



Mahatma Gandhi University

Priyadarsini Hills P.O., Kottayam, Kerala - 686 560

(Established by Kerala State Legislature by Notification No. 3431/Leg. C1/85/Law, dated 17th April 1985)

No. 3270/3/2022/Elen

Dated: 07.11.2022

From

The Registrar

To

The Principals of all Affiliated Colleges

Sir/Madam,

Sub:- Conduct of Election to College Union 2022 -23 - Intimation to College Principals-reg.

Ref:- 01. Orders passed by the Hon'ble Supreme Court in SLP No. 24295/2004

02. University Order No. 1738/AC L/2022/MGU dated 19.02.2022

03. University Order No.1940/ACL/2022/MGU.Dtd.23/02/2022.

04. Election Notification No: 3270/3/2022/Elen dated 08.11.2022

The University has decided to conduct the elections to the College Unions of all its affiliated colleges on 29-11-2022 as per the schedule given below. The Elections may be conducted either in Presidential Mode or in Parliamentary Mode as envisaged in the recommendations contained in the J.M. Lyngdoh Committee Report, accepted by the Honourable Supreme Court.

SCHEDULE OF ELECTION TO THE COLLEGE UNION (2022 - 23)

PRESIDENTIAL MODE

Sl.No.	Programme	Date & Time
1	Date of Notification	08.11.2022
2	Date of Publication of Preliminary Electoral Roll	09.11.2022
3	Last date and hour for filing complaints regarding the Preliminary Electoral Roll	14.11.2022, up to 02.00 p.m
4	Publication of the Final Electoral Roll	14.11.2022
5	Last Date and Hour for receipt of Nomination	17.11.2022, up to 02.00 pm
6	Scrutiny of Nomination	17.11.2022, 02.05 pm on wards
7	Publication of the list of valid Nominations	17.11.2022
8	Last date and time for withdrawal of Nominations	18.11.2022, up to 11.00 am
9	Publication of the final list of valid Nominations	18.11.2022
10	Polling	29.11.2022, 10.00 am to 01.00 pm
11	Scrutiny & Counting of Votes	29.11.2022, 02.00 pm on wards



PARLIAMENTARY MODE

SI.No.	Programme	Date & Time
Stage I. Election of class representatives		
1	Date of Notification	08.11.2022
2	Date of Publication of class-wise Preliminary Electoral Roll	09.11.2022
3	Last date and hour for filing complaints on the class-wise Preliminary Electoral Roll	14.11.2022, up to 02.00 pm
4	Publication of the class wise Final Electoral Roll	14.11.2022
5	Last Date and Hour for receipt of Nomination for election of class representatives	17.11.2022, up to 02.00 pm
6	Scrutiny of Nominations filed for election of class representatives	17.11.2022, 02.05 pm on wards
7	Publication of the list of valid Nominations for election of class representatives	17.11.2022
8	Last date and time for Withdrawal of Nominations	18.11.2022, up to 11.00 am
9	Publication of the final list of valid Nominations for election of class representatives	18.11.2022
10	Date & Time of Polling of votes for class wise election	29.11.2022, 09.30 am to 11.15 am
11	Scrutiny & Counting of Votes of class wise election	29.11.2022, from 11.30 am onwards
Stage II. Election of Office Bearers		
12	Publication of electoral roll for election of Office Bearers (ie the list of elected class representatives)	29.11.2022, 01.00 pm
13	Time for filing nominations	29.11.2022, 01.30 pm to 02.00 pm
14	Scrutiny of nominations for office bearers	29.11.2022, 02.05 pm onwards
15	Publishing of list of valid nominations	29.11.2022, 02.20 pm
16	Withdrawal of candidature	29.11.2022, 02.20 pm to 02.30 pm
17	Publishing of final list of contesting candidates	29.11.2022, 02.45 pm
18	Polling of votes	29.11.2022, 03.20 pm to 04.00 pm
19	Scrutiny & counting of votes and declaration of results	29.11.2022, 04.10 pm

I request you to conduct the election to the College Union of your college as per the above schedule in accordance with the "*Regulations for the Constitution of Students Union of Affiliated Colleges/University Teaching Departments/Centres and Constitution of University Students Union and Conducting of Elections to those Bodies*", which is uploaded in university website. The 'Regulations' have been formulated by the University, in compliance with the orders passed by the Honorable Supreme Court of India approving the recommendations of the J.M Lyngdoh Committee. The directives of the Supreme Court in SLP No. 24295/2004, also appended herewith, shall be supplementary to the 'Regulations'. Wherever there is inconsistency between the directives of the Honourable Supreme Court and the clauses contained in the 'Regulations', the directives of the Supreme Court shall prevail.

The Election Notification, containing the schedule, nomination and ballot paper formats as well as the format for furnishing details of University Union Councillors, has also been appended. The schedule fixed shall be followed strictly. Copies of the order appointing Returning Officers, list of candidates validly nominated and the result of election shall be e-mailed to the University (**mail-id: election@mgu.ac.in**), positively then and there.

