

TEZPUR UNIVERSITY

ORDINANCE NO. 25

**On constitution and functioning of the Students' Council of Tezpur University
(Under Statute 39 of Second Schedule of the Tezpur University Act)**

(Approved by the Board of Management vide Resolution No.B. 52/2008/1/3.12, dated 13/05/08)
(Amended by the Board of Management vide Resolution No. B.68/2013/1/1.3, dated 23-05-2013)
(Re-amended by the Board of Management vide Resolution No. B.77/2015/3/1.3, dated 28-11-2015)

1.0 There shall be a Students' Council, constituted every year.

2.0 Constitution of the Council

- (i) One President
- (ii) One Vice-President
- (iii) One General Secretary
- (iv) One Assistant General Secretary
- (v) One Indoor games Sports Secretary
- (vi) One Outdoor games Sports Secretary
- (vii) One Cultural Secretary
- (viii) One Literary Secretary
- (ix) One Hobby Club Secretary
- (x) One Social Service Secretary
- (xi) Minimum one representative from each department (every 200 students, one member) : Executive Member

2.1 The President, Vice President and General Secretary be from senior students (Research Scholar, PG and Vth Semester onward UG students)

2.2 The President shall conduct the meeting of the council with due permission of the Dean Students Welfare.

2.3 Students of PG and UG programme in each department together shall elect one representative for every 200 students of the Department to the Students Council.

2.4 The regular, full time, Ph. D. Scholars of each school shall have one elected representative in the council

2.5 In this system of direct election of the office bearers of the students council where all eligible students of the University vote directly for the office bearers. [This mode of election is based on the report of the Committee constituted by the Ministry of Human Resource Development, Government of India as per direction of the Hon'ble Supreme

Court of India to frame Guidelines on students' Election in Colleges/ Universities-Annexure-IV (A)].

3.0 Non Affiliation

- 3.1 Students contending for a position of Executive Members (Department representative) or any office bearer of the Council shall not be on the basis of affiliation to any political party or any other organization.
- 3.2 To ensure strict adherence to the above, no one, who is not a student on the rolls of the university, (except the ones who are on conduct probation) nor an employee of the University assisting in the election process shall be permitted to take part in the election process in any capacity. Candidature of any candidate violating this rule shall be liable to be revoked.

4.0 Schedule of Election and Charge Takeover

- 4.1 The entire process of elections, commencing from the date of filling of nomination papers to the date of declaration of results, including the campaign period, shall not exceed one week.
- 4.2 The date of election shall be indicated in the Academic Calendar of the University.
- 4.3 Regular classes during the election process shall not be allowed to be affected. The candidates shall be allowed to carry out the canvassing only outside the class hours.
- 4.4 The election shall be held by last week of September and the new Council shall take over charge from the 1st October of every year (or next working day, if 1st October is holiday).

5.0 Eligibility Criteria for Candidates

- 5.1 The candidate must be a regular, full time student of the University and should not be one enrolled under distance education mode. That is to say that all eligible candidates must be enrolled in a full time course and the course duration being at least one year.
- 5.2 The candidate shall have an attendance record of at least 75% in the previous and current semester till the date of his/her filling of nomination paper.
- 5.3 The candidate should not have any academic arrears in the year of contesting election.
- 5.4 The candidate shall not have any record of Academic or Conduct probation or any other disciplinary action and/or tried of any criminal offence or misdemeanor.

- 5.5 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 as departmental representative.
- 5.6 The candidate shall not be allowed to contest more than one post either for office bearer or executive member in a one year term of the Students Council.
- 5.7 The upper age limits for contesting the elections for the various levels of programmes shall be as follows.

Programme	Upper Age Limit (Years)
MA / M. Sc. / MBA / Three years PG / M. Tech.	25
Integrated PG	25
Integrated UG	22
B. Tech.	22
Ph. D	28

6.0 Eligibility Criteria for voters

- 6.1. All bonafied full time (not enrolled in distance mode) students enrolled in any academic programme of not less than one year duration shall be eligible for voting.
- 6.2 Display of University Identity card to the Presiding/Polling Officer at the time of casting vote is mandatory.
- 6.3 No student put under conduct probation or any other disciplinary action shall be allowed to exercise his/her vote. The Dean, Students Welfare will intimate the names of such students to the Presiding Officer before polling.

