

Government of Orissa
Department of Higher Education

No. IIIHE-Admn.90/06(Pt.) 26807(5)/HE, Dated 5.9.09.

From

Sri M.C. Lenka, OAS-I (SB)
Deputy Secretary to Government

To

The Director, Higher Education/
All Regional Directors of Education, Orissa/
Registrar, OUAT, Bhubaneswar

Sub: Conduct of Election for different offices of the Students' Union and other Student Societies/Association of both Degree and Jr. College for the academic session 2009-10.

Sir,

I am directed to say that the Election of Students' Union and other Student Societies/Associations shall be held in all the Government and Non-Government Aided Colleges of the State as per the following time table without any deviation in order to enforce discipline in Educational institutions for the session 2009-10. The guidelines as per direction of Hon'ble Supreme Court is appended. This may be strictly followed while conducting election.

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| 1. | Notice detailing schedule for election. | : | 12.9.2009 (Saturday) |
| 2. | Filing of Nominations | : | 16.9.2009 (Wednesday)
(9 A.M. to 12 Noon) |
| 3. | Scrutiny of Nominations | | 16.9.09 (Wednesday)
(1 P.M. to 3 P.M) |
| 4. | Publication of Valid Nominations | | 17.9.2009(Thursday)
(11 A.M) |
| 5. | Withdrawal of Nominations | | 17.9.2009 (Thursday)
(2 P.M to 4 P.M) |
| 6. | Publication of final list of contestants | | 17.9.2009 (Thursday)
(5 P.M.) |
| 7. | Meeting on Why I Stand for | | 22.9.2009 (Tuesday) |
| 8. | Polling | | 23.9.2009 (Wednesday)
(8 A.M to 2 P.M) |
| 9. | Counting & Declaration of election results | | 23.9.2009(Wednesday)
(2 P.M to 6 P.M.) |
| 10. | Oath taking ceremony | | 24.9.2009 (Thursday) |

Contd...(2)

The following guidelines shall be strictly followed during the period of Election, right from issue of notice to oath taking ceremony.

- (i) There will be complete disassociation of students election and student representation from political parties.
- (ii) During the period of Election no person, who is not a student on the rolls of the college, shall be permitted to take part in the election process in any capacity.

ELIGIBILITY CRITERIA FOR CANDIDATES

- (i) Undergraduate students between the ages of 17 and 22 and post graduate students with the maximum age limit of 24-25 years may contest elections.
- (ii) The candidate should in no event have any academic arrears in the year of contesting the election.
- (iii) The candidate should have attained the minimum percentage of attendance as prescribed by the University or 75% attendance whichever is higher.
- (iv) 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.
- (v) 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.
- (vi) The candidate must be a regular, full time student of the college and should not be a distance/proximate education student.

ELECTION-RELATED EXPENDITURE AND FINANCIAL ACCOUNTABILITY

- (i) The maximum permitted expenditure per candidate shall be Rs.5,000/-.
- (ii) Each candidate shall, within two weeks of the declaration of the result, submit complete and certified (to be certified by the candidate) accounts to the college authorities. The college shall publish such accounts within 2 days of submission of accounts, through a suitable medium so that any member of the student body may freely examine the same.
- (iii) The election of the candidate will be nullified in the event of any non-compliance or in the event of any excessive expenditure.

- (iv) With the view to prevent the inflow of funds from political parties into the student election process, the candidates are specially barred from utilising funds from any other sources than voluntary contributions from the student body.

Code of conduct for candidates and Elections Administrators

- (i) No candidate shall indulge in, nor shall abet, any activity, which may aggravates existing differences or create mutual hatred or cause tension between different castes and communities, religions or linguistic or between any group(s) of students.
- (ii) Criticism of other candidates, when made, shall be confined to their policies and programmes, 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. Criticism of other candidates or their supporters based on unverified allegations or distortion shall be avoided.
- (iii) 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.
- (iv) 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 station, 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 the polling station.
- (v) 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 are procured within the expenditure limit set out herein above.
- (vi) Candidates may only utilize hand-made posters at certain places in the campus which shall be notified in advance by the election commission.
- (vii) No candidate shall be permitted to carryout processions, or public meetings or in any way canvass or distribute propaganda outside the college campus.
- (viii) No candidate shall, nor shall his/her supporters, deface or cause any destructions to any property of the college campus for any purpose whatsoever, without the prior written

- (ix) permission of the college authorities. All candidates shall be held jointly and severally liable for any destruction/defacing of any college property.
- (x) During the election period the candidates may hold processions and/or public meetings provided that such procession and/or public meeting do not in any manner, disturb the classes and other academic and co-curricular activities of the college. Further, such procession/public meeting may not be held without the prior written permission of the college authority.
- (xi) The use of loudspeakers, vehicles and animals for the purpose of canvassing shall be prohibited.
- (xii) On the day of polling student organization and candidates shall –
 - (a) 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.
 - (b) not serve or distribute any eatables, or other solid and liquid consumables, except water on polling day.
 - (c) not hand out any propaganda on the polling day.
- (xiii) Excepting the voters no one without a valid pass/letters of authority from the election commission or from the college authorities shall enter the polling booths.
- (xiv) The election commission/college 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 complaints or problems regarding the conduct of the elections they may bring the same to the notice of the observer(s). Observers shall also be appointed to oversee the process of nomination of students in institutions that are following the nominations model of student representation.
- (xv) All candidates shall be jointly responsible for ensuring the clearing up of the polling area within 48 hours of the conclusion of polling.

