

## COTTON UNIVERSITY STUDENTS' UNION ELECTION RULES, 2019

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 22<sup>nd</sup> 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 make the following Rules :

### I. Short title, extent and commencement :

1. These Rules may be called the Cotton University Students' Union Election Rules, 2019.
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 17<sup>th</sup> September, 2019. 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, 2019.

### 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 and Hockey Section
- xiii) Secretary, Athletics Section
- xiv) Secretary, Cricket Section
- xv) Secretary, Minor Games Section
- xvi) Secretary, Tennis, 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 will 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 at least 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) and (ii) Post Graduate (MA/MSc/MCA) between the age of 17 to 24 years.
3. 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.
4. 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 Education Council and the University, whichever is higher.
5. During the period of election, no person, who is not a regular student 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/her candidature as the case may be.
6. The elected union body shall only comprise of regular students of Cotton University.
7. The candidate shall not have any previous criminal record and/or he/she should not have been subject to any disciplinary action by the University.
8. The candidate must be a regular full time student of the University and should not be a student of distant/proximate education/Add on course, that is to say, all eligible candidates must be enrolled in a full time course.



9. The students belonging to HS 1<sup>st</sup> year & HS 2<sup>nd</sup> year. UG 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup> semester and PG 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> (MCA) semester shall be eligible for the office bearers of CUSU. Posts of Editor, Cottonian and Secretary, Debating and Symposium Section shall not be open to HS 2<sup>nd</sup> year, UG 5<sup>th</sup> semester, PG 3<sup>rd</sup> and 5<sup>th</sup> (MCA) semester students. The post of the President and Vice President shall be open only to the students of UG 5<sup>th</sup> semester & PG 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> (MCA) semester. Post of Vice President shall be reserved for girl students of the University.

V. **Cotton University Students' Union Election Conduct Committee:**

The Cotton University Students' Union Election shall be conducted by the Cotton University Students' Union Election Conduct Committee duly formed by the University authority for this purpose headed by a senior faculty member as Returning officer. The committee shall conduct election according the Cotton University Students' Union Election rules.

VI. **Submission of the Nomination paper:**

A contesting candidate must submit the nomination paper in the prescribed format issued by Cotton University Students' Union Election Conduct Committee within the stipulated time. A candidate may submit a maximum of 3 (three) sets of duly filled up nomination papers.

VII. **Scrutiny of the Nomination papers :**

The scrutiny of the nomination papers shall be done by a team of faculty members appointed by the University authority and the provisional list of contesting candidates shall be published by the Returning officer on the same day.

VIII. **Rejection of Nomination paper:**

Nomination papers shall be rejected on the following grounds:

1. Failure on the part of the candidate to submit along with the nomination paper-
  - (i) Clearance certificates in origin for attendance and Hostel dues (as applicable).
  - (ii) Self attested photocopy of mark sheets/grade sheets of the candidate.
  - (iii) Self attested Photocopy of the clearance certificates of university fees.
  - (iv) Clearance certificates in origin for attendance and Hostel dues (as applicable) of the proposer and the supporter.
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 election notification.
4. Making a false declaration in the nomination paper shall lead to the forfeiture of voting right of the student in the election.

IX. **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.

X. **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 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 offenses, 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 Cotton University Election Conduct 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 is strictly 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 be 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 rooms.
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 Committee of Cotton University ( Clause XVIII)

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/her candidature, or his/her elected post, as the case may be. The Cotton University Election Conduct Committee of the University may also take appropriate disciplinary action against such a violator.

**XI. Casting of Votes:**

Voting shall be done on the date of the election from 10 am to 2 pm in some venues fixed by the Cotton University Students' Union Election Conduct Committee. A group of faculty members shall act as the presiding officers. After the stipulated time the ballots boxes shall be sealed properly and return the boxes to the returning officer along with the presiding officers' diary and account of ballots. Sealed boxes shall be kept in the police custody till the counting of votes.

**XII. Counting of ballots:**

Counting of ballot papers shall be done on the next working day. University authority shall appoint the required counting officers from the faculty members of the university. Counting agents (one for each candidate) duly appointed by the Cotton University Students' Union Election Conduct Committee can witness the counting procedure.

**XIII. Declaration of result:**

After the counting is over, returning officer shall handover the result to the Registrar, Cotton University and the final result shall be notified by the Registrar, Cotton University.

**XIV. Recounting of ballots:**

Any objection related to the counting of ballots shall have to be raised by the duly appointed counting agents during the counting process. For recounting the candidate shall submit application in support of his/her demand to the returning officer before the declaration of the result. Final decision of recounting of votes shall be taken by the Cotton University Students' Union Election Conduct Committee.

