

ANNEXURE II

Handbook of Rules and Procedures for the Conduct of the Bharati College Students' Union Elections.

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
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Procedure for Conduct of Polls:

1. **The elections shall be held by secret ballot**, on a 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 year's experience, by rotation]

3 Junior Faculty Members [less than 10 year's 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 Student Union 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 Section Officer (Administration), 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 essential repeats [ER] in the last declared results.
- 1.3. The candidate should have attained the minimum percentage of attendance as prescribed by the university (66.6%) in the last academic year.
- 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, she 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/pending proceedings by the university or College authorities.
- 1.6. Participation in extracurricular/sports activities in the previous academic years is desirable 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 Students nominated by the Principal, in consultation with Staff Advisors. (One from IIIrd and One from IVth Year) 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 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 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 ID cards. In case ID cards have not been issued or in case the ID card is not functional, vote can be cast manually, on the basis of fee receipt.

8.2 Polling officers shall scrutinize the ID 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.**