending lectures/courses, etc., for a period not exceeding two weeks.

(iii) Reporting to the Vice-Chancellor for action such behaviour of a student or students where a Dean is of the opinion that the incident is of such nature that it requires the intervention of the University authorities for appropriate action under the By-laws of the University.

13. The Dean shall report to the Vice-Chancellor and the Proctor any disciplinary action taken by the Dean under these By-laws.
14. Upon coming into operation of these By-Laws the University shall have full power and authority to consider and assess the conduct of each student in determining the eligibility of such student for the conferment on him of the degree, diploma, certificate or other academic distinctions.
15. Every registered student shall be bound to protect and safeguard the property of the University. "Property" for this purpose includes buildings, libraries, lecture halls, furniture, equipment, and all other movable and immovable assets of the University.
16. If in the event of any student being found guilty of damaging or destroying or attempting to damage or destroy the property of the University, he shall be deemed to have committed an offense and shall be dealt with in accordance with the provisions of these By-Laws.
17. Every student shall endeavour to foster a corporate and community spirit of life and shall always respect the liberty, freedom and personality of fellow students.
18. No student shall engage in anti-social actions or in any act calculated to humiliate, ridicule, hurt or harass a fellow student or any other person within the University or engage in any other anti-social conduct which may bring the University to disrepute.
19. No student shall incite provoke or aid and abet any other student in the commission of any of the acts specified herein before.
20. Any student who acts in violation of paragraphs 6(3)(a) & (b) and 21 to 24 of these By-Laws shall be guilty of an offense punishable under the provisions of these By-Laws.
21. (1) No meeting may be held within the University premises by any student or students, University Union or society, or other association of students of the University, except with the written approval of the Proctor. The Dean of the Faculty may permit the holding of a meeting of the Faculty students, Faculty Unit or Society where it is restricted to the students of such Faculty.

- (2) Where the approval of the Dean/Proctor, as the case may be, has been so granted subject to such terms and conditions relating to the venue and date of such meeting and its duration and any other matter as may be deemed to be necessary in the circumstances, the meeting must be held in conformity with all such terms and conditions.
- (3) Any student who summons or causes the holding of a meeting other than in the manner prescribed in the foregoing paragraph or aids and abets any other person to summon or hold such meeting, shall be guilty of an offense and shall be liable for punishment, under the provisions of these By-Laws.
- (4) (i) Unless the prior written consent of the Vice-Chancellor has been obtained, no subscription or currency may be collected from among the students, staff of the University or the general public by any student or office-bearer of any union, society or association.
- (ii) Provided, however, that the provision of this paragraph shall not apply to a subscription collected by a registered union, society or association in accordance with its Constitution or any By-Laws made in terms of section 115(2) of the Act.
- 22 (1) No notice, pamphlet, publication or other printed material detrimental to the good name and discipline of the University, words defamatory of any member of the staff or student of the University, may be published and/or distributed, circulated or exhibited in any Hall of Residence, Lecture Hall/Room, Laboratory or on any other building or any other property standing on the premises of the University within its territorial boundaries.
- Provided however that the provision of this paragraph shall not apply to notices, pamphlets, publications and printed material relating to the activities of any registered Students' Union, Society or other Association established and recognized under section 115 of the Act and intended solely for the furthering of academic or social objectives.
- Provided that such material shall not be detrimental to the good name and discipline of the University, or any member of the staff or student of the University.
- (2) Any note, pamphlet, bulletin published should contain the signature of the President or the Secretary of such Organization.
23. The Board of Discipline may for any breach of these By-Laws or for any offense punishable under the provisions of these By-Laws by any registered student, recommend to the Vice-Chancellor the imposing on him of any one or more of the following punishments:
- (1) A written warning or a severe reprimand;

