

ANNEXURE II

Handbook of Rules and Procedures for the Conduct of the Bharati College Students' Union Elections and the Student Representatives to the Committee against Sexual Harassment

In areas, where Handbook is silent and there is conflict in rules, Lyngdoh Committee Recommendations shall be applicable and binding.

Content

1. Procedure for the Conduct of Polls
2. Schedule
3. Nomination forms
4. Withdrawal Forms
5. Code of Conduct for Candidates

Procedure for Conduct of Polls:

1. **The elections shall be held by secret ballot**, on an yearly basis. They should be organized

between six to eight weeks after the commencement of the academic session, unless presented with exceptional circumstances.

2. The entire process of elections, commencing from the date of filing nomination papers to the date of declaration of results, including the campaign period, should not exceed ten working days.

3. Elections shall be conducted by a duly constituted Election Committee.

The composition of the Election Committee will be as follows:

1 Students' Union Advisors

3 Senior Faculty Members [more than 10 years experience, by rotation]

3 Junior Faculty Members [less than 10 years experience, by rotation]

Election Officer to be the senior most member of the committee or chosen otherwise by the Election Committee

In case a member is unable to participate in the process, the Committee holds the option of inviting the faculty member next on the list.

4. The rules and procedure of the election (subject to the rules as stated in the constitution), the dates for nominations and withdrawal, introduction, campaigning, polling, counting of votes and declaration of results shall be notified by the Staff Advisors with the approval of the Principal.

5. Nominations shall be made on Nomination forms only, available with the Administration, duly signed and supported by relevant documents. The nomination forms shall be submitted to the Election Committee Advisors, who will scrutinize them.

6. Qualification of Candidates for Nomination:

1.1. The candidate must be a regular, full-time student of the college.

- 1.2. The candidate should in no event have any academic arrears in the year of contesting the elections.
- 1.3. The candidate should have attained the minimum percentage of attendance as prescribed by the university or 75% attendance, whichever is higher.
- 1.4. No candidate can contest for the same post for more than two terms.
- 1.5. The candidate should not have any previous criminal record, that is to say, he should not have been tried and/or convicted for any criminal offence or misdemeanor. The candidate shall also not have been subject to any disciplinary action by the university or college authorities.
- 1.6. Participation in extra curricular activities in the college is essential and should be mentioned in the nomination form along with results.

7 . Grievance Redressal Cell

7.1. This Cell has to be constituted as an appellate body of the Election Committee, 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.

7.2. Composition of the Grievance Redressal Cell

1 Students' Union Advisor, from the previous year

1 Present Advisor to the Students' Union

1 Senior Teacher from the last year's Election Committee

2 final year students nominated by the Principal, in consultation with Staff Advisors. One student each from the Commerce and Humanities/Social Science Sections.

1 Senior Administrative Staff

7.3 The Grievance Redressal Cell must give its final ruling on a grievance within 30 working days of the filing of a complaint.

7.4 The Guidelines for the functioning of the Grievance Redressal Cell are as follows

7.4.1 This cell would be the regular unit of the institution.

7.4.2 In pursuit of its duties, the grievance cell may prosecute violators of any aspect of the code of conduct or the rulings of the grievance 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.

7.4.3 In carrying out the duties of the office, the Grievance cell shall conduct proceedings and hearings necessary to fulfill those duties. In executing those duties they shall have the authority:

(i) 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

(ii) to inspect the financial reports of any candidate and make these records available for public scrutiny upon request.

7.4.4 Members of the Grievance cell are prohibited from filing complaints. Any other student may file a complaint with the Grievance cell, within a period of 3 weeks 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.

7.4.5 The Grievance cell may dismiss a complaint if:

(i) the complaint was not filed within the time frame prescribed in 7.4.4 above;

(ii) the complaint fails to state a cause of action for which relief may be granted;

(iii) the complainant has not and / or likely will not suffer injury or damage.

7.4.6 If a complaint is not dismissed, then a hearing must be held. The Grievance 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.

7.4.7 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.

7.4.8 At the time notice of a hearing is issued, the Grievance 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 Grievance cell is announced after the hearing or until rescinded by the Grievance cell.

7.4.9 All Grievance cell hearings, proceedings, and meetings must be open to the public.

7.4.10 All Parties of the Grievance 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

7.4.11 For any hearing, a majority of sitting Grievance cell members must be in attendance with the Chair of the Grievance cell presiding. In the absence of the Chair, the responsibility to preside shall fall to an Grievance cell member designated by the Chair.