There will not be any University examinations or other academic programmes on the date of poll; neither shall the colleges schedule any internal examinations on that date. Intimation shall be given to the Superintendent of Police of the District and also to the SHO of Police of your area about the election.

Details of the University Union Councillors in the prescribed format affixing two photographs duly attested by the principal concerned, shall be delivered (in hard copy) to the Election Section of the University for ensuring their membership in the General Council, along with a copy of the college ID card duly attested by the Principal on or before 21.12. 2022.

Yours faithfully
Dr.Prakash Kumar B.
Registrar

Encl:

Documents referred to as (01) & (4) above.

മഹാത്മാഗാന്ധി സർവ്വകലാശാല, കേരളം

Supplementary Exam taken by him, that paper need not be considered as an arrear. A certificate of having no exam arrears is incorporated in the nomination paper, which should be signed by the candidate and attested by the Head of the Department concerned. However, if challenged with enough proof, the Returning Officer shall verify the details with Examination wing of the University.

- e. For deciding the eligibility of a candidate as per clause 6.5.7 of the recommendations of the J.M. Lyngdoh committee, it is clarified that a candidate becomes ineligible to contest the election only if he is convicted of any criminal offence or misdemeanour by any Court of Justice, that is, if a particular case is under trial, the same alone would not make the candidate ineligible. If he/she is otherwise eligible as far as the disciplinary action by the University authorities is concerned, the same principle is to be followed. That is, a candidate can be considered ineligible, only after the passing of the judgment/order imposing such punishment/disciplinary action.
- f. At the time of the Scrutiny of Nominations, the burden of producing enough evidence, for a challenge regarding the credentials submitted/declarations made by a Candidate, lies exclusively on the person raising such a challenge. Any such challenge/complaint, lacking enough proof, can be rejected by the Returning Officer.

Conduct of Election and Constitution of College Union shall strictly be in compliance with the Regulations in this regard, formed by the University, in tune with the orders of the Hon'ble Supreme Court approving the recommendations of the Lyngdoh Committee.

The Honourable Supreme Court of India have perused the Report of the Committee, headed by Mr. J. M. Lyngdoh, former Chief Election Commissioner, constituted by the Ministry of Human Resource Development, Government of India for making recommendations and suggestions relating to the Students' Union Elections in terms of the order of the Supreme Court dated 12.12.2005. The Supreme Court have accepted the recommendations as an interim measure and directed to implement the recommendations subject to such modifications indicated therein. The recommendations have been incorporated as a part of the order. The Supreme Court have also made it clear that the recommendations made, which the court have accepted to be adopted as an interim measure, shall be followed in all College/University Elections, to be held hereinafter, until further orders. The full text of the verdict of the Supreme Court is reproduced hereunder and forms part of this election notification. All the recommendations made by the committee and accepted by the Supreme Court are applicable to this election. The directives of the Supreme Court shall be supplementary to the clauses contained in the **Regulations for The Constitution of Students Union of Affiliated Colleges /University Teaching Departments/Centres And Constitution of University Students Union and Conducting of Elections to Those Bodies** formed by the University and the same shall supersede any of the clauses that are inconsistent with it.

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 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 college and campus office bearers, as well as university representatives. The university representative 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 representative 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 representative 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 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 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 misdemeanour. 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 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 non-compliance 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.

6.7.15 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 153-A and Chapter IX-A - "Offences Relating to Election"), may also be made applicable to student elections.

6.8 Grievances 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 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 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 hearing 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:

- (iii) the complaint was not filed within the time frame prescribed in Recommendation 8.4 above;
- (iv) the complaint fails to state a cause of action for which relief may be granted.
- (v) 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 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 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 hearing, 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 absence of the Chair, the responsibility to preside shall fall to an Grievance Cell member designated by the Chair.

6.8.12 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:

- * 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.
- * All questions and discussions by the parties in dispute shall be directed to the Grievance Cell.
- * There shall be no direct or cross-examination of any party or witness by complaining or responding parties during hearings.
- * Reasonable time limits may be set by the Grievance Cell provided they give fair and equal treatment to both sides.
- * The complaining party shall bear the burden of proof.
- * 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.
- * If the decision of the Grievance Cell is appealed to the institutional head, the Grievance Cell must immediately submits its ruling to the commission.
- * 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.
- * Any fine or total amount of fines against a candidate in an election cycle may not exceed the spending limit as defined herein above.

Sl.No.

Sl. No.

Signature of the RO/ARO:

Election to College/ Department Students' Union

Election to College/Department Students' Union

Counter foil of Ballot Paper

Name of the Post:

Name of the Post:

Number of Seats:

No. of Seats:

BALLOT PAPER

Name of the elector:

(Vote by placing the mark 'X' against the name of the candidate for whom you vote)

Class:

Electoral Roll No:

Electoral Roll Number

Name, Class and subject of the Candidate

Space for marking vote

Date of Poll:.....

Electoral Roll Number	Name, Class and subject of the Candidate	Space for marking vote

Appendix 2

