

Regulations for Conducting Election of Bhattadev University Students' Union (BUSU)



**Bhattadev University, Bajali,
Pathsala, Assam-781325, India.**

Article 1: Constitution, Functions, and Term of the Students' Union

1.1. There shall be an Executive Body of the Students' Union for proper execution of the functions of the students' union. The Bhattadev University Students' Union will comprise of the following members:

- (a) One President
- (b) One Vice- President
- (c) One General Secretary
- (d) One Assistant General Secretary
- (e) One Major Games Secretary
- (f) One Minor Games Secretary
- (g) One Cricket Secretary
- (h) One Football Secretary
- (i) One Debate & Symposium Secretary
- (j) One Cultural Secretary
- (k) One Boys' Common Room Secretary
- (l) One Girls' Common Room Secretary
- (m) One Literary Secretary
- (n) One Social Service Secretary
- (o) Departmental Representatives, one from each department

Article 2: Eligibility of Candidates and Voters

2.1. **Eligibility of Contesting Candidates:**

- (a) A candidate must be a regular full time student of the University.
- (b) All eligible candidates must have an attendance record of at least 75% in the current semester till the date of his/her filling of nomination paper.
- (c) A student with any academic arrears till the year of the election is not eligible for contesting election.
- (d) No student with a past record of criminal offense, Academic or Conduct probation, involvement with anti-social activities and having faced disciplinary action by the authority in the past shall be allowed to contest in the election.
- (e) Only students of Masters' programmes and Under-Graduate students from 5th Semester onwards shall contest for the portfolios mentioned in Article 1.1 (a) and (b).
- (f) Only students of Masters' programmes and Under-Graduate programmes shall contest for the portfolios mentioned in Article 1.1 (c) to (n).
- (g) Only male student can contest for the portfolio mentioned in Article 1.1 (k), whereas, only girl student can contest for the portfolio mentioned in Article 1.1 (l).
- (h) Students of each department together shall elect one representative to the Students' Union. The Departmental Representatives are to be contested by the students of the concerned departments only.
- (i) All candidates shall have only one opportunity to contest for a post of office bearer.

- (j) A student is not allowed to contest for more than one post of the Executive body of the students' union in an election.
- (k) For contesting in election, the upper age limit of an Under-Graduate student must be 22 years and the upper age limit for a student of Masters' course must be 25 years.
- (l) A candidate can voluntarily withdraw his candidature. The views of his/her proposer/supporter shall have no say over the candidate's decision.

2.2. Eligibility of Voters:

- (a) All regular full-time students of Bhattadev University shall be eligible for voting.
- (b) At the time of casting the vote, display of University Identity card/Acknowledgement of Admission with photo ID to the Presiding/Polling Officer is mandatory.
- (c) Any student put under conduct probation or any other disciplinary action shall not be allowed to exercise his/her vote.
- (d) The University Authority will publish the list of all eligible voters before polling.

Article 3: Non-affiliation

- 3.1. Students contending for a position of Executive Member (Department representative) or any office bearer of the Students' Union shall not be on the basis of affiliation to any political party or any other organization.
- 3.2. To ensure strict adherence to the above, no one, who is not a student on the rolls of the university, (except the ones who are on conduct probation) nor an employee of the University assisting in the election process shall be permitted to take part in the election process in any capacity. Candidature of any contestant violating this rule shall be liable to be revoked.

Article 4: Election Process

- 4.1. The Hon'ble Vice-Chancellor shall constitute an election commission from among the regular teachers of the University who shall oversee the smooth conduct of the election.
- 4.2. The election commission shall notify calling for filling of nominations along with the schedule of the elections at-least 10 days prior to the date of elections.
- 4.3. The election commission shall perform the screening, and notify the list of eligible candidates within two days of deadline of filling of nominations.
- 4.4. The notification date of eligible candidates and the date of election gap will be of seven days.

