

**STATUTES OF RANCHI UNIVERSITY STUDENTS' UNION
(AMENDMENTS)**

The Hon'ble Supreme Court of India vide its interim judgment and order dated 22.9.2006 on the Special Leave to Appeal (Civil) No(s).24295/2004 (UNIVERSITY OF KERALA VERSUS COUNCIL, PRINCIPALS, COLLEGES, KERALA AND ORS.) on the recommendations of the committee headed by Mr. J.M. Lyngdoh given the specific directions to the respective States and Union Territories to ensure the compliance of the courts order.

The judgment clearly directs in respect of the Universities with large widespread campuses in its paragraph 6.2.2 of the mode of elections which read as under :-

"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." Ranchi University has to follow this model as per the judgment. The above judgment of the Hon'ble Supreme Court appears to be binding to the present university and non compliance of the same may amount to contempt of court and other serious consequences. Hence, there is no option now.

1. Deletion of the word "Direct" in the title of the Statutes which is now read as under Draft "Statutes For Election of Ranchi University Students' Union".
2. Insertion of Clause (iii) in Section 1 of the Statutes, namely- "(iii) Election process be completed latest by the end of September every year" shall be *inserted*.
3. Amendment in section 7 of the Statutes the following clause shall be *inserted* namely - "(iii) Every student registered for Ph.D. and actively engaged in research shall be a member of the Students' Union."
4. Amendment in Chapter III section 9 of the Statutes the following sub section shall be *inserted* namely - "9 A Eligibility Criteria for Candidates". And the following clause (i to vi) shall also be *inserted* in the sub section 9 A.
 - (i) Under graduate students between the ages of 17 and 22 may contest elections
 - (ii) For Professional courses and Colleges the maximum age limit would be 21-24, 17-23 for engineering and 17-24 for medical colleges.
 - (iii) For Post Graduate Students the maximum age limit to legitimately contest election would be 24-25 years.
 - (iv) For research students the maximum age limit to legitimately contest an election would be 28 years.
 - (v) The date of birth be counted on the first day of nomination.
 - (vi) The candidate must be a regular full time student of the College/University. The course duration being at least one year.
5. Substitution in Section 9 of the Statutes-The word "B" after Section 9 in heading disability/disqualification for student members as candidate for election shall be *substituted*.
6. Substitution of the numeral in clause (iii) of sub section 9B, namely - the numeral "28" shall be *substituted*.
7. Substitution in section 9 B of the statutes - clause (ix) of the sub-section 9B namely- "the candidate should in no event have any academic arrears in the year of contesting the election.
8. Substitution in section 9 of the statutes, the sub section 9 B- clause (x) shall be *substituted* namely - "the candidate should have attend the minimum percentage of attendance as prescribed by the University or 75% attendance, whichever is higher".
9. Substitution in section 9 of the statutes, the Sub section 9 C and clause (i to iii) shall be *substituted*, namely- "(i) Dissociation of Student Elections and Student Representation from Political Parties." And

"(ii) 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."

"(iii) Any person, candidate, or member of the student organization, violating this rule shall be subject to disciplinary proceedings, in addition to the candidature as the case may be, being revoked.

10. Amendment in Chapter III section 9 of the Statutes the following sub section shall be *inserted* namely – "9 D Students who are not eligible to vote" and the following clause (1-ii) shall also be *inserted* in the sub section 9 D.

"(i) Final year sent up under graduate and post graduate students (General, Professional and vocational courses) are not eligible to vote".

"(ii) Part time Internal candidate and part time external candidate registered for Ph.D. are not eligible to vote."

11. Insertion Substitution of the section 9.1 to the section 9 of the statutes shall be *inserted* namely –

"election related expenditure and financial accountability" shall be *inserted* and the sub clause (i-iv) of the section 9.1 shall be *inserted* namely –

" (i) The maximum permitted expenditure per candidate shall be Rs. 5,000/- (Rs. Five thousand only).

"(ii) Each candidate shall, within two weeks of the declaration of the result submit complete and audited account to the College/University authorities. The college/University shall publish such published accounts within two days of the submission of such 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 of any event any excessive expenditure.

"(iv) With the view to prevent the in flow of funds from political parties in to the student election process, the candidates are specially barred from utilizing funds from any other sources then violently contributions from the student body.

12. Substitution of word "By indirect election" in place of "By direct election in section 10 clause (i) (c) shall be *substituted*.

13. Substitution of word "College and P.G." in between the word the and union in section 10 (ii), namely –

All the office bearers of the "College and P.G." unions shall be *substituted*.

14. Insertion of clause iv in section 10 of the statutes namely –

"The office bearers of the university students union will be elected indirectly by the electoral college formed."

