

COTTON UNIVERSITY STUDENTS' UNION ELECTION RULES, 2018

Proposed Amendments in compliance of the Judgment of the Hon'ble Supreme Court of India, passed on 22-09-2007 in (SLP CIVIL) No. 24295 of 2004 and in terms of the Judgment passed by the Hon'ble Gauhati High Court in W.P(C) 5963/2013.

Preamble: WHEREAS the Hon'ble Supreme Court of India has rendered its Judgment dated 22nd September 2007 in the SLP (CIVIL) No. 24 295 of 2004 in the case of University of Kerela vs Council, Principals of Colleges, laying down the guidelines regarding holding of election to the office bearers to the College Students Union Societies and whereas the Hon'ble Gauhati Court in W.P(C) 5963/2013, has also directed for implementation of Clause 6.1.8 of the J.M. Lyngdoh Committee Report till further orders of the Hon'ble Supreme Court. NOW THEREFORE, in implementation of the judgment of the Hon'ble Supreme Court and the Hon'ble Gauhati High Court and in compliance of the instructions of the Government of Assam, the authorities of the Cotton University, Guwahati makes the following Rules :

I. Short title, extent and commencement :

1. These Rules may be called the Cotton University Students' Union Election Rules, 2018
2. These Rules shall extend to and apply to all the students of the Cotton University.
3. These Rules shall come into force on this 20th day of September 2018. All the previous rules, instructions and guidelines issued in connection with matters relating to or ancillary to the elections to the Offices of the Cotton University Students' Union (CUSU) shall cease to have any force and all such matters shall henceforth be governed by the Cotton University Students' Union Election Rules, 2018.

II. Office in respect of which election shall be held :

Election shall be held in respect of the following offices:

- i) President
- ii) Vice President
- iii) General Secretary
- iv) Assistant General Secretary
- v) Editor, Cottonian
- vi) Secretary, Boys' Common Room
- vii) Secretary, Girls' Common Room
- viii) Secretary, Debating and Symposium Section
- ix) Secretary, Social Service Section
- x) Secretary, Music Section
- xi) Secretary, Cultural Section
- xii) Secretary, Football Section
- xiii) Secretary, General Sports Section

- xiv) Secretary, Cricket Section
- xv) Secretary, Tennis Section
- xvi) Secretary, Minor Games Section
- xvii) Secretary, Hockey Section
- xviii) Secretary, Rowing, Swimming and Gymnasium Section

III. Frequency of election process :

1. The election shall be held on a yearly basis and as far as practicable, between 6 to 8 weeks from the date of commencement of the academic session.
2. The entire process of election, commencing from the date of filing of nomination papers to the date of declaration of result, including the campaign period, should not exceed more than 10 days.
3. In the event of the office of any major post (President, Vice President, General Secretary , Editor, Cottonian and Secretary, Debating and Symposium Section) of the office bearer(s) falling vacant within two months of election, re-election shall be conducted; otherwise the Vice President, CUSU may be promoted to the post of President and the Assistant General Secretary to the post of General Secretary as the case may be.
4. In the event of the office of any major post of the office bearer(s) falling vacant after two months of elections, the same shall be filled up by nomination by the office bearers(s) in a special meeting to be called for the purpose and which must be approved by a majority of at-least 50 % of the office bearers present and voting . The meeting may be convened in consultation with the Registrar, Cotton University.
5. In case of the office of any other post of the office bearer(s) falling vacant, the same shall be filled up by nomination by the office bearers in a special meeting to be called for the purpose and which must be approved by a majority of atleast 50% of the office bearers present and voting . The meeting may be convened in consultation with the Registrar, Cotton University

IV. Eligibility of candidates :

1. The candidate shall have one opportunity to contest for the post of the office bearer.
2. Students of (i) HS and Under Graduate (BA/BSc/BCA) between the age of 17 to 22 years and (ii) Post Graduate (MA/MSc/MCA) and One Year Diploma Course up to the age of 25 years may contest the election.
3. Students of one year course can take part in election process viz. voting and contesting for the posts, except the post of President, Vice President, General Secretary , Editor, Cottonian and Secretary, Debating and Symposium Section provided the course coincides with the regular academic session of the University.
4. The candidates should in no event have any financial dues to the University and should not have any academic arrears for contesting the election. The academic arrear shall include the students who have dropped from any final/end-semester examination or required to clear any back paper.