- 4.5. The elections shall be through secret printed ballot paper.
- 4.6. Presiding Officers, appointed by the Election Commission from among the regular teachers of the university, shall conduct the voting simultaneously at specified locations in the university with the assistance of First Polling Officers and Second Polling Officers.
- 4.7. The ballot boxes after voting shall be submitted to the Election Commission to keep the boxes in safe custody before counting. The Election Commission shall appoint Presiding Officer (Counting) and appropriate numbers of teachers as Counting Officers. The counting shall be carried out in the afternoon of the same day of voting under the supervision of the Presiding Officer (Counting) and the presence of each candidate's representative.
- 4.8. The results shall be submitted to the Election Commission who will declare the results thereafter. The Election Commission shall submit the list of elected office bearers and Executive Members (Department Representatives) to the University Authority, who will notify the formation of new Students' Union.
- 4.9. In the event of the office of any post of office bearer falling vacant after election, the elected office-bearers shall assign the additional charge of the vacant office bearer to one of the elected office bearers of the union.

Article 5: Code of Conduct and Maintenance of Law and Order During Election Process

- 5.1. No candidate shall indulge in, nor shall abet, any activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic or between any group(s) of students.
- 5.2. Criticism of other candidates, when made, shall be confined to their policies and programs, past record and work.
- 5.3. There shall be no appeal to caste or communal feelings for securing votes. Places of worship within or outside the campus shall not be used for election propaganda.
- 5.4. All candidates shall be prohibited from indulging or abetting any activity that is considered to be "corrupt practice" or offence, such as bribing of voters, intimidation of voters, impersonation of voters, canvassing or the use of propaganda within 100 meters of polling stations, holding public meetings during the period of 24 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station.
- 5.5. Canvassing in the University Hostel shall be restricted to the premises located outside of the hostel building and shall not be allowed after 9PM. Door to door or room to room canvassing is prohibited. Prior permission of the Hostel Warden will be necessary for canvassing in the hostel.

- 5.6. No candidate shall be permitted to make use of printed poster for the purpose of canvassing. Candidates may only utilize hand-made posters for the purpose of canvassing provided that such hand-made posters are procured within the expenditure limit set out herein above. Candidates may put-up hand-made posters only at designated place in the campus which shall be notified in advance by the Election Commission.
- 5.7. No candidates shall be permitted to carry out processions or public meetings.
- 5.8. No candidate or his /her supporters deface or cause any damage to any property of the University for any purpose. All candidates shall be held jointly and severally liable for any damage / defacing of any University property.
- 5.9. During the election period, any activity of the candidates shall not in any manner disturb the classes and other academic and co-curricular activities of the University.
- 5.10. The use of loudspeakers, vehicle, and animals for the purpose of canvassing is prohibited.
- 5.11. The Election Commission will notify the date for Open Debate that shall be held two days before the date of election. All the candidates will participate in the Open Debate. The Election Commission will appoint a bench of regular teachers of the university to coordinate the Open Debate.
- 5.12. There shall not be any campaigning by the candidates in the last 24 hours prior to the polling time.
- 5.13. On the day of polling the candidates shall
- (a) co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction.
 - (b) not serve or distribute any eatables or other solid and liquid consumables except water on polling day.
 - (c) not hand out any propaganda on the polling day.
- 5.14. Excepting the voters, no one without a valid pass / letter of authority from the Election Commission/University authority shall enter the polling booths.
- 5.15. The Election Commission/University authority shall appoint impartial observers, if required. If the candidates have any specific complaint or problem regarding the conduct of the polls, they may bring the same to the notice of the Election Commission or observers.
- 5.16. Candidates shall be responsible for removing and cleaning the publicity materials used for election process within 12 hours of the conclusion of polling.
- 5.17. Any contravention of any of the above recommendations may make the candidate liable to be stripped of his candidature or his elected post as the case may be. The University authority may also take appropriate disciplinary action against such a violation.

- 5.18. In addition to the above-mentioned code of conduct, it is also recommended that certain provisions of the Indian Penal Code, 1860 (Section 153 A and Chapter IX-A-“Offences Relating to Election”) may also be made applicable to student elections.

