

The directives of the Supreme Court in SLP No.24295/2004 shall be supplementary to the clauses contained in the constitution for College Unions and the rules for the conduct of elections to College Unions contained therein and the same shall supersede any of the clauses that are inconsistent with the directives.

MAHATMA GANDHI UNIVERSITY

Constitution For College Union and Rules for elections as per presidential mode (clause 6.2.2 of the JM Lyngdoh Committee Report)

(Framed under Clause 7 of the Bye-Laws of the Mahatma Gandhi University Union)

Each College affiliated to the Mahatma Gandhi University shall have a College Union for Students duly constituted as prescribed hereunder.

- 1. Objectives:-** The objectives of the Union shall be
 - (a) to train the students of the college in the duties, responsibilities and rights of citizenship,
 - (b) to promote opportunities for the development of character, leadership, efficiency, knowledge and spirit of service among students,
 - (c) to organise debates, seminars, work squads, touring parties and such other functions; and
 - (d) to encourage sports, arts and other cultural, educational, social or recreational activities that are incidental and conducive to the above objects.

- 2. Membership:-** All the students enrolled in the college shall be members of the Union. They shall have the right to vote and contest in all the elections to the college Union.

- 3. Term:-** The tenure of office of the College Union shall be one academic year, i.e., from 1st June to 31st May.

- 4. Funds:-** The College shall institute a 'College Union Fund'. It shall collect the prescribed fees from students towards Union activities along with the first instalment of tuition fees at the beginning of each academic year and shall credit the same to the College Union Fund.

- 5. Associations:-**
 - (a) The College may have one or more associations subordinated to the College Union according to different subjects and languages taught at the Degree and Post-Graduate level in the College, or as necessitated by the circumstances in the College and a student can be a member of one or more associations depending on his subjects of study.

- (b) The College Union may also organise various forums or clubs like Social Service League, Planning Forum, etc.

6. Executive Committee:- The College Union shall have an Executive Committee consisting of:-

- (1) The Chairman.
- (2) The Vice-Chairman.
- (3) The General Secretary.
- (4) The Councillor(s) to the University Union.
- (5) The Editor of the College Magazine.
- (6) The Arts Club Secretary.
- (7) The Secretary for Sports.
- (8) One member representing the students of each year of the Pre-Degree, Degree and Post-Graduate Courses, elected by the students of the respective years from among themselves.
- (9) Two members elected by the Lady students of the College from among themselves, as far as mixed colleges are concerned.
- (10) One member representing the students belonging to the Scheduled Castes or Scheduled Tribes to be nominated by the Executive Committee in case none of the elected members of the committee belong to S.C./S.T.
- (11) The Honorary Treasurer and Staff Adviser (Ex-Officio)

7. The Chairman:- The Chairman shall be elected by and from among the students of the College. The Chairman shall preside over all meetings and other functions of the Union and regulate and control the meetings. In the absence of the Chairman, the Vice-Chairman shall preside at the meeting. If both the Chairman and Vice-Chairman are absent, the members present shall elect one from among themselves as the Chairman for the meeting.

N.B. The Chairman as a member of the Executive Committee has a normal vote at the meetings of the Committee. In addition to this he has a **casting vote** under Clause (19) (b) of the Constitution for College Unions. The Casting Vote is to be exercised by the Chairman only when the members of the Committee are equally divided on any particular issue and the Chairman is inclined to take a decision on the question. **Casting Vote may be exercised openly by the Chairman.**

8. The Vice-Chairman:- The Vice-Chairman shall be elected by and from among the students of the College. In mixed Colleges the Vice-Chairman shall be a lady student.

The Vice-Chairman shall perform the duties of the Chairman in his absence or as per the request of the Chairman.

9. General Secretary:- The General Secretary shall be elected directly by and from among the students of the College. He shall issue notices for meetings and functions of the Union and keep the minutes and he shall generally be in charge of the conduct of all Union activities. The General Secretary shall take steps to carry out the decisions of the Executive Committee and shall be the custodian of all records relating to the Union.

10. The University Union Councillor(s):- The Councillor(s) to the University Union shall be elected directly by and from among the students of the College. The number of Councillors from each college will be restricted to one where the strength of the students is less than 500 and to two where it is 500 or more.

The Councillor(s) elected by the students will represent the students of the College in the University Union.