5. The candidates shall have to attain a minimum percentage of attendance of 75% or such percentage of attendance as prescribed by the Assam Higher Secondary Council and the University, whichever is higher.
6. During the period of election, no person, who is not a student on the rolls of the University shall be permitted to take part in the election process in any capacity. Any person, candidate, or member of the student organization violating this rule shall be subject to disciplinary proceedings, in addition to forfeiture of his candidature as the case may be.
7. The elected union body shall only comprise of regular students on the rolls of Cotton University.
8. The candidate shall not have any previous criminal record, that is to say he/she should not have been subject to any disciplinary action by the University.
9. The candidate must be a regular full time student of the University and should not be a distant/proximate education student, that is to say, all eligible candidates must be enrolled in a full time course, the course duration being at least one year.
10. The students belonging to HS 1st year & 2nd year, UG 1st, 3rd, 5th Semester and PG 1st and 3rd Semester and students of One Year Diploma Course shall be eligible for the office bearers of CUSU. Posts of Editor, Cottonian and Secretary, Debating and Symposium Section shall not be open only to HS 2nd year, UG 5th semester, PG 3rd semester and One Year Diploma Course students. The post of the President and Vice President shall be open only to the students of UG 5th semester & PG 3rd semester.
11. A contesting candidate must submit the nomination paper in the prescribed format issued by Cotton University Students' Union Election Conduct Committee, 2018. A candidate may submit a maximum of 3 (three) copies of duly filled up nomination papers.

V. **Rejection of Nomination paper :**

Nomination papers shall be rejected on the following grounds:

1. Failure on the part of the candidate to submit
 - (i) clearance certificates (for attendance, University fees and Hostel dues (as applicable)) and the necessary mark sheets/grade sheets along with the nomination paper.
 - (ii) clearance certificates (for attendance, University fees and Hostel dues (as applicable)) of the proposer and the supporter along with the nomination paper.
2. Failure on the part of the candidate, the proposer and the supporter to **sign their names in full. Signing in block letters shall also lead to rejection.**
3. Failure to write the name of the office clearly, correctly and in exact form as it appears in section II of this Notification.
4. Making a false declaration in the nomination paper. This shall also lead to the forfeiture of voting right of the candidate in the election.

VI. **Withdrawal of Nomination paper :**

Withdrawal of candidature shall have to be made jointly by the candidate and the proposer in the prescribed format in presence of the Returning Officer, Cotton University Students' Union Election Conduct Committee.

VII. Code of conduct:

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.
2. Criticism of other candidates, when made, shall be confined to their policies and programs, past record and work. Candidates shall be refrain from criticism of any aspects of the private life which is not connected with the public activities of the other candidates, or their supporters based on unverified allegations or distortion.
3. There shall be no appeal on caste or communal feeling for securing votes. Place of worship within or outside the campus shall not be used for election propaganda.
4. All candidates shall be prohibited from indulging in or abetting any activities which are considered to be “ corrupt practices” and offences, such as bringing of voters, intimidation of voters, impersonation of voters, canvassing or the use of propaganda within 100 meters of polling station , holding public meeting during the period of 24 hours ending with the hour fixed for the close of the poll, and providing of transport and conveyance to voters to and from polling station.
5. No candidate shall be permitted to make use of printed posters, printed pamphlets, or any others printed material for the purpose of canvassing . Candidates may only utilize handmade posters procured within the expenditure limit set out in these Rules.
6. Candidates may only utilize handmade posters at certain places in the campus, which shall be notified in advance by the Election Conducting Committee constituted by the University authority.
7. No candidate shall be permitted to carry out processions or hold public meetings, or in any way canvass or distribute propaganda materials outside the University campus.
8. No candidate shall, nor shall his/her supporters, deface or cause any destruction to any property of the University.
9. During the election campaigning 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 University. Further, such procession /public meeting shall not be held without prior written permission of the Registrar of Cotton University. Campaigning inside the class room is strictly prohibited.
10. The use of loudspeakers, vehicles and animals for the purpose of canvassing shall be prohibited.
11. On the day of polling, student organization and candidates shall :
 - i) Co-operate with the officers on election duty to ensure peaceful and orderly polling and provide complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction;
 - ii) Not allowed to serve or distribute any eatables, or other solid and liquid consumable, except water.
12. Except the voters, no person without a valid pass/letter of authority from the Election Conduct Committee of the University shall enter the polling booths.
13. The Election Conduct Committee of the University shall appoint impartial observers to oversee the process of nomination of the candidates and smooth conduct of the election. If the candidates have any specific complain or problem regarding the conduct of the

election, they may bring the same to the notice of the observers and Grievance Redressal Cell of Cotton University (Clause VIII)

14. All candidates shall jointly be responsible for ensuring the cleaning up of the polling area within 48 hours of the conclusion of polling.
15. Any contravention of any of the above recommendations may make the candidate liable to be stripped of his candidature, or his/her elected post, as the case may be. The Election Conduct Committee of the University may also take appropriate disciplinary action against such a violator.