Article 6: Expenditure and Accountability

- 6.1. The maximum permitted expenditure per candidate during the election is Rs. 5000/-. University will not bear any kind of expenditure incurred by the candidates for the election process.
- 6.2. Each candidate shall within one week of declaration of the results, submit complete and audited accounts to the University authorities. Accounts will be audited by the Internal Auditor of the University. The University shall publish such audited accounts within one week of submission through a suitable medium so that any member of the student community may freely examine the same.
- 6.3. The election of the candidate will be nullified in the event of any noncompliance or in the event of any excessive expenditure.
- 6.4. The candidates are barred from utilizing funds for the election process from any political party or any other source including voluntary contributions from any student body. If any such case is detected, the candidature may be rejected and the same may be reported to the University authority for further stricter action.

Article 7: Grievance Redressal Cell

- 7.1. There shall be a Grievances Redressal Cell with the Dean, Students' Welfare/Associate Dean Students' welfare as its Chairman. In addition, one senior faculty member, one senior administrative officer and two final year students- one boy and one girl (till the election results declared, students can be nominated on the basis of merit and/or participation in the co-curricular activities in the previous year). The Grievances Redressal Cell shall be mandated with the redressal of election-related grievances, including, but not limited to breaches of the code of conduct of elections and complaints relating to election-related expenditure. This cell would be the regular unit of the institution till the election process is over.
- 7.2. In pursuit of its duties, the Grievances Redressal Cell may prosecute violators of any aspect of the code of conduct or the rulings of the grievances cell. The grievance cell shall serve as the court of original jurisdiction. The institutional head shall have appellate jurisdiction over issues of law and fact in all cases or controversies arising out of the conduct of the elections in which the grievance cell has issued a final decision. Upon review the institutional head may revoke or modify the sanctions imposed by the grievance cell.
- 7.3. In carrying out the duties of the office, the Grievances Redressal Cell shall

conduct proceedings and hearings necessary to fulfil those duties. In executing those duties, they shall have the authority

- (a) to issue a writ of subpoena to compel candidates, agents, and workers, and to request students to appear and give testimony as well as produce necessary records and
- (b) to inspect the financial reports of any candidate and make these records available for public scrutiny upon request.

- 7.4. Members of the Grievances Redressal Cell are prohibited from filing complaints. Any other student may file a complaint with the Grievance cell within a period of one week from the date of declaration of results. All complaints must be filed under the name of the student filing the complaint. The Grievance cell shall act on all complaints within 24 hours after they are received by either dismissing them or calling a hearing.
- 7.5. The Grievances Redressal Cell may dismiss a complaint if:
 - (a) the complaint was not filed within the time frame prescribed in Recommendation 7.4 above;
 - (b) the complainant fails to state a cause of action for which relief may be granted;
 - (c) the complainant has not and / or likely will not suffer injury or damage.
- 7.6. If a complaint is not dismissed, then a hearing shall be held. The Grievances Redressal Cell shall inform, in writing or via e-mail, the complaining party and all individuals or groups named in the complaint of the time and place of the hearing. The parties are not considered notified until they have received a copy of the complaint.
- 7.7. The hearing shall be held at the earliest possible time, but not within twenty-four (24) hours after receipt of the notice described above, unless all parties agree to waive the 24 hour time constraint.
- 7.8. At the time notice of a hearing is issued, Grievances Redressal Cell by majority vote may issue a temporary restraining order, if it determines that such action is necessary to prevent undue or adverse effects on any individual or entity. Any restraining order, once issued, will remain in effect until a decision of the Grievances Redressal Cell is announced after the hearing or until rescinded by the Grievances Redressal Cell.
- 7.9. All Grievances Redressal Cell hearing, proceedings and meeting must be open to the public.
- 7.10. All parties of the Grievances Redressal Cell hearing shall present themselves at the hearing may be accompanied by any other student from which they can receive counsel, and have the option to be represented by that counsel.
- 7.11. For any hearing, a majority of sitting Grievances Redressal Cell members must be in attendance with the Chair of the Grievances Redressal Cell presiding. In the absence of the Chair, the responsibility to preside shall fall to a Grievance cell member designated by the Chair.