**XV. Power to vote:**

- a. All the regular students of Cotton University will have the power to vote in CUSU election.
- b. Research scholars do not have the power to vote.
- c. The Registrar, Cotton University shall upload the provisional voters' list at Cotton University website at an early date before the date of election. The final voters' list will be uploaded before the date of election.
- d. Identity Card with photograph issued by the Registrar/Authorized officers of the University must be produced by the voters before casting vote. Otherwise, he/ she will not be allowed to cast his/her vote.

**XVI. Election Related expenditure :**

1. The maximum permitted expenditure per candidate shall be Rs. 5000/- (Five Thousand Only)
2. Each candidate shall submit complete and audited accounts, certified by the candidate himself/herself to the Election Conduct Committee of the University within 14 days of the declaration of the result. 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.

**XVII. 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 Cotton University Students' Union Election Conduct Committee may also advise the University authority to 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 "offenses Relating to Election") if it is so decided by the Vice Chancellor in consultation with the Election Conduct Committee.

**XVIII. Grievance Redressal Mechanism:**

1. There shall be a Grievance Redressal Cell (GRC) to be constituted by the Vice Chancellor of the University with the Dean, Students Welfare, Cotton University as the Chairman. In addition three senior faculty members including at least one lady member, and two final year students one male and one female ( 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 GRC 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 GRC 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 GRC 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 GRC 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 GRC 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 GRC 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 GRC 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 GRC 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 GRC is announced after the hearing or until rescinded by the GRC.
9. All GRC hearings, proceedings and meetings shall be open to the students, employees and teachers of the University.
10. All parties of the GRC 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 GRC members must be in attendance with the Chair of the GRC presiding . In the absence of the chair, the responsibility to preside shall fall to a GRC member designated by the Chair.
12. The GRC 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 GRC may call witnesses as required. If the said witnesses are unable to appear at the hearing, signed affidavits may be submitted to the GRC for the purpose of testimony.
  - ii) All questions and discussions by the parties in dispute shall be directed to the GRC.
  - 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 GRC 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 GRC must be concurred to by a majority of the members of the GRC and the same shall be announced as soon as possible after the hearing. The GRC shall record its findings within 12 hours of announcement of the decision. The written opinion must set forth the findings of fact by the GRC and the conclusions of law in support of it.

- vii) The GRC 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 GRC. 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 GRC finds that provisions of these rules have been violated by a candidate, or candidate's agent or workers, the GRC 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 GRC finds that provisions of either these Rules or decisions, opinions orders or ruling of the GRC have been willfully and blatantly violated by a candidate, or a candidate's agents or workers, the GRC may disqualify the candidate and disqualify him from holding office any further.
- xi) Any party adversely affected by a decision of the GRC 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 GRC in all cases in which error on the part of the GRC is alleged.
- xii) The decision of the GRC 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 GRC as soon as possible, but not within twenty four (24) hours after the GRC 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.

**XIX. 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.

**XX. Removal of difficulties:**

  
Registrar  
Cotton University  
Panbazar, Guwahati-781001, Assam

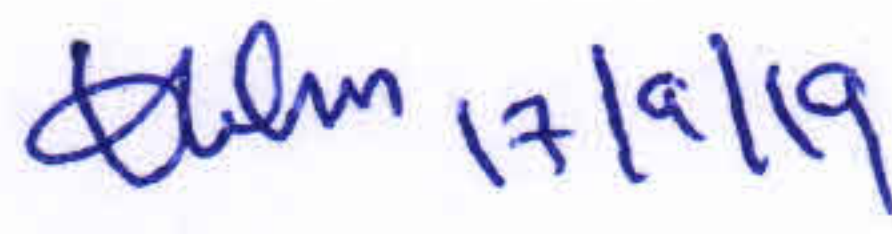


The Vice Chancellor shall issue necessary instructions/guidelines in consonance with these rules for removal of all the difficulties in the matter of holding elections and matters connected to and ancillary thereto and for smooth conduct of elections and for effective implementation of the directions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

**XXI. Assumption of office and handling over charges:**

1. After declaration of the result, the newly elected members of Cotton University Students' Union shall assume the offices after taking oath in presence of the Registrar, Cotton University and the members of the Cotton University Students' Union Election Conduct Committee. 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 5<sup>th</sup> semester, PG 3<sup>rd</sup> and 5<sup>th</sup> (MCA) semester, 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 and in presence of Registrar, CU.
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, 2019 given by the Hon'ble Vice Chancellor, Cotton University shall be the final.**

  
Prof. D.K. Das  
Registrar,  
Cotton University, Guwahati  
Date : 17.09.2019

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