

## **6.5 Eligibility Criteria for Candidates**

(Lyngdoh committee report pages 47,48 & 49 as accepted by the Hon'ble Supreme Court of India)

- 6.5.1 Under graduate students between the ages of 17 and 22 may contest elections. This age range may be appropriately relaxed in the case of professional colleges, where course often range between 4 to 5 years.**
- 6.5.2 For Post Graduate Students the maximum age limit to legitimately contest an election would be 24-25 years.**
- 6.5.3 For research students the maximum age limit to legitimately contest an election would be 28 years.**
- 6.5.4 Although, the committee would refrain from prescribing any particular minimum marks to be attained by the candidate, the candidate should in no event have any academic arrears in the year of contesting the election.**
- 6.5.5 The candidate should have attained the minimum percentage of attendance as prescribed by the University or 75% attendance, which ever is higher.**
- 6.5.6 The candidate shall have one opportunity to contest for the post of office bearer, and two opportunities to contest for the post of an executive member.**
- 6.5.7 The candidate shall not have a previous criminal record, that is to say he should not have been tried and/ or convicted of any criminal offence or misdemeanor. The candidate shall also not have been subject to any disciplinary action by the University authorities.**
- 6.5.8 The candidate must be a regular, full time student of the College/ University and should not be a distance/ proximate education student. This is to say that all eligible candidates must be enrolled in a full time course, the course duration being one year.**

## COLLEGE UNION

### **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
- } Office Bearers
- (7) The Secretary for Sports
  - (8) One member representing the students of each year of the Degree and Post-graduate Courses.
  - (9) Two members elected by the lady students of the College, 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 belongs to SC/ST.
  - (11) The Hon. Treasurer and Staff Adviser (Ex-officio).

1. **The Chairman:-** 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.
2. **The Vice-Chairman:-** 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.
3. **General Secretary:-** 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.
4. **The University Union Councillor(s):-** The number of Councillors from each college will be restricted to one where the strength of the student 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.
5. **The Editor:-** 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:-
  - (i) The Principal
  - (ii) The Editor (Convener)
  - (iii) The Chairman of the College Union
  - (iv) The General Secretary of the College Union
  - (v) Three student members to be nominated by the Executive Committee, and
  - (vi) Two staff members to be nominated by the Executive Committee, and
  - (vii) Two staff members to be nominated by the Principal

6. **The Arts Club Secretary:-** It shall be his duty to organize activities for promoting the artistic talents of the students of the College.
  7. **The Secretary for Sports:-** The Secretary for Sports shall be nominated by the Executive Committee from among the students of the College. He shall organize activities in the field of sports and games, with the help and co-operation of the General Athletic Committee constituted by the Principal.
  8. **Secretaries of Association:-** Each Association shall have a Secretary who shall organize its activities. In a Degree College each subject may have a Subject Association where membership shall be restricted to students studying the 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.
  9. **Hon. Treasurer:-** The Principal of the College shall be the Patron and Hon. Treasurer of the College Union. He can depute a staff member to perform his duties in his absence or if he so desires. The Hon. Treasurer shall be an ex-officio member of the College Union Executive Committee without voting power.
  10. **Staff Adviser:-** It shall be competent for the Principal to nominate as 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.
  11. **Accounts:-** The funds of the College Unions shall be held by the Hon. 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 Hon. Treasurer shall cause to keep regular accounts of the income and expenditure of the Union.
- 12. Meetings:-**
- (a) The Executive Committee shall meet at least once in two months. For all ordinary meetings, there shall be a notice or three clear days. Quorum for the meetings shall be not less than one half of the total number of the 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.
- 13. 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 organize 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 concerned 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.

**LYNGDOH COMMITTEE RECOMMENDATIONS AS APPROVED BY THE HON'BLE SUPREME COURT OF INDIA)**

*Relevant portions of the Report of the Committee Constituted by Ministry of Human Resource Development, Government of India as per the Direction of the Hon'ble Supreme Court of India to frame Guidelines on students' Election In Colleges/Universities*