- (2) Suspension from the University;
  - (3) Withdrawal of residential facilities and accommodation;
  - (4) Withdrawal, cancellation or suspension of any financial benefits, assistance or award under the Mahapola Scholarship Scheme, any Bursary Scheme or endowed Scholarship Scheme;
  - (5) Disqualification from sitting any University Examination for a specific period;
  - (6) Suspension of the release of the results of any University Examination for a specific period;
  - (7) Expulsion from the University.
24. (1) The Board of Discipline or allied Committee of Inquiry appointed by the Board or the Vice-Chancellor for purposes set out in paragraph 4(iii) or 4(iv) shall have the power to summon any student of the University, to attend any Inquiry or to give evidence thereat and to direct any student to make a written statement concerning any matter pertaining to his conduct or behaviour or to the conduct or behaviour of any other student within the University.
- (2) Such Committee of Inquiry shall conduct such inquiries in accordance with the rules of natural justice as far as possible.
- (3) Before the commencement of such inquiry, every accused student shall be informed of the charge or charges against him to be tried at the inquiry before the Committee of Inquiry.
- (4) An accused student shall be allowed to be present either in person or with a representative of the Peradeniya Students' Union or the respective Faculty Students' Union, at the inquiry, and may also be allowed to suggest to the Chairman of the Committee of Inquiry any questions that may be put to any person who testifies before the Committee of Inquiry.
- (5) The Chairman of the Committee of Inquiry may at his discretion put to the witness such questions suggested by or on behalf of the accused student.
- (6) Under exceptional circumstances the Chairman of the Committee of Inquiry may allow the witnesses to give evidence recorded in camera.
25. (1) Upon the declaration of an order of closure of the University by the University authorities every student of the University shall be bound to act in accordance with this Order and shall leave the University premises before the stipulated time specified in such Order.
- (2) Any student who acts in contravention of the provisions of the foregoing paragraph shall be deemed to have committed an offense and shall be liable to be punished in accordance with the provisions of these By-Laws.
26. (1) Any student on whom a punishment has been imposed by the Vice-Chancellor on the recommendation of the Board of Discipline and who is aggrieved by the decision of the Board regarding the punishment may within a period of one

- month from the date of communication to him of such punishment or penalty, appeal against such punishment or penalty to the Vice-Chancellor.
- (2) Upon the receipt of an appeal, the Vice-Chancellor shall refer such appeal to an Appeals Committee appointed by him.
- (3) The Appeals Committee, for the purposes of the above paragraph, shall consist of three persons of legal/academic eminence appointed by the Vice-Chancellor. The Appeals Committee shall have the power to review the decision of the Board of Discipline regarding the punishment imposed and may either affirm, vary or set aside the decision regarding the punishment.
27. (1) It would be the duty of a Warden of a Hall of Residence to impose discipline among the students of the Hall of Residence and act in consultation with the Proctor regarding matters pertaining to student discipline in the Hall of Residence.
- (2) A Warden of a Hall of Residence shall inquire into complaints of breach of discipline and take appropriate action by himself where the act of indiscipline is not of a serious nature and may impose any of the following punishments:
- (i) Suspension from the Hall of Residence for a period not exceeding two weeks;
- (ii) Written warning.
- (3) In every case in which a Warden acts under the above provisions, he shall submit a report to the Proctor and shall act in consultation with the Proctor. Where the Proctor is of the view that the breach of discipline is of such nature that it calls for his intervention, he may act in the manner laid down in these By-laws.
- (4) Any student who is aggrieved by the punishment imposed by a Warden shall have the right to appeal to the Vice-Chancellor forthwith, and the Vice-Chancellor shall instruct the Proctor to conduct a formal inquiry where he considers it desirable, depending on the nature of the incident.
28. (1) The Dean of a Faculty shall impose discipline among the students of the Faculty and shall act in consultation with the Proctor and Deputy Proctor of the Faculty regarding matters pertaining to student discipline in his Faculty.
- (2) The Dean of a Faculty shall inquire into complaints of a breach of discipline and take appropriate action by himself where the act of indiscipline is of such a nature that it could be adequately dealt with by imposing any of the following punishments:
- (i) Suspension from academic activities for a period not exceeding two weeks;
- (ii) A written warning.
- (3) In every case in which a Dean acts under the above provisions, he shall submit a report to the Proctor.

