



GUIDANCE DOCUMENT

**Topic : Student Union election Court
Order.**

Archive inward date : 24/12/2021

Archived By : *Amarendramath*

Amarendramath
24/12/2021

Principal
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सर्व शिक्षा अभियान
 भारत सरकार, शिक्षा विभाग
 नवी दिल्ली-110 001
 GOVERNMENT OF INDIA
 MINISTRY OF HUMAN RESOURCE DEVELOPMENT
 DEPARTMENT OF HIGHER EDUCATION
 SECRETARIAT
 NEW DELHI-110 001

Pursuant to an order of the Hon'ble Supreme Court dated 2nd December 2007 in M.A. No. 103 of 2007, Human Resource Development has constituted a Committee headed by Mr. J. Khudoh (former Chief Election Commissioner) to examine and recommend upon certain aspects of student body and student union election conducted in universities, colleges and other institutions of higher education across India. The Committee submitted its report on 26th May 2009. The Hon'ble Supreme Court in its order dated 17th Sept. 2009 directed the recommendations of the Committee to be implemented as enclosed as annex A and shall be followed in all College/University Elections to be held hereinafter.

I would like to request you that necessary steps may be taken for ensuring compliance of Hon'ble Supreme Court's directions. *अनुपमा भट्टनागर*
 With regard,

Yours sincerely,
 (Anupama Bhattnagar)
 Director (HF)

for min on prompt
24/12

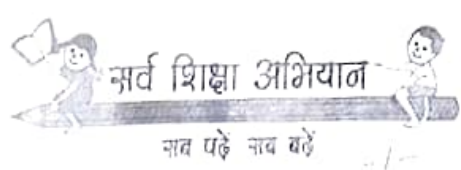
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Dr. I.R.Kem.
 Secretary,
 U.G.C.

JS(L)

JS (off-II)

TS (secretary)



The recommendation of the Committee accepted by the Hon'ble Supreme Court for implementation:

- 6.1.1 **Universities and colleges across the country must ordinarily conduct elections for the appointment of students to student representative bodies. These elections may be conducted in the manner prescribed herein, or in a manner that conforms to the standards prescribed herein.**
- 6.1.2 **Where the atmosphere of the university campus is adverse to the conduct of peaceful, free and fair elections, the university, its constituent colleges and departments must initiate a system of student representation based on nominations, especially where elections are being held at present. It would be advisable, however, not to base such nomination system on purely academic merit, as is being practiced throughout the country.**
- 6.1.3 **In cases where elections are not being held, or where the nomination model prevails, the nomination model should be allowed to continue for a limited period of time. It is to be noted that the nomination system suffers from several flaws, and must only be resorted to as an INTERIM MEASURE.**
- 6.1.4 **Subject to the recommendations in respect of the possible models of elections, all institutions must, over a period of 5 years, convert from the nomination model to a structured election model, that may be based on a system of parliamentary (indirect) elections, or on the presidential (direct) system, or a hybrid of both. It is highly desirable that all institutions follow this mechanism of gradual conversion, especially for privately funded institutions that prefer a status quo situation.**
- 6.1.5 **All institutions must conduct a review of the student representation mechanism. The first review may be conducted after a period of 2 years of the implementation of the mechanism detailed above, and the second review may be conducted after the 3rd or the 4th year of implementation. The primary objective of these reviews will be to ascertain the success of the representation and election mechanism in each individual institution, so as to decide whether or not to implement a full-fledged election structure. Needless to say these reviews will be based on a consideration of the views and suggestions of all stakeholders, such as students, faculty, administration, student bodies, and parents.**

6.1.6 Institutions must, as a primary objective, subject to the pertinent issue of discipline on campus, seek to implement a structured system of student elections by the conclusion of a period of 5 years from the date of the implementation of these recommendations.

6.1.7 Subject to the autonomy of the universities in respect of the choice of the mode of election, all universities must institute an apex student representative body that represents all students, colleges, and departments coming under the particular university. In the event that the university is geographically widespread, individual colleges may constitute their own representative bodies, which would further elect representatives for the apex university body.

6.1.8 The union/representative body so elected shall only comprise of regular students on the rolls of the institution. No faculty member, nor any member of the administration shall be permitted to hold any post on the executive of such representative body, nor shall be allowed to be a member of any such representative body.

6.2 Modes of Elections

6.2.1 A system of direct election of the office bearers of the student body whereby all students of all constituent colleges, as well as all students of the university departments vote directly for the office bearers. This model may be followed in smaller universities with well-defined single campuses (for e.g. JNU/University of Hyderabad), and with a relatively smaller student population. A graphic representation of this model is annexed herewith at Annexure IV-A.

In respect of universities with large, widespread campuses and large student bodies, either of the following models may be adopted:

6.2.2 A system of elections, where colleges and campuses directly elect college and campus office bearers, as well as university representatives. The university representatives form an electoral college, which shall elect the university student union office bearers. A graphic representation of this model is annexed herewith at Annexure IV-B.

6.2.3 A system of elections where on one hand, directly elected class representatives elect the office bearers of the college as well as the university representatives, and the campus itself directly elects the campus office bearers and the university representatives. The university representatives shall form an electoral college, which shall

elect the office bearer of the university student union. A graphic representation of this model is annexed herewith at Annexure IV-C.

6.2.4 A system of election wherein class representatives shall be directly elected in the colleges and universities campus and they in turn shall elect the office bearers for the college unions and the university campus union. Also they shall elect their representatives for university student union. These elected representatives from colleges and university campus shall form the Electoral College, which shall elect the office bearers of the university student union. This model shall be applicable to large university with large number of affiliated colleges. A graphic representation of this model is annexed herewith at Annexure IV-D.

6.3 **Disassociation of Student Elections and Student Representation from Political Parties**

6.3.1 During the period of the elections no person, who is not a student on the rolls of the college/university, shall be permitted to take part in the election process in any capacity. Any person, candidate, or member of the student organisation, violating this rule shall be subject to disciplinary proceedings, in addition to the candidature, as the case may be, being revoked.

6.4 **Frequency and Duration of the Election Process**

6.4.1 It is recommended that the entire process of elections, commencing from the date of filing of nomination papers to the date of declaration of results, including the campaign period, should not exceed 10 days.

6.4.2 It is further recommended that elections be held on a yearly basis and that the same should be held between 6 to 8 weeks from the date of commencement of the academic session.

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 courses often range between 4 to 5 years.

6.5.2 For Post Graduate Students the maximum age limit to legitimately contest and 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, 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. That is to say that all eligible candidates must be enrolled in a full time course, the course duration being at least one year.
- 6.6 Election - Related Expenditure and 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 noncompliance 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

- 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 material 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 day;
 - (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 153A and Chapter IXA – “Offences Relating to Election”), may also be made applicable to student elections.

6.8 Grievance Redressal Mechanism

6.8.1 There should be a Grievances Redressal 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:

- (i) the complaint was not filed within the time frame prescribed in Recommendation 8.4 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.

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