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## **Ordinances for D. A. V. College Muzaffarnagar Students' Union**

### **1.0 Definition of Student**

A regular full time student of the College, enrolled in a full time course of at least one year duration (see point 13.8).

### **2.0 Name and Objectives**

2.1 The Union shall be called the D. A. V. College Muzaffarnagar Students' Union.

2.2 The objectives of the Union shall be:

- (a) To promote corporate, social and intellectual life of the students,
- (b) To inculcate democratic traditions among students, and
- (c) To promote and protect the interests of the student community.

2.3 The above mentioned objectives shall be secured by:

- (a) Holding debates, and discussions on social and academic problems; organizing lectures on topics of general interest; arranging exhibitions and holding social gatherings,
- (b) Initiating and organizing self-help and social service activities, and
- (c) Representing issues related to the welfare and interest of students to College authorities.

### **3.0 Membership**

**3.1** (a) All bonafide students enrolled in the current academic session in the full time courses being run in the college under UGC 2 (f) and 12(b) are eligible to vote and contest in the elections provided they have paid prescribed membership fee, tuition fees & other dues that are due to them upto the end of the current session (30<sup>th</sup> June) and possess a valid Identity Card.

(b) Students belonging to other Courses are not eligible to participate in the elections, and will not be permitted to either contest or vote in the elections.

(c) B. Ed. students admitted in the current academic session only will be considered as members of the Union; students admitted in the previous academic sessions, if any, will not be treated as members of the Union.

(d) The Students of part time courses, if any, shall not be considered as member of the union.

(e) No student of D.Litt. & D.Sc. and those who have submitted their Ph. D. theses shall be considered as member of the Union.

**3.2** The members of the Union shall constitute the General Body of the Union. The General body shall be the Supreme body of the Union.

### **4.0 Office Bearers of Students' Union**

**4.1** (i) The following shall be the Office Bearers of the Union.

- (a) The President -One
- (b) The Vice-President -One
- (c) The General Secretary -One



- (d) The Joint Secretary -One and  
(e) The Treasurer -One  
(ii) All office bearers shall be elected directly by the members of the Union.

**4.2 Patron:** (a) The Principal of the College shall be the Patron of the Union.  
(b) The Patron shall have power to see that no section of the Union interferes with the maintenance of discipline in the College and his decision in this connection shall be final. The Patron shall have the power to call for report from any other office bearer of the Union. The proceedings of the Union shall regularly be sent to the Patron as soon as possible. In any case of interpretation of these rules, the decision of the Patron shall be final.  
(c) He may preside at the meeting of the General Body on special occasions at the request of the Union.

**4.3 President:** (a) The President shall be the Executive Head of the Union and shall preside over all the meetings of the Union except those otherwise specified in this constitution. At a meeting at which lectures are delivered, he/she may request a member of the teaching staff to preside. He shall decide points of order raised at the meetings and his decision thereon shall be final;  
(b) Prepare the annual report of the Union;  
(c) May spend a sum not exceeding Rs. 200/- in any month in case of emergency and submit account of the money so spent to the union at its next meeting for approval; and  
(d) May call a meeting of the General body, in case of emergency.

**4.4 Vice-President:** (a) In the absence of the President, the Vice-President shall preside over the meetings and carry out the duties of the President.  
(b) Further, carryout the works of the Union assigned by the President.

**4.5 General Secretary:** (a) The General Secretary shall call and attend meetings of the General Body in consultation with the president. He/she shall keep the minutes of such meeting and present them for confirmation at the next meeting of a similar kind;  
(b) Sign on behalf of the Union all documents except drafts/cheques issued by the Treasurer;  
(c) Conduct the correspondence of the Union and give information concerning meetings to the members of the Union;  
(d) Keep all the records of the Union, other than those kept by the Treasurer;  
(e) Keep detailed accounts of the funds;  
(f) Supervise work of the office;  
(g) Arrange for purchase of requisite items for the Union;  
(h) He/she is empowered to spend a sum not exceeding Rs. 150/- in any month in case of emergency and shall submit account of the money so spent to the union for approval at its next meeting; and  
(i) Keep the President informed of all matters.

**4.6 Joint Secretary:** (a) The Joint Secretary shall look after the sports activities in the campus, and ensures that the funds are spent properly;  
(b) Assist in organizing cultural activities in the College campus; and  
(c) Can interact with the librarian of the College library and suggest for new books, magazines and news papers.



- 4.7 Treasurer:** (a) Prepare the budget of the Union and place it before the general body; (b) Ensures that the funds are spent properly according to the budget and in accordance with the resolutions passed by the General Body; countersign all indents for articles costing Rs 100/- or more; make necessary disbursements directly to the supplier after the articles mentioned in the bill have been duly received; (c) Draw and sign cheques drawn on the Union's accounts; and (d) Prepare the annual balance sheet and hand over the same to the President.