11. The Editor:- The Editor of the College Magazine shall be elected directly by and from among the students of the College. No student of the final year class of a particular course shall be eligible for election as the Editor of the College Magazine. The Editor shall be responsible for the publication of the College Magazine. There shall be an Editorial Board to help the Editor in the discharge of his duties. The Editorial Board shall consist of:-

- (1) The Principal.
- (2) The Editor (Convenor)
- (3) The Chairman of the College Union.
- (4) The General Secretary of the College Union.
- (5) Three student members to be nominated by the Executive Committee, and
- (6) Two Staff members to be nominated by the Principal.

12. The Arts Club Secretary:- The Arts Club Secretary shall be elected directly by and from among the students of the College. It shall be his duty to organise activities for promoting the artistic talents of the students of the College.

13. The Secretary for Sports:- The Secretary for Sports shall be nominated by the Executive Committee from among the Students of the College. He shall organise activities in the field of sports and games, with the help and co-operation of the General Athletic Committee constituted by the Principal.

14. Secretaries of Associations:- Each Association shall have a secretary elected by the members of the Association from among themselves who shall organise its activities. In a Degree College each subject may have a Subject Association where membership shall be restricted to students studying that subject as the Main subject at the Degree or Post Graduate level. The Head of the Department concerned shall be the President of the Association.

15. Elections:-

- (a) The elections to the College Union be conducted in accordance with the provisions contained in the Rules of Election given as annexure.
- (b) If any of the elected office bearers of the College Union, other than the Councillor to the University Union, fails to execute his duties, a member of the Executive Committee shall be nominated by the Principal on the recommendation of the Executive Committee to act in his place.

16. The Honorary Treasurer:- The Principal of the College shall be the Patron and Honorary Treasurer of the College Union. He can depute a staff member to perform his duties in his absence or if he so desires. The Honorary Treasurer shall be an ex-officio member of the College Union Executive Committee without voting power.

17. The Staff Adviser:- It shall be competent for the Principal to nominate a senior member of the teaching staff of the College as the Staff Adviser of the College Union. The Staff Adviser shall be an ex-officio member of the Executive Committee without voting power.

18. Accounts:- The funds of the College Union shall be held by the Honorary Treasurer. Expenses of the Union activities shall be met from this fund with the prior sanction of the Executive Committee, except on occasions of emergency. The Honorary Treasurer shall cause to keep regular accounts of the income and expenditure of the Union.

19. Meetings:-

- (a) The Executive Committee shall meet at least once in two months. For all ordinary Meetings, there shall be a notice of three clear days. Quorum for the meeting shall be not less than one half of the total number of members of the committee.
- (b) The Executive Committee shall take decisions by simple majority at its meetings and the Chairman shall have a casting vote.

20. Functioning:-

- (a) The College Union Executive Committee shall formulate the general policy and also guide the activities of the Union. It shall prepare at the beginning of each academic year, an annual financial estimate for all activities of the Union and subordinate Associations or Clubs.

- (b) The College Union shall endeavour to organise a student centre to promote club activities like indoor games, photographic clubs, hobby clubs and so on. The College Union Office shall also be housed here. Where a separate building is not available, the Principal may allocate separate space for this purpose.
- (c) In all matters connected with the College Union, the final decision rests with the Union Executive Committee, but an appeal shall lie to the Patron, when there is a dispute.

ANNEXURE

Rules for the Conduct of Elections to the College Unions.

1. **Except as otherwise exempted by the University the conduct of all elections in the Colleges affiliated to the University shall be held as provided hereunder.**
2. **The Returning Officer:** The Principal of the College or a senior member of the Staff appointed by the Principal and intimated to the University in time, shall be the Returning Officer for all Union elections held in the College. He may appoint the required number of staff to assist him in the conduct of election. It shall be the responsibility of the Returning Officer to take all precautionary measures to ensure a peaceful atmosphere in the college campus during election days.
3. **Electoral Rolls:** The Returning Officer shall maintain electoral rolls to elect candidates at any election showing the names of students qualified to vote thereat, serially numbered with details of their class, group, subject, etc. Copies of the electoral rolls be made available to the students in the office of the Returning Officer.
4. **Eligibility to take part in Elections:**
 - (i) The names of all the students who are on the admission register of the college on the date of publication of the election notification shall be included in the electoral roll. Only persons whose names are on the electoral rolls shall be entitled to participate in the elections. The students who are in the electoral rolls have to produce photo identity card duly signed by the head of the institution with the seal of the institution before the Presiding Officer for Voting.
 - (ii) Provided however that any student whose name is subsequently removed from the admission register and thereby ceases to be a student before the date of election, shall be struck off from the electoral roll.
 - (ii) The Returning Officer shall make any correction, alteration or deletion in the roll provided the requisition for the same is received by him within twenty-four hours of the publication of rolls and further he is satisfied that the correction, alteration or deletion is justified. The Returning Officer may also include the name of any student inadvertently omitted from the original electoral rolls.