- (4) Any student who is aggrieved by the punishments imposed by a Dean of a Faculty shall have the right to appeal to the Vice-Chancellor who may review the punishment and/or order the conduct of a formal inquiry where he considers it desirable, depending on the nature of the incident.
29. (1) Subject to the provisions of the Universities Act and other Statutes of the University, the Proctor shall be the authority in charge of the maintenance of discipline among the students of the University.
- (2) In discharging the above duties, he shall act in consultation with the Vice - Chancellor and with the assistance of the Deputy Proctors.
- (3) The Proctor shall inquire into complaints of breach of discipline in the University and take appropriate action.
- (4) Where the incident of indiscipline is of such a nature that it can be adequately dealt with by the imposition of the following punishments, he may act by himself:
- (i) Suspending from the University for a period not exceeding 05 weeks;
- (ii) A written warning.
- (5) In every case in which the Proctor acts under these provisions, he shall submit a report to the Vice-Chancellor.
- (6) Any student who is aggrieved by the punishment imposed by the Proctor shall have the right to appeal to the Vice-Chancellor forthwith and the Vice-Chancellor may review the punishment and/or order a formal inquiry where he considers it desirable.
- (7) In cases in which incidents of indiscipline are reported, the Proctor shall conduct a preliminary inquiry and submit his observations to the Vice-Chancellor for appropriate action under these By-laws.
30. (1) A Deputy Proctor of a Faculty shall assist the Dean of the Faculty to maintain and impose discipline among students of the Faculty and shall report to the Dean regarding such matters.
- (2) A Deputy Proctor shall also assist the Proctor in the maintenance of discipline among the students of the University.

### **31.2 Prohibition of Ragging and other forms of Violence**

The Act to Eliminate Ragging and Other Forms of Violence, and Cruel, Inhuman and Degrading Treatment, from Educational Institutions (Prohibition of Ragging and other Forms of Violence in Educational Institutions Act, No. 20 of 1998)

Be it enacted by the Parliament of the Democratic, Socialist Republic of Sri Lanka as follows:-

#### *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.

#### *Ragging*

- (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 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.

*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 -
  - (1) in any case where the person convicted is a student of an educational institution, order that such person be expelled from such institution;
  - (2) 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-
  - (1) the provisions of section 303 of that Act shall not apply in the case of any person who is convicted,
  - (2) 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—
  - (i) 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
  - (ii) 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 (l) 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 and 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 hearing of any appeal from the conviction of any person for any such offence and any sentence imposed on such conviction.

*Sinhala text to prevail in case of inconsistency*

16. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

*Interpretation*

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. 28 of 1985;
- (j) a College of Education established by the College of Education Act No. 30 of 1986, or a Government 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-Chancellor, 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;

### **31.3 University Students Union and Faculty Students Union**

#### **PART I**

A By-Law made by the Council of the University of Peradeniya under Section 135 read with Section 112(3) of the Universities Act No.16 of 1978 as amended by Acts No.7 of 1985 and No.26 of 1988.

1. This By-law shall be cited as the University Students Union By-law No.1 of 2003 and shall come into operation on 01st July 2003. This By-law supersedes any other By-law or Regulation that may have been issued on the subject of election to students unions earlier.
2. Nothing in this By-law shall be construed in a manner to detract from the power, duties and functions conferred on or imposed upon the Principal Executive officer by the Universities Act, No. 16 of 1978 (as amended) hereinafter referred to as the Act, or by any other Instrument.
3.
  - (i) Upon the coming into operation of this By-law there shall be established a Peradeniya University Students Union and Faculty Students Unions as per the terms provided for in sub-paragraph 3(ii) and 3(iii) of this By-law.
  - (ii) The Peradeniya University Students Union shall derive its authority for its composition, duties and functions as provided for in Section 1(1), 1(2), Section 2 and Section 3 in the schedule to the Universities (Amendment) Act No. 26 of 1988.
  - (iii) There shall be a University of Peradeniya Faculty Students Union for each Faculty of the University of Peradeniya, which Unions will derive their authority for their composition, duties and functions as provided for in Section 6(1), 6(2), 6(3) and Section 7 in the schedule to the Universities (Amendment) Act No. 26 of 1988.