7.4.12 The Grievance 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 issues 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:

- i. Complaining parties shall be allowed no more than two witnesses, however the Grievance cell may call witnesses as required. If said witnesses are unable to appear at the hearing, signed affidavits may be submitted the the Grievance cell Chair for the purpose of testifying by proxy.
- ii. All questions and discussions by the parties in dispute shall be directed to the Grievance cell.
- iii. There shall be no direct or cross-examination of any party or witness by complaining or responding parties during hearings.
- iv. Reasonable time limits may be set by the Grievance cell, provided they give fair and equal treatment to both sides.
- v. The complaining party shall bear the burden of proof. Decisions, orders, and rulings of the Grievance 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 Grievance cell shall issue a written opinion of the ruling within 12 hours of announcement of the decision. The written opinion must set forth the findings of fact by the Grievance 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 Grievance cell rulings, and shall guide the Grievance cell in its proceedings. Upon consideration of prior written opinions, the grievance cell may negate the decision, but must provide written documentation of reasons for doing so.
- vi. If the decision of the Grievance cell is appealed to the institutional head , the Grievance cell must immediately submit its ruling to the commission.
- vii. The Grievance 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.

- viii. Any fine or total amount of fines against a candidate in an election cycle may not exceed the spending limit as defined herein above.
- ix. If, after a hearing, the Grievance cell finds that provisions of this Code were violated by a candidate, or a candidate's agents or workers, the Grievance cell may restrict the candidate, or the candidates agents or workers, 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.
- x. If, after a hearing, the Grievance cell finds that provisions of either this Code or decisions, opinions, orders, or rulings of the Grievance cell have been willfully and blatantly violated by a candidate, or a candidate's agents or workers, the Grievance cell may disqualify the candidate.
- xi. Any party adversely affected by a decision of the Grievance 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 Grievance cell in all cases in which error on the part of the Grievance cell is charged.
- xii. The decision of the Grievance cell shall stand and shall have full effect until the appeal is heard and decided by the institutional head.
- xiii. The institutional head shall hear appeals of Grievance cell rulings as soon as possible, but not within twenty-four (24) hours after the Grievance cell delivers to the Appellant and the institutional head a copy of its written opinion in the case. Appeal 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.
- xiv. The institutional head can issue suitable orders to suspend or halt the operation of the ruling issued by the Grievance cell until the appeals are decided.
- xv. The institutional head shall review findings of the Grievance cell when appealed. The institutional head may affirm or overturn the decision of the Grievance cell, or modify the sanctions imposed.

8 . Polling Officers to be appointed for the day of polls, for ensuring smooth conduct of the election and counting.

Smooth conduct of elections includes

8.1. Votes will be cast, using OMV cards. In case OMV cards have not been issued or in

case the OMV card is not functional, vote can be cast manually, on the basis of fee receipt.

8.2. Polling officers shall scrutinize the OMV card and obtain signatures of the voters on the electoral roll.

8.3 No one without a valid I-Card/ Fees Receipt/ Authority Letter from the Principal shall enter the polling booths.

8.4 For the counting, the candidates are requested to either be present in person, or to send counting agents, duly authorized by them.

Nomination Form

Serial No. _____

Bharati College
University of Delhi

Bharati College Students' Union Elections 20 - 20

Nomination form for the Post of _____

Name of the Candidate (in Block letters): _____

Parent/ Guardian's Name: _____

Date of Birth: _____

Age as on 16th August, 2019: _____

Roll No: _____ Course: _____ Semester: _____

Present Residential Address: _____

Permanent Residential Address: _____

Email Id: _____

Telephone No. (Self): _____ Telephone No. of Parent/ Guardian: _____

Details of participation in Co - Curricular Activities in the last 2 years (you can use an extra sheet). Attach the photocopies of certificates or a letter duly signed by the teacher.

--

Have you contested the election for the position of an office bearer/ class representative of the Students' Union? Yes/No (Tick) if Yes, give details below.

1. **Post** _____ (VP/Sec./Tres./Jt. Sec./Class Rep.) **Status:** Won/Lost _____

2. **Post** _____ (VP/Sec./Tres./Jt. Sec./Class Rep.) **Status:** Won/Lost _____

Full Name of the Proposer: _____ Roll No. _____ Year: _____

Course: _____ Semester: _____ Date: _____ Signature: _____

Full Name of the Seconder: _____ Roll No. _____ Year: _____

Course: _____ Semester: _____ Date: _____ Signature: _____

(I-Cards of Proposer & Seconder to be attached)

PTO

Eligibility Criteria/Conditions:

1. The candidate must be a regular, full-time student of the College (Attach your I-Card/ Fees Slip)
2. Each candidate can contest only **TWICE** for the post of an office- bearer (President, Vice-President, Secretary, Joint Secretary or Treasurer). This rule does not apply to Class Representative.
3. Nomination Form must be filled in by the candidate herself and should be submitted duly completed and signed by the Proposer and Seconder, latest by the Schedule as declared by the Election Committee.
4. Withdrawal will be permitted only if it is submitted in writing by the candidate in person, together with her Identity Card/Fee Slip by latest by the Schedule as declared by the Election Committee.
5. A candidate can file nomination for more than one post. Separate forms have to be filled. However, one candidate can contest election for only one position.
6. The age of the candidate must be less than 22 years (if undergraduate student) or 25 years (if post-graduate student) as on 16 August 2019.
7. The attendance for the previous academic year must not be less than 75%.
8. The candidate has no academic arrears in the year of contesting the election.
9. Office bearer of departmental/ other societies have to surrender their office, once elected in the Union.
10. Document to be attached
 - a) College ID/ Fee receipt
 - b) Date of Birth Certificate
 - c) Previous year Mark sheet
 - d) Certificate/ Letter of Recommendation of various co-curricular activities.