7.0 The Election process

- 7.1 There shall be a Returning Officer appointed by the Dean, Students' Welfare from among the faculty of the University who shall oversee the conduct of the election.
- 7.2 The Returning Officer shall notify calling for filling of nominations along with the schedule of the elections at-least 2 (Two) weeks prior to the date of elections.
- 7.3 The Returning Officer shall form a Core Committee to conduct the election process. There will be five members in the core committee, which will include Registrar or his nominee, and faculty members from all schools. Out of these members, one member must be a lady faculty. This core committee will take necessary steps to conduct smooth and fair election.
- 7.4 The Screening Committee consisting of 4 (Four) faculty members appointed by the Returning Officer shall perform the screening. The list of eligible candidates after screening committee report will be scrutinized by the Returning Officer. The Returning

Officer on approval of the University authority shall notify the list of eligible candidates within two day of deadline of filling of nominations.

- 7.5 The notification date of eligible candidates and the date of election gap will be seven days.
- 7.6 The central election office will be located in the office of the Dean, Students Welfare and the Returning Officer will be the head of the central election office till the election process is over.
- 7.7 The elections shall be through secret ballot either electronically or through printed ballot.
- 7.8 In case of printed ballot or electronic voting machine the voting shall be conducted simultaneously at the individual Schools by the concerned Presiding Officers with the assistance of appropriate number of faculty members.

7.8.1 One Presiding Officer in each School/or group of Schools from among the faculty members of the School on approval of the University authority shall be appointed by the Returning Officer.

7.8.2 The Presiding Officer in each school will appoint appropriate numbers of faculty members as First Polling Officers and appropriate numbers of non-teaching staff (office assistant or technical staff) as Second Polling Officers with intimation to the Returning Officer and the Dean, Students Welfare for smooth running of the election in each school.

7.8.3 There shall be one or more ballot boxes for each polling booth depending upon the student strength of the Department.

7.8.4 A time window of 3 (Three) hours in the forenoon (10 am to 1 pm) shall be allotted for the voting. Non-working or holiday may be assigned as voting day.

7.8.5 The ballot boxes after voting shall be submitted to the Returning officer. The Returning Officer shall keep the boxes in safe custody before counting. The Returning officer will appoint Presiding Officer (Counting) and appropriate numbers of faculty members as Counting Officers. The counting shall be carried out in the afternoon of the same day of voting under the supervision of the Presiding Officer (Counting) and the presence of each candidate's representative.

The results shall be submitted to the Returning Officer who will declare the results thereafter.

7.8.6 The Returning Officer shall submit the list of elected office bearers and Executive Members (Department Representatives) to the Dean, Students Welfare. The Dean, Students Welfare will notify the formation of new Student Council after receiving the approval from the University Authority.

7.9 In case of electronic ballot, the voting shall be conducted over the University Intranet within a time slot of 3 (Three) hours in the afternoon (2 pm to 5 pm).

7.10 In the event of the office of any major post of office bearer falling vacant within two months of elections, re-elections shall be conducted otherwise the council members elect such office bearers from amongst the members of the council.

8.0 Election Related Expenditure and Financial Accountability

8.1 The maximum permitted expenditure per candidate is Rs. 5000/-. University will not bear any kind of expenditure incurred by the candidates for the election process.

8.2 Each candidate shall within one week of declaration of the results, submit complete and audited accounts to the University authorities. Accounts will be audited by the Internal Auditor of the University. The University shall publish such audited accounts within 2 working days of submission through a suitable medium so that any member of the student community may freely examine the same.

8.3 The election of the candidate will be nullified in the event of any noncompliance or in the event of any excessive expenditure.

8.4 The candidates are barred from utilizing funds for the election process from any political party or any other source including voluntary contributions from any student body. If any such case is detected, the candidature may be rejected and the same may be reported to the University authority for further stricter action.

9.0 Code of Conduct for Candidates and Election Administrators

9.1 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.

9.2 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.

9.3 There shall be no appeal to caste or communal feelings for securing votes. Places of worship within or outside the campus shall not be used for election propaganda.