#### **PART II**

4. Without prejudice to the generality of the powers, duties and functions conferred upon or imposed on the Governing Authority of the University of Peradeniya by the "Act", or any other Instrument, the Council shall be responsible for the administration and implementation of this By-law.
5. No student of a Faculty shall be eligible to vote at an election
  - (i) unless he has been duly registered and admitted as a full-time undergraduate student and is following a course of study in the relevant Faculty in respect of the academic year in which the election is held;

- (ii) if he is under suspension from Faculty and/or University;
  - (iii) if he fails to establish his identity at the time of voting.
6. For the purpose of this By-law, "Registered Student" means any undergraduate Student who has already been registered and admitted to a course of study at the University for any academic year or any student who is duly admitted and registered from time to time to follow a course of study in respect of any academic year, or other period of study.
7. (i) Within seven days of the commencement of each academic year the Registrar of the University shall publish within the University a notice containing;
- (a) the name of each Faculty Students Union;
  - (b) the title of the office-bearers and the number of other members to be elected to each such Faculty Students Union;
  - (c) the names and registration numbers of students who are eligible to vote at an election of office bearers and other members to each such Faculty Student Union.
8. The Principal Executive Officer of the University shall nominate in respect of the election of office bearers and other members to each Faculty Students Union, the name and designation of a person to conduct such election (hereinafter referred to as the "Election Officer"). The Election Officer may co-opt any person or persons to assist him in this task.
9. (i) The Principal Executive Officer of the University shall fix in respect of each Faculty Students Union, a date, closing time and venue for the receipt of Nominations by the Election Officer for the election of office bearers and other members for that Faculty Students Union. Such date shall be a date after the expiry of eight days but prior to the expiry of fourteen days from the date of publication of the Notice under section 7(1) of this By-law.
- (ii) The Registrar of the University shall publish within the University the date, time and venue fixed for the receipt of nominations in respect of each Faculty Students' Union.
10. (I) Every registered undergraduate student who is eligible to vote at an election of the Faculty Students Union will be eligible to be nominated as a candidate for election of office bearers or members of that Faculty Students Union. Provided, however, no student shall be eligible to be nominated as a candidate for election of office bearer or member of a Faculty Students Union, if he has been found guilty of misconduct.

- (ii) Proposers and seconds should be registered students of the Faculty to which they will be nominating a candidate.
  - (iii) No student will be eligible to be nominated for more than one post or by more than one proposer or seconder at any given election.
  - (iv) Nominations will be on a form given in schedule one (01) of this By-law. Nominations should be accompanied by name and student registration number of the proposer and seconder, and should be signed by the nominee in token of his agreement to stand for election.
  - (v) Nominations so received will be displayed by the Election Officer on the Faculty notice board on the day following receipt of nominations.
  - (vi) Any objections to persons nominated should be submitted to the Election Officer by any registered student of that Faculty prior to the expiration of one day after the displaying of nominations, giving valid reasons for such objections. The decision whether a nomination is valid or not will be made by the Principal Executive Officer and such decision shall be final.
11. Where no nominations have been received, the Principal Executive Officer shall fix in respect of such Faculty Students Union, a fresh date, time and venue for the receipt of nominations.
12. (i) The Principal Executive Officer of the University shall fix in respect of each Faculty Students Union a date for the election of office bearers and other members to such Faculty Students Union. Such date shall be a date falling within fourteen days of the date on which nominations were received in respect of that Faculty Students Union.
- (ii) The Registrar of the University shall publish within the University, the date, time and venue fixed for the election of office bearers and other members in respect of each Faculty Students Union.
- (iii) The Election Officer shall conduct the election by secret ballot. For an election to be valid 50% or more of the eligible voters should cast their votes.
13. Each candidate contesting the election of a Faculty Students Union may appoint two students as polling agents to represent him at the venue of election during the taking of the poll and the count. Notice in writing of every such appointment stating the names and registration numbers of the students appointed shall be given by the candidate to the Election Officer before the opening of the poll.
- Provided, however, that only one polling agent of a candidate can be present at the venue of election at any time during the taking of the poll, or the count.
- 14 (i) Every registered student who is eligible to vote at an election of a Faculty students Union shall be entitled to vote for a candidate for each office and for

such number of candidates for membership as is equivalent to the number of members to be elected to such Faculty Students Union as specified in the schedule to the Amendment Act. No.26 of 1988.