**6.5 ELIGIBILITY CRITERIA FOR CANDIDATES**

- 6.5.1** Under Graduate students between the ages of 17 and 22 may contest elections. This age range may be appropriately relaxed in the case of professional colleges, where course often range between 4 to 5 years.
- 6.5.2** For Post Graduate Students the maximum age limit to legitimately contest an election would be 24-25 years.
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- 6.5.4** Although, the committee would refrain from prescribing any particular minimum marks to be attained by the candidate, the candidate should in no event have any academic arrears in the year of contesting the election.
- 6.5.5** The candidate should have attained the minimum percentage of attendance as prescribed by the University or 75% attendance, whichever is higher.
- 6.5.6** The candidate shall have one opportunity to contest for the post of office bearer, and two opportunities to contest for the post of an executive member.
- 6.5.7** The candidate shall not have a previous criminal record, that is to say he should not have been tried and/ or convicted of any criminal offence or misdemeanor. The candidate shall also not have been subject to any disciplinary action by the University authorities.
- 6.5.8** The candidate must be a regular, full time student of the College/ University and should not be a distance/ proximate education student. This is to say that all eligible candidates must be enrolled in a full time course, the course duration being one year.

## **ELECTION RELATED EXPENDITURE & FINANCIAL ACCOUNTABILITY**

- 6.6.1** *The maximum permitted expenditure per candidate shall be Rs. 5000/-*
- 6.6.2** *Each candidate shall, within two weeks of the declaration of the result, submit complete and audited accounts to the college/ university authorities. The college/university shall publish such audited accounts, within 2 days of the submission of such accounts, through a suitable medium so that any member of the student body may freely examine the same.*
- 6.6.3** *The election of the candidate will be nullified in the event of any non compliance or in the event of any excessive expenditure.*
- 6.6.4** *With the view to prevent the inflow of funds from political parties into the student election process, the candidates are specially barred from utilizing funds from any other sources than voluntary contributions from the student body.*

## **6.7 Code of Conduct for Candidates and Elections Administrators**

Just as the Election Commission of India has prescribed a code of conduct for the general elections, it is equally important to prescribe a similar code of conduct for student elections, not only to ensure an orderly, free and fair conduct of the election process, but also to instill in students a sense of propriety in respect of student governance and the conduct of elections, so that the same values may, it is hoped, be carried forward by students interested in a career in national and local politics. The recommended code of conduct also seeks to streamline the election process in such a manner that elections may be conducted efficiently and with minimal use of monetary and other resources.

- 6.7.1** *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.*
- 6.7.2** *Criticism of other candidates, when made, shall be confined to their policies and programs, past record and work. Candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the other candidates or supporters of such other candidates. Criticism of other candidates, or their supporters based on unverified allegations or distortion shall be avoided.*
- 6.7.3** *There shall 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.*
- 6.7.4** *All candidates shall be prohibited from indulging or abetting, all activities which are considered to be "corrupt practices" and offences, 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.*
- 6.7.5** *No candidate shall be permitted to make use of printed posters, printed pamphlets, or any other printed materials 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.*

- 6.7.6 *Candidates may only utilize hand-made posters at certain places in the campus, which shall be notified in advance by the election commission / university authority.*
- 6.7.7 *No candidate shall be permitted to carry out processions, or public meetings, or in any way canvass or distribute propaganda outside the university/college campus.*
- 6.7.8 *No candidate shall, nor shall his/her supporters, deface or cause any destruction to any property of the university / college campus, for any purpose whatsoever, without the prior written permission of the college / university authorities. All candidates shall be held jointly and severally liable for any destruction /defacing of any university /college property.*
- 6.7.9 *During the election period the candidates may hold processions and / or public meetings, provided that such processions and /or public meetings do not, in any manner, disturb the classes and other academic and co curricular activities of the college/university. Further, such procession / public meeting may not be held without the prior written permission of the college / university authority.*
- 6.7.10 *The use of loudspeakers, vehicles and animals for the purpose of canvassing shall be prohibited.*
- 6.7.11 *On the day of polling, student organizations and candidates shall*
  - (i) *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;*
  - (ii) *not serve or distribute any eatables, or other solid and liquid consumables, except water on polling tiny;*
  - (iii) *not hand out any propaganda on the polling day.*
- 6.7.12** *Excepting the voters, no one without a valid pass/letter of authority from the election commission or from the college / university authorities shall enter the polling booths.*
- 6.7.13** *The election commission / college/ university authorities shall appoint impartial observers. In the case of deemed universities and self-financed institutions, government servants may be appointed as observers. If the candidates have any specific complaint or problem regarding the conduct of the elections they may bring the same to the notice of the observer.*  
*Observers shall also be appointed to oversee the process of nomination of students in institutions that are following the nomination model of student representation.*
- 6.7.14** *All candidates shall be jointly responsible for ensuring the cleaning up of the polling area within 48 hours of the conclusion of polling.*
- 6.7.15** *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 election commission / college / university authorities may also take appropriate disciplinary action against such a violator.*