- 9.4 All candidates shall be prohibited from indulging or abetting any activity that is considered to be “corrupt practice” or offence, 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.
- 9.5 Online canvassing in any form is strictly prohibited. However, University may provide some web pages for canvassing.
- 9.6 Canvassing in the Hostel shall be restricted to the premises located outside of the hostel building and shall not be allowed after 9 PM. Door to door or room to room canvassing is prohibited. Prior permission of the Hostel Warden will be necessary for canvassing in the hostel.
- 9.7 No candidate shall be permitted to make use of printed poster, 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.
- 9.8 Candidates may put-up hand-made posters only at designated places in the campus which shall be notified in advance by the Returning Officer.
- 9.9 No candidates shall be permitted to carry out processions or public meetings or in any way canvass or distribute propaganda outside the University campus.
- 9.10 No candidate shall nor shall his /her supporters deface or cause any damage to any property of the University for any purpose. All candidates shall be held jointly and severally liable for any damage / defacing of any University property.
- 9.11 During the election period the candidates may hold meetings, provided that such public meetings do not in any manner disturb the classes and other academic and co curricular activities of the University. Further, such meetings may not be held without the prior written permission of the University authority.
- 9.12 The use of loudspeakers, vehicle and animals for the purpose of canvassing is prohibited.
- 9.13 Dean Students Welfare will notify the date for Open Debate prior to two days before the date of election. All the candidates will participate the Open Debate. Dean Student Welfare will appoint one faculty member as Speaker for the debate. The speaker will coordinate the Open Debate.
- 9.13 On the day of polling the 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

- 9.14 Excepting the voters, no one without a valid pass / letter of authority from the Returning Officer/University authority shall enter the polling booths.
- 9.15 The Returning Officer/University authority shall appoint impartial observers, if required. If the candidates have any specific complaint or problem regarding the conduct of the polls they may bring the same to the notice of the Returning Officers or observers.
- 9.16 Candidates shall be responsible for removing and cleaning the publicity materials used for election process within 12 hours of the conclusion of polling.
- 9.17 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 University authority may also take appropriate disciplinary action against such a violation.
- 9.18 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 IX-A-“Offences Relating to Election”) may also be made applicable to student elections.

10.0 Grievance Redressal Mechanism

- 10.1 There shall be a Grievances Redressal Cell with the Dean, Students’ Welfare 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 Grievances Redressal 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 till the election process is over.
- 10.2 In pursuit of its duties, the Grievances Redressal Cell may prosecute violators of any aspect of the code of conduct or the rulings of the grievances 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.
- 10.3 In carrying out the duties of the office, the Grievances Redressal 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

- 10.4 Members of the Grievances Redressal Cell are prohibited from filing complaints. Any other student may file a complaint with the Grievance cell within a period of one week 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.
- 10.5 The Grievances Redressal Cell may dismiss a complaint if:
- (i) the complaint was not filed within the time frame prescribed in Recommendation 10.4 above;
 - (ii) the complainant 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.
- 10.6 If a complaint is not dismissed, then a hearing shall be held. The Grievances Redressal 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.
- 10.7 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.
- 10.8 At the time notice of a hearing is issued, Grievances Redressal 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 Grievances Redressal Cell is announced after the hearing or until rescinded by the Grievances Redressal Cell.
- 10.9 All Grievances Redressal Cell hearing, proceedings and meeting must be open to the public.
- 10.10 All parties of the Grievances Redressal Cell hearing shall present them 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.
- 10.11 For any hearing, a majority of sitting Grievances Redressal Cell members must be in attendance with the Chair of the Grievances Redressal Cell presiding. In the absence of the Chair, the responsibility to preside shall fall to a Grievance cell member designated by the Chair.
- 10.12 The Grievances Redressal 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 issue 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 Grievances Redressal Cell may call witnesses as required. If said witnesses are unable to appear at the hearing, signed affidavits may be submitted Grievances Redressal Cell Chair for the purpose of testifying by proxy.
- All questions and discussions by the parties in dispute shall be directed to the Grievances Redressal Cell.
- There shall be no direct or cross-examination of any party or witness by complaining or responding parties during hearing.
- Reasonable time limits may be set by the Grievances Redressal Cell provided they give fair and equal treatment to both sides.
- The complaining party shall bear the burden of proof.
- Decision orders and ruling of the Grievances Redressal 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 Grievances Redressal Cell shall issue a written opinion of the ruling within 12 hours of announcement of the decision. The written opinion must set forth the finding of fact by the Grievances Redressal 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 Grievances Redressal Cell rulings and shall guide the Grievances Redressal Cell in its proceedings. Upon consideration of prior written opinions the Grievances Redressal 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 Grievances Redressal Cell must immediately submit its ruling to the commission.
- The Grievances Redressal 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 Grievances Redressal Cell finds that provisions of this Code were violated by a candidate or a candidate's agents or workers, the Grievances Redressal Cell may restrict the candidate or the candidates agents or worker, 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 Grievances Redressal 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 Grievances Redressal Cell may disqualify the candidate.
- Any party adversely affected by a decision of the Grievances Redressal 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 Grievances Redressal Cell in all cases in which error on the part of the Grievances Redressal Cell is charged.
- The decision of the Grievances Redressal 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 Grievances Redressal Cell rulings as soon as possible but not within twenty-four (24) hours after the Grievances Redressal Cell delivers to the Appellant and the institutional head a copy of its written opinion in the case. Appeals 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 Grievances Redressal Cell until the appeals are decided.
- The institutional head shall review findings of the Grievances Redressal Cell when appealed. The institutional head may affirm or overturn the decision of Grievances Redressal Cell or modify the sanctions imposed.