5. Notification of Election: The Returning Officer shall under the direction from the University notify the election to the students, simultaneously causing it to be displayed in the College Notice Boards. The notification shall be issued within 10 (Ten) clear days before the date of the Poll. The notification shall contain the programme of the election giving the following details.

1. Date of Notification : Not less than 10 (Ten) clear days before the date fixed for the Poll.
2. Date of Publication of Electoral Roll : Succeeding working day from the date of Notification.
3. Last Date and Hour for receipt of Nomination : At 2.00 p.m. with 2 (Two) clear working days from the date of Notification.
4. Scrutiny of Nomination : 2.05 p.m. on the same day fixed for the receipt of Nomination.
5. Publication of the list of valid nominations : Same day fixed for Scrutiny.
6. Withdrawal : At 11.00 a.m. on the succeeding working day.
7. Polling : 10.00 a.m. to 1.00 p.m. with 10 (Ten) clear days from the date of publication of the notification of the election.
8. Scrutiny and counting of Votes : To start at 2.00 p.m. on the day fixed for the Poll.

Note:- In Evening Colleges the above schedule should be followed with suitable changes in the timings.

6. Nomination of candidates: Every elector shall be at liberty to nominate a qualified student to fill up a vacancy. Every nomination shall be in the prescribed form (**specimen form – Appendix A**) and shall be made by an elector in writing and shall be seconded by another elector. Every such nomination shall be accompanied by the consent of the nominee agreeing to serve on the body, if elected. The Nomination paper in sealed covers must be caused to be deposited in a box kept by the Returning Officer in his office within the date and hour fixed for the purpose.

7. Scrutiny of Nominations.

- (i) All nomination papers deposited in the box provided for the purpose shall be scrutinised by the Returning Officer at the hour on the date prescribed.
- (ii) The candidate or his authorised agent from among the electors alone will be permitted to be present at the time of scrutiny of nominations.

- (iii) The Returning Officer shall examine the nomination papers and shall decide all objections made to any nomination Paper. No nomination paper shall be rejected on technical grounds.

8. List of Candidates Validly Nominated: A List of Candidates with their names, class, subject, group etc. whose nominations have been declared valid shall be published by affixing the same on the notice boards in the College.

9. Withdrawal of Candidature: Any candidate may withdraw his candidature by notice in writing signed by him and delivered in person or by messenger who is one of the electors to the Returning Officer so as to be received by him within the date and hour fixed for the same. Withdrawal once made shall be final. A Candidate who has withdrawn his nomination shall not be eligible for re-nomination as a candidate for the same election that academic year.

10. Final List of Candidates: The Returning Officer shall publish after the lapse of time fixed for withdrawal of candidature a final list of candidates validly nominated showing the names arranged in alphabetical order together with their class, group, subject etc.

11. Declaration of election of validly nominated Candidates:

- (i) If the number of candidates validly nominated and not withdrawn does not exceed the number of vacancies to be filled by election, such candidates shall be declared to have been duly elected.
- (ii) If the number of candidates validly nominated and not withdrawn is less than the number of vacancies to be filled by the election, such candidates shall be declared to have been duly elected, and the electorate shall be called upon to elect a person(s) as the case may be to fill the remaining vacancy(ies).
- (iii) If the number of candidates validly nominated and not withdrawn exceeds the number of vacancies to be filled by election, then the Returning Officer shall proceed with the election in the manner prescribed.

12. Voting:

- (i) Voting shall be by secret ballot. No vote shall be given by proxy. The Poll shall begin at 10.00 a.m. on the appointed day and shall close at 1.00 p.m. on the same day. For the convenience of students and for the smooth conduct of the election, a number of Polling Booths may be arranged. There will be a Presiding Officer and Polling Officers attached to each booth.
- (ii) The Ballot Box sealed or locked (in the presence of the candidates or their agents if so required by them) shall be placed in a convenient place with arrangements for exercising the franchise by the electors by depositing the Ballot Papers through a slit provided in the box.