- 7.12. The Grievances Redressal Cell shall determine the format for the hearing, but must require that both the complaining and responding parties appear physically before the board to discuss the issue through a complaint, answered, rebuttal, and rejoinder format. The purpose of the hearing is to gather the information necessary to make a decision, order, or ruling that will resolve an election dispute. To effectuate this purpose, the following rules should prevail at all hearings:
- (a) Complaining parties shall be allowed no more than two witnesses, however the Grievances Redressal Cell may call witnesses as required. If said witnesses are unable to appear at the hearing, signed affidavits may be submitted Grievances Redressal Cell Chair for the purpose of testifying by proxy.
 - (b) All questions and discussions by the parties in dispute shall be directed to the Grievances Redressal Cell.
 - (c) There shall be no direct or cross-examination of any party or witness by complaining or responding parties during hearing.
 - (d) Reasonable time limits may be set by the Grievances Redressal Cell provided they give fair and equal treatment to both sides.
 - (e) The complaining party shall bear the burden of proof.
 - (f) Decision orders and ruling of the Grievances Redressal Cell must be concurred to by a majority of the Grievance cell present and shall be announced as soon as possible after the hearing. The Grievances Redressal Cell shall issue a written opinion of the ruling within 12 hours of announcement of the decision. The written opinion must set forth the finding of fact by the Grievances Redressal Cell and the conclusions of law in support of it. Written opinions shall set a precedent for a time period of three election cycles for Grievances Redressal Cell rulings and shall guide the Grievances Redressal Cell in its proceedings. Upon consideration of prior written opinions, the Grievances Redressal Cell may negate the decision but must provide written documentation of reasons for doing so.
 - (g) If the decision of the Grievance cell is appealed to the institutional head the Grievances Redressal Cell must immediately submit its ruling to the commission.
 - (h) The Grievances Redressal Cell shall select the remedy or sanction most appropriate to both the type and severity of the infraction as well as the state of mind or intent of the violator as determined by the Grievance cell. Possible remedies and sanctions include but are not limited to fines, suspension of campaigning privileges and disqualification from the election.
 - (i) Any fine or total amount of fines against a candidate in an election cycle may not exceed the spending limit as defined herein above.
 - (j) If after a hearing the Grievances Redressal Cell finds that provisions of this Code were violated by a candidate or a candidate's agents or workers, the Grievances Redressal Cell may restrict the candidate or the candidates agents or worker, from engaging in some or all campaign activities for

some or all of the remainder of the campaign. If an order is issued covering only part of the remaining campaign period, it shall take effect immediately so that after its termination the candidate will have an opportunity to resume campaigning during the days immediately prior to and including the election days.

- (k) If after a hearing, the Grievances Redressal Cell finds that provisions of either this Code or decisions opinions, orders or rulings of the Grievance cell have been wilfully and blatantly violated by a candidate or a candidate's agents or workers the Grievances Redressal Cell may disqualify the candidate.
- (l) Any party adversely affected by a decision of the Grievances Redressal Cell may file an appeal with the institutional head within twenty-four (24) hours after the adverse decision is announced. The institutional head shall have discretionary appellate jurisdiction over the Grievances Redressal Cell in all cases in which error on the part of the Grievances Redressal Cell is charged.
- (m) The decision of the Grievances Redressal Cell shall stand and shall have full effect until the appeal is heard and decided by the institutional head.
- (n) The institutional head shall hear appeals of Grievances Redressal Cell rulings as soon as possible but not within twenty-four (24) hours after the Grievances Redressal Cell delivers to the Appellant and the institutional head a copy of its written opinion in the case. Appeals may be heard prior to this time but only if the Appellant waives the right to a written opinion and the institutional head agrees to accept the waiver.
- (o) The institutional head can issue suitable orders to suspend or halt the operation of the ruling issued by the Grievances Redressal Cell until the appeals are decided.
- (p) The institutional head shall review findings of the Grievances Redressal Cell when appealed. The institutional head may affirm or overturn the decision of Grievances Redressal Cell or modify the sanctions imposed.