11.0 Maintaining Law and Order on the Campus during the Election Process

- 11.1 Any instance of acute lawlessness or the commission of a criminal offence shall be reported to the police by the University authorities as soon as possible after the alleged commission of the offence.

12. Terms of Office of the members

The term of membership shall be for a period of one year or till the student holds studentship of the University whichever is earlier.

13. Expulsion from the Student Council

A member of TUSC can be removed from office before the expiration of the member's term of office by University Disciplinary Committee/ Special Committee form by the University Authority/ resolution of council, when committee is of opinion that the office bearer(s) found guilty of different actions including followings:

- has persistently refused or neglected to comply with any TUSC regulations.

- has not been attending the TUSC meeting consistently for more than 3 times without any valid reason.
- has willfully acted in a manner prejudicial to the interests of Tezpur University.
- has been subject to disciplinary action that results in probation, suspension or expulsion from Tezpur University.
- has misused his/her position in the Tezpur University or outside the University.

14. Powers and Functions of the Council

- The functions of the Council shall be to make suggestions to the appropriate authorities of the University in regard to the programmes of studies, student's welfare and other matters of importance in regard to the working of the University in general and such suggestions shall be made on the basis of consensus of opinion.
- To organize various activities in the field of Sports, literature and other co-curricular activities for over all personality development of the students.
- To organize Annual Meet in collaboration with Sports Officer and Cultural Officer or the Director of Sports / Physical Education as per University rules.
- To work for the maintenance of discipline and harmony amongst the students of the University.
- To bring up any matter concerning the University by any student including member before the Student's Council, must be intimated to the Dean, Student's Welfare at least one month ahead of the meeting of the Council.
- Each secretary shall, if necessary nominate *Conveners* for different activities. Such *Conveners* may be invited to the meeting of the Council when necessary. The *Conveners* shall not have the voting power.

15. Number of Meeting

- The Students' Council shall meet as many times as is deemed necessary but not less than once in every semester, preferably at the start.
- The date for meeting shall be notified by the General Secretary with due approval from the President.
- An emergency meeting of the Council can be convened with a short notice of 24 hours.

16. Quorum of Meetings

- Two third of the members of the Council shall form quorum for a meeting
- No quorum shall be required for an adjourned meeting

17. Notwithstanding anything in this Ordinance, the Vice-chancellor may direct the President of the Students' Council or the Vice-president in absence of the President may cause to call an emergent meeting of the Council or in absence of the Students' Council, may constitute an ad-hoc Council with the following composition.

- (i) President
- (ii) Vice-president
- (iii) General Secretary
- (iv) One representative member from each programme nominated by the Head of the Department
- (v) One Full Time Research Scholar to be nominated by the Vice-chancellor-member

The President, Vice-president and the General Secretary shall be elected by the department Representative. The Sports Officer and/or Cultural Officer, Deputy/Asstt. Director of Sports, Director of Physical Education and the Dean, Student's Welfare, Controller of Examination will be permanent invites for the meetings of the Council.