- (iii) The Returning Officer shall ascertain (a) the identity of the elector before issue of the ballot paper and (b) that the person desiring to vote has not already voted.
- (iv) The name of the person shall be entered upon the serially numbered counterfoil of the Ballot Paper (for specimen see Appendix B) in a ballot paper book which shall be got printed for the purpose. The ballot paper corresponding to that counterfoil shall then be torn off after affixing the initials of the Returning Officer thereon and handed over to the member.
- (v) At the time of issuing the ballot paper, the person authorised by the Returning Officer shall tick mark against the name of the elector in a copy of the electoral roll kept for the purpose and get the signature of the elector in the electoral roll.
- (vi) The elector who has received the ballot paper shall then proceed to a place screened from observation by others, for marking the vote, record his vote in the ballot paper in the manner prescribed and then proceed to the place where the Ballot Box is placed and deposit the same in the Ballot Box.
- (vii) No elector shall be allowed to enter the place arranged for marking the vote when another elector is there and no elector shall remain there longer than is necessary for recording his vote.
- (viii) If an elector is incapacitated from blindness or other physical causes, it shall be competent for him to record his vote by the hand of the Returning Officer.

The Returning Officer shall seal the slit of the ballot box immediately after the polling is over and keep it in safe custody.

13.Procedure on counting:-

- (i) The Scrutiny and Counting of Votes shall be held by the Returning Officer from the hour appointed on the date fixed. The Ballot Box shall be opened at the hour fixed for the purpose and the scrutiny and counting shall begin in the presence of the Returning Officer.
- (ii) No person shall be present at the scrutiny and counting of votes except the Returning Officer and his staff and the candidates concerned. The Candidates (in case they are unable to be present at the counting) may nominate (in writing) a representative (agent) from among the voters in their place to be present at the time of counting.

14. Ballot Paper when rejected:-

(1) A Ballot Paper shall be invalid and rejecteded;

- (i) if it does not bear the initials of the Returning Officer; or
- (ii) if a voter signs his name or writes any word or makes any mark on it by which it becomes recognisable; or
- (iii) if the vote is recorded thereon by any mark other than thus 'X' against the name or names of the candidate(s); or
- (iv) if no vote is recorded thereon; or
- (v) if the number of votes recorded thereon exceeds the number of vacancies to be filled; or
- (vi) if it is void for uncertainty; or
- (vii) if it violates any other law.

(2) Every Ballot Paper rejected, shall be so endorsed by the Returning Officer and such papers shall be kept separately.

15. Recounting:-

- (i) Any candidate (or his agent) may immediately after completion of the counting request (in writing) the Returning Officer to re-examine or recount the papers of all or any candidate and the Returning Officer shall re-examine and recount the same accordingly.
- (ii) The Returning Officer may at his own discretion recount the votes either once or more than once when he is not satisfied as to the accuracy of any previous count.

Provided however that nothing in these rules shall make it obligatory on the Returning Officer to recount the same votes more than once.

16. Declaration of Results:-

- (i) The candidate(s) equal in number to the number of vacancies, receiving the largest number of votes shall be declared duly elected.
- (ii) If two or more candidates receive an equal number of votes and they cannot all be declared elected, the final election shall be made by drawing lots by the Returning Officer.

17. Objection:- Objection to the election, if any, shall be made in writing to the Vice-Chancellor of the University so as to reach him within seven days after the declaration of the results of the election and his decisions after causing an enquiry to be made as he may deem fit, shall be final.

18.Preservation of election Papers:- All papers connected with the conduct of Union elections (Electoral Rolls, Nomination Papers, Used and Unused Ballot Papers, etc.) shall be preserved by the Returning Officer in a box locked and sealed in the presence of the candidates or their agents if present, for a period of one month after the declaration of the results, or if any dispute arises regarding the election until it is disposed off.

19.Miscellaneous:-

- (1) Students shall desist from disfiguring any class rooms, compound walls and buildings in the college campus by pasting of posters or writing on the walls as part of their election campaign. They shall not disfigure the compound walls of neighbouring buildings as well.
 - (2) Election campaign/propaganda in the College Campus shall be limited to the issue of pamphlets and bit notices, display of banners and posters and conducting group meetings to present the candidates.
 - (3) Persons who are not on the rolls of the college register shall not take part in the propaganda work in the College Campus.
 - (4) Students shall not arrange for election propaganda/campaign meetings in the College Campus during working hours except with the specific sanction of the Principal.
 - (5) There shall not be any sort of canvassing/propaganda in the College Campus on the day fixed for the Poll till the election results are announced.
 - (6) Students shall not use loudspeakers/amplifiers in connection with the College Union election campaign/propaganda.
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