**6.7.16** *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 IXA — "Offences Relating to Election"), may also be made applicable to student elections.*

## **6.8 Grievance Redressal Mechanism**

Another important item on the mandate of the Committee was the creation of a grievance redressal mechanism to adjudicate upon disputes arising out of student elections. To this effect, the Committee strongly recommends the setting up of grievance redressal mechanisms / election courts on the following lines:

**6.8.1** *There should be a Grievances Redressed Cell with the Dean (Student Welfare) / teacher in charge of student affairs 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 grievance 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.*

**6.8.2** *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:*

**6.8.3** *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.*

**6.8.4** *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.*

**6.8.5 The Grievance cell may dismiss a complaint if:**

- (iii) *the complaint was not filed within the time frame prescribed in Recommendation 8.4 above;*
- (iv) *the complaint fails to state a cause of action for which relief may be granted;*
- (v) *the complainant has not and / or likely will not suffer injury or damage.*

**6.8.6** *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.*

- 6.8.7** *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.*
- 6.8.8** *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.*
- 6.8.9** *All Grievance cell hearings, proceedings, and meetings must be open to the public.*
- 6.8.10** *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.*
- 6.8.11** *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.*
- 6.8.12** *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:*

- *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 at the Grievance cell Chair for the purpose of testifying by proxy.*
- *All questions and discussions by the parties in dispute shall be directed to the Grievance cell.*
- *There shall be no direct or cross-examination of any party or witness by complaining or responding parties during hearings.*
- *Reasonable time limits may be set by the Grievance cell, provided they give fair and equal treatment to both sides.*
- *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.*

- *If the decision of the Grievance cell is appealed to the institutional head, the Grievance cell must immediately submit its ruling to the commission.*
- *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.*
- *Any fine or total amount of fines against a candidate in an election cycle may not exceed the spending limit as defined herein above.*
- *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.*
- *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.*
- *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.*
- *The decision of the Grievance cell shall stand and shall have full effect until the appeal is heard and decided by the institutional head.*
- *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.*
- *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.*
- *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.*

## **6.9 Maintaining Law and Order on the Campus during the Election Process**

In addition to the code of conduct prescribed above, it is important that the College/University authorities resort to the assistance of the police in the event of any unlawful activity occurring not only during the elections, but also otherwise. The Committee on the Working of Central Universities gave a similar recommendation. However, it is observed that colleges / universities more often than not refrain from taking police assistance to deal with

campus violence and lawlessness on the ground that the reputation of the university / college would be adversely affected. The Committee does not agree with this line of thought. In the words of the Committee on the Working of Central Universities:

**'2.44** There is a strange hangover of the colonial period when politics of freedom was combated with the help of the police force that university "autonomy" is supposed to be violated if the police is called in. We believe that the police is a part of civil law and order machinery, and it should be as much available to protect lives, property and functioning of the university as is available to any other establishment in the country. If the university is working normally or within defined bounds of tension naturally there is no need for the police; but if it becomes disturbed by exceeding certain limits, as suggested above, the blame, if any, for causing the police to come in for protection would squarely lie with those who created the particular conditions. The autonomy of the university has no relation to this circumstance, just as the fundamental rights or privacy of a citizen are not related to his having to take police assistance in an emergency.

- 6.9.1 Any instance of acute lawlessness or the commission of a criminal offence shall be reported to the police by the university / college authorities as soon as possible, but not later than 12 hours after the alleged commission of the offence.

## **6.10 Miscellaneous Recommendations**

- 6.10.1** Student representation is essential to the overall development of students, and, therefore, it is recommended that university statutes should expressly provide for student representation.
- 6.10.2** Student representation should be regulated by statute (either a Central Statute, State Statute or individual university statutes), incorporating the recommendations prescribed herein.
- 6.10.3** The institution should organize leadership-training programs with the help of professional organizations so as to groom and instill in students leadership qualities.
- 6.10.4** In the event of the office of any major post of office bearer falling vacant within two months of elections, re-elections should be conducted; otherwise the Vice President may be promoted to the post of President and Joint Secretary to the post of Secretary, as the case may be.