- (ii) Where the number of votes cast at an election is less than 50% of the eligible votes, the Election Officer shall declare such election as invalid.
  - (iii) Where only one nomination has been received and accepted in respect of such post, the Election Officer shall declare elected the candidate so nominated to the respective post.
  - (iv) Where 02 or more nomination papers have been received in respect of each post the Election Officer shall declare elected the candidate who polls the highest number of votes.
  - (v) The Election Officer shall declare elected as members the candidates who poll the most number of votes in descending order until the number of candidates declared elected as members shall be equivalent to the number for membership for each Faculty.
  - (vi) Where equality is found to exist between the votes polled by two or more candidates for election of an officer bearer or member the determination of the office bearer/member to be elected shall be made by a draw of lots.
  - (vii) At the conclusion of the election of office bearers, the Faculty Students Union shall nominate, with the concurrence of the Dean of the Faculty, a senior teacher of the Faculty to be appointed by the Principal Executive Officer of the University as the Senior Treasurer of the Faculty Students Union.
15. (i) Each office bearer or member of a Faculty Students Union shall hold office from the date of his election up to the end of the academic year in which he was elected.  
Provided, however, that the Council shall have the discretionary power to Extend the period of office of such office bearer or member.
- (ii) No student shall be eligible for re-election to the same office.
- (iii) If any office bearer or member:
- (a) ceases to be a student; or
  - (b) resigns office by writing under his hand addressed to the Senior Treasure, or
  - (c) is found guilty of misconduct, his office shall be deemed to be vacant.
- (iv) Where the post of an office bearer/member of a Faculty Students Union falls vacant, the Election Officer shall, as determined by the Principal Executive Office in accordance with the earlier provisions of this By-law, initiate Action for the holding of an election to elect a person to fill such vacancy. The person so elected shall hold office for the unexpired portion of the term of Office of his predecessor.

16. (i) The duties and functions of the President of the Faculty Students Union shall be:
- (a) to preside at all meetings of the Faculty Students Union;
  - (b) to carry out the decisions of the Faculty Students Union; and
  - (c) to call meetings of the Faculty Students Union.
- (ii) The duties and functions of the Vice-President of the Faculty Students Union shall be:
- (a) to preside at any meeting of the Faculty Students Union in the absence of the President;
  - (b) to assist the President in the discharge of his duties; and
  - (c) to carry out any other duty or function assigned to him by the Faculty Students' Union.
- (iii) The duties and functions of the Secretary of the Faculty Students Union shall be:
- (a) to keep records of all proceedings of the Faculty Students Union;
  - (b) to summon meetings of the Faculty Students Union on the Instructions of the President or upon the receipt by the Secretary of a written request, from not less than one third of the total membership of the Faculty Students Union;
  - (c) to ensure that a copy of the minutes of the proceedings are forwarded to the Dean of the Faculty; and
  - (d) to ensure that minutes of the proceedings are available for inspection by any student of the Faculty.
- (iv) The duties and functions of the Junior Treasurer of the Faculty Students Union shall be:
- (a) to have custody of the funds of the Faculty Students Union;
  - (b) To ensure that all income and expenditure are properly recorded for in the books kept for this purpose, subject to any rules pertaining to maintenance of such accounts.
  - (c) To inform the Senior Treasurer within one week of the receipt of any money by the Faculty Students Union, of such receipt;
  - (d) To make payments out of the funds of the Faculty Students Union with the approval of the Senior Treasurer;
  - (e) To prepare a budget for the academic year after consultation with the office bearers of the Faculty Students Union within one month from the date of election of its office bearers;
  - (f) When necessary, to prepare supplementary estimates;
  - (g) To submit to the Faculty Students Union a report on its current and projected financial position as at the last day of each term within one month of the end of that term; and
  - (h) to submit to the Auditor through the Senior Treasurer, a statement of income and expenditure and the balance sheet of the Faculty Students Union for the academic year within two weeks of the end of the academic year in which the Faculty Students Union was elected.