VIII. Power to vote :

- a. All the regular students including the full-time research students of Cotton University will have the power to vote in CUSU election.
- b. Identity Card with photograph attested by the Registrar/ Authorized officers of the University must be shown when the voter comes for casting his/her vote. Or else he/ she will not be allowed to cast his/her vote.

IX. Election related expenditure :

1. The maximum permitted expenditure per candidate shall be Rs. 5000/-
2. Each candidate shall within two weeks of the declaration of the result, submit complete and audited accounts certified by the candidate himself/herself to the Election Conduct Committee of the University. The University shall publish such audited accounts within 2 days of the submission of such accounts, through its official websites.
3. The election of the candidate will be nullified in the event of any non compliance or in the event of any excessive expenditure.
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.

X. Non- compliance/ violation of the Rules :

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 Conduct Committee of the University may also take appropriate disciplinary action against such a violator. In addition to the above, a candidate may also be prosecuted for any violation under provision of the Indian Penal code, 1860 (Section 153 And Chapter IX A "offences Relating to Election") if it is so decided by the Vice Chancellor in connection with the election Committee.

X. Grievance Redressal Mechanism:

1. There shall be a Grievance Redressal Committee to be constituted by the Vice Chancellor of the University with the Director of Students Welfare as the Chairman. . In addition five senior faculty members including at least one lady member, and two final year students one boy and one girl (till the election results are declared, students can be nominated on the

basis of merit and/ or participation in the co-curricular activities in the previous year). The Grievance Redressal Committee Cell shall be mandated with the redressal of election related grievance, including, but not limited to breaches of the code of conduct of elections and complaints relating to election related expenditures. This cell would be a regular unit of the University.

2. In pursuit of its duties, the Grievance Redressal Committee may advise the Vice Chancellor of the University to lodge FIR before the police authority, prosecute violators of any aspect of the code of conduct or the ruling of the Grievance cell.
3. In carrying out the duties of the office, the Grievance cell shall conduct proceedings and hearing necessary to fulfill those duties. In executing those duties they shall have the authority :
 - i. to issue notice to compel candidates, agents, and workers, and 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.
4. Members of Grievance Redressal Cell are prohibited from filing complaint. 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 and signature of the student filing the complaint. The grievance Cell shall without the least possible delay, act on all complaints but not later than 24 (twenty four) hours from the date of receipt of the complaint by either dismissing them or calling a hearing.
5. The Grievance Cell may dismiss a complaint if :
 - i. the complaint has not been filed within the time frame prescribed in these rules.
 - ii. the complaints fail to state a cause of action for which relief may be granted.
 - iii. the complaint has not and/or not likely to suffer injury or damage by the dismissal.
6. If a complaint is not dismissed, then a hearing shall be held. The Grievance Cell shall inform, in writing or via e-mail, the complaining party and 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. 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.
8. At the time notice of hearing is issued, the Grievance Cell by majority opinion, may issue a temporary restraining order, if it satisfied 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 final decision of the Grievance Cell is announced after the hearing or until rescinded by the Grievance Cell
9. All Grievance Cell hearings, proceedings and meetings shall be open to the students, employees and teachers of the University.
10. All parties of the Grievance Cell hearing shall present themselves at the hearing and may be accompanied by any other student from which they can receive counsel; and have the option to be represented by that accompanying student.