15. Deletion of the contents of Section 21 and insertion of new contents in section 21, shall be *inserted* , namely –

"21. Grievances Redressal Mechanism:

21.1 There should be a Grievances Redressal Cell with the Dean, Student Welfare as its chairman. In addition, one senior faculty member, one senior administrative officer and two final year students – one boy and one girl all nominated by the Vice-Chancellor (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.

21.2 In pursuit of its duties, the grievance cell may prosecute violators of any aspect of the code of conduct or the ruling of the grievance cell. The grievance cell shall serve as the court of original jurisdiction. The Vice-Chancellor 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 Vice-Chancellor may revoke or modify the sanctions imposed by the grievance cell.

21.3 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.

21.4 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.

21.5 The Grievance cell may dismiss a complaint if:

- (iii) The complaint was not filed within the time frame prescribed in section 23.4 above;
- (iv) The complaint fails to state a cause of action for which relief may be granted.
- (v) The complaint has not and/ or likely will not suffer injury or damage.

21.6 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 of 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.

21.7 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.

21.8 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.

21.9 All Grievance Cell hearing, proceedings, and meetings must be open to the public.

21.10 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 the counsel.

21.11 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.

21.12 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 and election dispute. To effectuate this purpose, the following rules should prevail at all hearings:

- (i) Complaining parties shall be allowed no more than two witnesses, however, the Grievance cell may call witness, 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.
- (ii) All questions and discussions by the parties in dispute shall be directed to the Grievance cell.
- (iii) There shall be no direct or cross-examination of any party or witness by complaining or responding parties during hearings.
- (iv) Reasonable time limits may be set by the Grievance cell provided they give fair and equal treatment to both sides.
- (v) The complaining party shall bear the burden of proof.
- (vi) 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.

- (vii) If the decision of the Grievance cell is appealed to the institutional head i.e. The Vice-Chancellor the Grievance cell must immediately submit its ruling to the commission.
- (viii) 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.
- (ix) Any fine or total amount of fines against a candidate in an election cycle may not exceed the spending limit as defined herein above.
- (x) 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 candidate's 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.
- (xi) If, after a hearing, the Grievance cell finds that provisions of either this code of 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.
- (xii) Any party adversely affected by a decision of the Grievance cell may file an appeal with the institutional head i.e. the Vice-Chancellor within twenty four (24) hours after the adverse decision is announced. The Vice-Chancellor shall have discretionary appellate jurisdiction over the Grievance cell. All cases in which error on the part of the Grievance cell is charged.
- (xiii) The decision of the Grievance cell shall stand and shall have full effect until the appeal is heard and decided by the Vice-Chancellor.
- (xiv) The Vice-Chancellor shall hear appeals of Grievance cell rulings as soon as possible, but not within twenty (24) hours after the Grievance cell delivers to the appellant and the Vice-Chancellor 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.
- (xv) The Vice-Chancellor can issue suitable orders to suspend or halt the operation of the ruling issued by the Grievance cell until the appeals are decided.
- (xvi) The Vice-Chancellor 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."

16. Substitution of the numeral "22" as section to the heading code of conduct shall be *substituted*.

17. Insertion of clause (10) to (16) to the section 22 shall be *inserted*, namely -
"(10) all candidate 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 pole and the transport and conveyance of voters to and from polling station.

"(11) Candidate may utilize hand made posters only and pasted as per direction in clause (9)".

"(12) No candidate shall, nor shall his/her, 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 or any University/College property".

"(13) The election commission/College/University authorities shall appoint impartial observers: Government servant's 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".

"(14) All candidates shall be jointly 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 mentioned code of conduct it may make the candidates 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.

"(16) In addition to the above-mentioned code of conduct, that certain provisions of the Indian panel code, 1860 (section 153-A and chapter IX - "offences relating to Election :) applicable to student elections.

18. Insertion of section 23 to 26 after section 22, shall be *inserted*, namely -

"23. Maintaining Law and order on the campus during the Election Process

23.1 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."

24. "The University should organize leadership training programme with the help of the professional organizations so as to groom and instill in students leaderships qualities".

25. "In the event of the office of any major post of office bearers falling vacant within 2 months of elections, the Vice president may be promoted to the post of president and Joint Secretary to the post of secretary as the case may be".

26. "As per direction of the Hon'ble Supreme Court of India the responsibility to ensure protection to the college and University administration the direction has been give to the superintendent of Police and In-charge of the Area to provide enough police protection and shall ensure that no untoward incident takes place by providing adequate number of police personnel to be posted near the place of elections".

19. The last two pages of the statutes are named as Appendix "A", "B", & "C" and are placed after section 26 of the "Statutes of Election of Ranchi University Students' Union".

अनुमोदित
ह०
कुलपति
राँची विश्वविद्यालय, राँची

इ०
कुलसचिव
राँची विश्वविद्यालय, राँची