Undertaking and Declaration by the candidate

1. I have no previous criminal record and have not been tried and/or convicted of any criminal offence or misdemeanour. I have also not been subject to any disciplinary action by the college/university.
2. I have read and understood the above terms & conditions related to my candidature to me best of my knowledge. I assure that, I fulfil the required criteria. If found otherwise, my candidature can be cancelled.

Date:

Signature of Candidate

Schedule

Date for Filing Nomination: Day 1 till 2 p.m

Notification of Eligible Candidates Day 2, 2 p.m

Last date for correction of Minor Errors: Day 2, 4 p.m

[Minor Errors: spelling of names, discrepancy of address, signature]

Last Date for Withdrawal of Nomination : Day 3, 12 noon

Notification of Final List of Candidates: Day 3, 2 p.m

Candidates' Debate Will be notified by the Election Committee

[The debate shall be presided over by the Election Officer. The debate shall be organised in two rounds. The first round shall have the speeches of the candidates. Each Candidate will be get 5 minutes for their speech. In round two, they will be given the opportunity to ask other candidates one question each.]

Polling Day 9, 10 am – 3 pm

Declaration of results Day 9, 4 to 5 pm

Instructions

The Candidates are requested to carefully go through all the instructions regarding filing of nominations and other election guidelines [Constitution, Handbook of the Students' Union is available on the College website : www.bharaticollege.com]. Scrutiny of the personal details of the candidate and their proposers and seconders will be made from their admission forms. One stu-

dent can propose the name of only one candidate and second only one candidate. The nomination forms are available in the Administration Section . For any grievance regarding the conduct of polls, a candidate may approach, in writing, the Grievance Redressal Cell of the Election Committee, within a period of three weeks from the date of declaration of results.

Further details are available in the Handbook.

[Election Officer]

Code of Conduct for Candidates

1. Election Expenditure
 - a. Maximum permitted expenditure per candidate shall be Rs. 5000.
 - b. Candidates are barred from utilising funds from any other source than voluntary contributions from the student body.
 - c. A candidate can be disqualified if it is found by the Election Committee that She has spent more than Rs. 5,000/-.
2. During the period of the election, no person, who is not a student on the rolls of the College shall be permitted to take part in the College election process in any capacity. Any candidate violating this rule may forfeit her candidature.
3. Candidate may only utilise handmade posters, to be displayed at the sites notified by the Election Committee.
4. Printed posters, printed pamphlets or any other printed material may not be used for the purpose of canvassing.
5. No candidate shall be permitted to carry out processions or public meetings or in any way canvas or distribute propaganda outside the college campus.
6. No candidate shall indulge in nor abet any activity that shall 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.
7. Criticism of other candidates, when made, shall be confined to their policies, programmes, past record, work only.
8. There should be no appeal to caste or communal feelings for securing votes. Places of worship within or without the campus shall not be used for election propaganda.
9. Candidates are prohibited from indulging in or abetting corrupt practices and offences such as bribing of voters, intimidation of voters, and impersonation of voters.
10. The use of loudspeakers, vehicles and animals for the purpose of canvassing shall be prohibited.
11. Canvassing or the use of propaganda on the day of polling is strictly prohibited.

12. Transport and conveyance of voters to and from the polling station is prohibited.

13. Neither the candidate nor her supporters shall deface or cause any destruction to any College property.

14. On the day of Polling, the candidate shall:

a. Cooperate with the officers on Election Duty to ensure peaceful and orderly polling. Complete freedom should be given to the voters to exercise their franchise without being subjected to any annoyance or obstruction.

b. Not serve or distribute any eatables or any other solid or liquid consumables.

c. Not hand out any propaganda material.

15. The candidates should have read and studied the Constitution of the College Union and the Handbook (Available on the College Website). In areas, where Handbook is silent and there is conflict in rules, Lyngdoh Committee Recommendations shall be applicable and binding.

Any contravention of any of the above shall lead to disqualification of the candidate or removal from her elected post, as the case may be. The Election Committee may also take appropriate disciplinary action against such a violator.

Recommendations for the BCSU constitution

1. The members of the Students' Union should be given representation in the decision making process in the college. We recommend their participation in the following committees, so that apart from organising festivals and cultural programmes, the Union also develops a perspective on the overall development/advancement of students and the college.

Sports

Campus Development

Culture

Canteen

Library

Governing Body (as invitee, to make academic interventions)

In statutory committees, the SU members should be special invitees.

2. The Students' Union should present an Annual Report to the student community of the College, giving an account of the activities undertaken and issues raised on behalf of students in college fora and committees. This report can be distributed in written form and/or pasted on notice boards.