### **PART III**

17. (i) The Principal Executive Officer Shall arrange a date for the holding of the first meeting of the University Students Union wherein all the members of the Faculty Students Unions shall elect the office bearers of the University Students Union.  
Such date shall be a date falling within two weeks of the conclusion of the election of office bearers and other members to all the Faculty Students Unions in terms of the relevant Sections of Part 11 of this By-law.
- (ii) For the purpose of this meeting the Principal Executive Officer shall nominate a senior member of the University as the Returning Officer to conduct the election of office-bearers by secret ballot. He shall preside at the meeting and take all necessary action for the smooth conduct of the election.
- (iii) At the conclusion of the election of office bearers, the University Students Union shall nominate a senior teacher to be appointed by the Principal Executive Officer of the University as the Senior Treasurer of the University Students Union.
- (iv) The Returning Officer shall submit a report on the above election to the Principal Executive Officer.
18. (i) Each office-bearer of the University Students Union shall hold office from the date of his election up to the end of the academic year in which he was elected. Provided, however, that the council shall have the discretionary power to extend the period of office of such office bearer or member.
- (ii) No member shall be eligible for re-election to the same office.
- (iii) If any office-bearer
- (a) ceases to be a student; or
  - (b) resigns office by writing under his hand addressed to the Senior Treasurer; or
  - (c) is found guilty of misconduct his office shall be deemed to be vacant.
- (iv) Where an office of the University Students Union falls vacant, the Returning Officer shall, as determined by the Principal Executive Officer of the University, initiate action for the holding of an election to elect an office bearer. The Person so elected shall hold office for the unexpired portion of the term of office of his predecessor.
- 19 (i) The duties and functions of the President of the University Students Union shall be
- (a) to preside at all meetings of the University Students Union;
  - (b) to carry out the decisions of the University Students Union; and
  - (c) to call meetings of the University Students Union.

- (ii) The duties and functions of the Vice-President of the University Students union shall be
  - (a) to preside at any meeting of the University Students Union in the absence of the President;
  - (b) to assist the President in the discharge of his duties; and
  - (c) to carry out any other duty or function assigned to him by the University Students Union.
- (iii) The duties and functions of the Secretary of the University Students Union shall be
  - (a) to keep records of all proceedings of the University Students Union;
  - (b) to summon meeting of the University Students Union on the instructions of the President or upon the receipt by the Secretary of a written request, from not less than one third of the total membership of the University Students Union.
  - (c) To ensure that a copy of the minutes of the proceedings are forwarded to the Principal Executive Officer of the University; and
  - (d) To ensure that the minutes of the proceedings are available for inspection by any student of the University.
- (iv) The duties and functions of the Junior Treasurer of the University Students Union shall be
  - (a) to ensure that all income and expenditure is properly recorded and accounted for in the books kept for this purpose, subject to any rules pertaining to maintenance of such accounts;
  - (b) to inform the Senior Treasurer within one week of the receipt of any money by the Union, of such receipt;
  - (c) to make payments out of the funds of the Union with the approval of the Senior Treasurer;
  - (d) to prepare a budget for the academic year and submit it to the Union within one month from the date of election its office-bearers; (for this purpose he shall consult the office-bearers and any standing committee of the union, if any)
  - (e) where necessary, to prepare supplementary estimates;
  - (f) to submit to the Auditor through the Senior Treasurer a statement of income and expenditure and the balance sheet of the Union for the academic year within two weeks of the end of the academic year in which the Union was elected.

20. Any question regarding the interpretation of this By-law shall be referred to the Council whose decision thereon shall be final.

21. In this By-law

- "Academic year" means the period commencing on 1<sup>st</sup> day of October of the year and ending on 30<sup>th</sup> day of September of the following year';
- "Act" means the Universities Act No. 16 of 1978 (as amended);
- "Auditor" means any auditor appointed by the Principal Executive Officer to audit the accounts of the University Students Union or any Faculty Students Unions;
- "Council" means the Council of the University of Peradeniya;
- "Dean" means the Dean of each Faculty or any other person acting for the Dean for the time being;
- "Faculty" means any Faculty established by the University of Peradeniya under the Act except the Faculty of Graduate Studies;
- "Principal Executive Officer" means the Vice-Chancellor or any other person performing the duties of office of the Vice-Chancellor for the time being;
- "Registrar" means the Registrar of the University of Peradeniya or any other person acting for the Registrar for the time being;
- "Senate" means the Senate of the University of Peradeniya;
- The word 'Post' means the position of office bearer or member of a union.