- (xvi) Any contravention of any of the above recommendation may make the candidate liable to be stripped of his candidature, or his elected post, as the case may be. The election commission/college authorities may also take appropriate disciplinary action against such a violator.
- (xvii) In addition to the above mentioned code of conduct certain provisions of the Indian Penal Code 1860 (Section 153-A and Chapter-IX-A “Offences Relating to Election”) may also be applicable to students’ elections.

Grievances Redressal Mechanism

- (i) 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 grievance, 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 institution.
- (ii) 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.
- (iii) 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:
 - a) 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
 - b) to inspect the financial reports of any candidate and make these records available for public scrutiny upon request.

- (iv) 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.
- (v) The Grievance cell may dismiss a complaint if
 - a) the complaint was not filed within the time frame prescribed in Recommendation (iv) above;
 - b) the complaint fails to state a cause of action for which relief may be granted.
 - c) the complaint has not and/or likely will not suffer injury or damage.
- (vi) 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 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.
- (vii) 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.
- (viii) At the time, notice of 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.
- (ix) All Grievance Cell hearing, proceedings, and meetings must be open to the public.
- (x) 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.
- (xi) 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.

- (xii) The Grievance cell 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:
- a) 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 to the Grievance Cell Chair for the purpose of testifying by proxy.
 - b) All questions and discussions by the parties in dispute shall be directed to the Grievance Cell.
 - c) There shall be no direct or cross-examination of any party or witness by complaining or responding parties during hearings.
 - d) Reasonable time limits may be set by the Grievance Cell provided they give fare and equal treatment to both sides.
 - e) The complaining party shall bear the burden of proof.
 - f) 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 ruling, 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.
 - g) If the decision of the Grievance Cell is appealed to the institutional head, the Grievance Cell must immediately submits its ruling to the commission.

- h) The Grievance Cell shall select the remedy or sanction most appropriate to both the type and severity of the infraction, as well as the stand 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.
- i) Any fine or total amount of fines against a candidate in an election cycle may not exceed the spending limit as defined herein above.
- j) If, after a hearing, the Grievance Cell finds that provisions of this Code were violated by a candidate, or a candidate's agent 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 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.
- k) If, after a hearing, the Grievance Cell finds that provisions of either this Code 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.
- l) 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.
- m) The decision of the Grievance Cell shall stand and shall have full effect until the appeal is heard and decided by the institutional head.
- n) 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

- o) 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.
 - p) 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.
 - q) 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.
- (xiii) Maintaining Law and Order on the Campus during the Election Process.
- (xiv) 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 6 hours after the alleged commission of the offence.

Miscellaneous Recommendations

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

Yours faithfully,
Sd/-

Deputy Secretary to Government

BY FAX

Memo No. 26808(3)/H.E.. Date: 5.9.09.

Copy forwarded to the Director, Information and Public Relation Department/ Director, Doordarshan Kendra, Bhubaneswar/Director, All India Radio, Cuttack for information and necessary action.

He is requested to make necessary arrangements for publication of this instruction or Government in daily Newspapers both Oriya and English/Telecast in Television/Broadcast in Radio.

Sd/-

Deputy Secretary to Government

Memo No. 26809 (30)/H.E. Date:5.9.09.

Copy forwarded to all Collectors for information and necessary action.

He is requested to endorse the copy of Government order to all Principals of his/her district for its information.

Sd/-

Deputy Secretary to Government

Memo No. 26810(3)/H.E. Date 5.9.09.

Copy forwarded to Private Secretary to Hon'ble Chief Minister, Orissa/Private Secretary to Minister, Higher Education, Orissa/Private Secretary to Commissioner-cum-Secretary to Government, Higher Education Department for information.

Sd/-

Deputy Secretary to Government

Memo No.26811(34)/H.E.Date 5.9.09.

Copy forwarded to All officers/All Section Officers of Higher Education Department/Chairman, Council of Higher Secondary Education, Orissa, Bhubaneswar for information.

Sd/-

Deputy Secretary to Government

Memo No.26812/H.E. Date 5.9.09.

Copy forwarded to Section-III (twenty copies) for (G.F.).

Sd/-

Deputy Secretary to Government