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 a Grievance Cell member designated by the Chair.
12. The Grievance Cell shall determine the modalities of the hearing , but in any event, shall require that both the complaining and responding parties appear physically before the Grievance Cell and also of the written objections and rejoinder formats. To effectuate the resolution of dispute/ grievance, the following rules shall prevail at all hearings :
 - i) Complaining parties shall be allowed not more than two witnesses, however, the Grievance Cell may call witnesses as required. If the said witnesses are unable to appear at the hearing, signed affidavits may be submitted to the Grievance Cell for the purpose of testimony.
 - ii) All questions and discussions by the parties in dispute shall be directed to the Grievance Cell.
 - iii) There shall be no direct cross – examination of any party or witness by complaining or responding parties during the hearings.
 - iv) Responsible time limit 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.
 - vi) Decision, orders and ruling of the Grievance Cell must be concurred to by a majority of the members of the Grievance Cell and the same shall be announced as soon as possible after the hearing . The Grievance Cell shall record its findings 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.
 - vii) The Grievance Cell shall select the remedy most appropriate to both the type and severity of the infracting, as the intent of the violator as determined by the Grievance Cell. Such remedies shall include, but are not limited to fines, suspension of campaigning privileges and disqualification from the election, recommended to the Vice Chancellor of the University for lodging FIR before police authority.
 - 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 these rules have been violated by a candidate, or candidate's agent or workers, the Grievance Cell may restrict the candidate , or the candidate's agents or workers, from engaging in same 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 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 these Rules or decisions, opinions orders or ruling 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 and disqualify him from holding office any further.



- xi) Any party adversely affected by a decision of the Grievance Cell may file an appeal with the institutional head/ Vice Chancellor within twenty four (24) hours after the adverse decision is announced. The institutional head/Vice Chancellor shall have discretionary appellate jurisdiction over the Grievance Cell in all cases in which error on the part of the Grievance Cell is alleged.
- 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/ Vice Chancellor.
- xiii) The Vice Chancellor of the University shall hear appeals against the rulings/decisions / order of the Grievance Cell as soon as possible, but not within twenty four (24) hours after the Grievance Cell delivers to the appellant and the Vice Chancellor the copies of its rulings / decisions / orders in the case. The Vice Chancellor shall be entitled to issue suitable orders to suspend or halt the operation of the ruling/decision/order appealed against, until the appeal is finally heard and disposed off. Appeal may be heard prior to this time, but only if the Appellant waives the right to a written opinion and the Vice Chancellor agrees to accept the waiver.
- xiv) It shall be within the power and jurisdiction of the Vice Chancellor to affirm or overturn the ruling/ decision /order of the Grievance Cell or modify the same.

xv) Maintenance of Law and Order:

Any instance of acute lawlessness or the commission of a criminal offence shall be reported either to the Discipline Maintenance and Vigilance Committee of Cotton University or to the local police by the Vice Chancellor of the University as soon as possible, but not later than 12 hours after the alleged commission of the offence.

XII. Removal of difficulties:

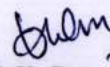
The Vice Chancellor shall issue necessary instructions/ guidelines in consonance with these rules for removal of all the difficulties in the matter of holding elections and matters connected to and ancillary thereto and for smooth conduct of elections and for effective implementation of the directions of the Hon'ble Supreme Court of India and shall also be entitled to effete any amendment to these Rules.

XIII. Assumption of office and handling over charges:

1. The Registrar, Cotton University will notify for the assumption of office of the newly elected office bearers of CUSU.
2. Any final year students of HS, UG 5th semester, PG 3rd semester and One Year Diploma Course, if elected as an office bearer of CUSU, shall have to handover the charge of his/her office to the President of the CUSU on expiry of the date up to which he/she has paid his/her university fees of the session or on the due date of completion of his/her Council/University final examination as a regular student of Cotton University whichever is later.

3. As and when the post of the General Secretary, CUSU falls vacant, the Assistant General Secretary, CUSU will be handed over the charge of the office of the General Secretary, CUSU by the President of CUSU. In the event of the office of the Assistant General Secretary, CUSU also falling vacant, the Editor, Cottonian will act as the General Secretary, CUSU. Further, in case the Editor, Cottonian is also not in a position to assume the charge, the President, CUSU shall appoint any other office bearer of the CUSU as he/she thinks fit to assume the charge of the General Secretary of the CUSU. The handing over the charge of any office bearer to other office bearer shall have to be done by the President, CUSU in consultation with the University authority.
4. In case of all other outgoing office bearers of the CUSU, the President, CUSU shall exercise his/her power to make alternative arrangements to be in force till the next election of the CUSU
5. Notwithstanding the above, all administrative, financial & academic decisions of the CUSU shall be subject to approval of the advisory committee comprising the teachers in charge of various sections and chaired by the concerned authority of Cotton University.

Any interpretations of Cotton University Students' Union Election Rules, 2018 given by the Hon'ble Vice Chancellor, Cotton University shall be final.


Prof. D.K. Das 26/9/18
Registrar,
Cotton University, Guwahati
Date : 26-09-2018

Registrar
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