## **5.0 General Body**

5.1 Meetings of the General Body of the Union shall be held for the following purposes:

- (a) in the general interest of the students;
- (b) for debates, and lectures.

The General Secretary shall call these meetings in consultation with or on the direction of the Patron, the President, or at the requisition of 200 members of the Union.

5.2 Private business meetings shall deal with the affairs of the Union. There shall be at least one private business meeting for each term. Five hundred (500) members shall form the quorum of such meeting.

5.3 Ordinary debate meetings will be held every fortnight as far as possible.

5.4 At meetings for debates and lectures, non-members may be allowed to be present.

5.5 No quorum is required in:

- (a) Debate meetings,
- (b) Meetings for lectures, and
- (c) Adjourned meetings for want of quorum.

5.6 Emergency Meeting: An emergency meeting of the General Body may be called at the direction of the Patron or the President. At least 6 days notice for General Body meeting shall be given.

## **6.0 Union Funds and Property**

6.1 The Union premises will be at the disposal of the Office Bearers of the Union for the purpose of the Union as defined in this ordinance and shall not be used for any other purpose.

6.2 One or more auditors may be nominated annually by the Patron to audit the accounts.

6.3 The following registers shall be maintained:

- (a) a register of members,
- (b) books of the minutes of the meetings of the general body,
- (c) a stock-book of the Union's movable property,
- (d) a cash-book,
- (e) a register of purchase,
- (f) a ledger of receipts and expenditure, and
- (g) any other book or register prescribed by the union.

## **7.0 Removal of Office Bearers and the Right to Recall**

7.1 A motion of no confidence for the violation of constitutional provisions, neglect of duties or for unbecoming conduct may be moved and passed against the office-bearers of the Union.

7.2 The following procedure shall be followed-



(a) Motion of 'No Confidence' against the office-bearers of the Union individually or collectively, shall be moved in the General Body. The motion should be passed in the General Body by 2/3 majority of the members present in the General Body.

(b) The motion passed by the union shall be ratified by majority of the members in the General Body. One fourth of the members shall form the quorum for such a meeting of General Body.

7.3 Fresh election will take place within 15 days of passing of the motion of 'No-Confidence'.

### **8.0 Changes in the Constitution**

8.1 Change in the constitution can only be made by Union on the motion of the General Body of the Union.

8.2 The motion should be passed in the General Body by two thirds majority present by voting and this majority should not be less than half of the total members of the General Body.

### **9.0 Restriction on holding post in representative body**

The office bearers of the Students' Union so elected shall only comprise of regular students on the rolls of the institution. Neither faculty member, nor any member of the administration shall be permitted to hold any post of such representative body.

### **10.0 Mode of Elections**

A system of direct election of the office bearers of the Students' Union of the college shall be adopted as per Appendix A.

### **11.0 Disassociation of Student Elections and Student Representation from Political Parties**

Contestants for Students union election should not be affiliated to any political party. Each contestant has to submit an undertaking to this effect. During the period of the elections 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. Any person or candidate or member of the student organization, violating this rule shall be subjected to disciplinary proceedings even after the declaration of results of such election.

### **12.0 Frequency and Duration of Election Process**

12.1 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, shall not exceed 10 days.

12.2 The elections shall be held on a yearly basis and that the same shall be held between 6 to 8 weeks from the date of commencement of the academic session.

### **13.0 Eligibility Criteria for Candidates**

13.1 Under-graduate students between the age of 17 and 22 may contest elections. 1<sup>st</sup> July of current academic session shall be the date for deciding eligibility of the candidate in respect of age.



13.2 For Post Graduate Students the maximum age limit to legitimately contest an election would be 24 – 25 years.

13.3 For Research Students the maximum age limit to legitimately contest an election would be 28 years.

13.4 Although, there is no condition in respect of minimum marks to be attained by a candidate, the candidate shall in no event have any academic arrears (such as back papers) in the year of contesting the election.

13.5 The candidate shall have attained the minimum percentage of attendance as prescribed by the college or 75% attendance, whichever is higher.

13.6 The candidate shall have one opportunity to contest for the post of any office bearer.

13.7 The candidate shall not have a previous criminal record, that is to say he/she should not have been tried and/or convicted of any criminal offence or misdemeanor. The candidate shall also not have been subjected to any disciplinary action by the College/University authorities.

13.8 The candidate must be a regular, full time student of the college 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 in the current academic session, the course duration being at least one year.

13.9 Every candidate is required to furnish an affidavit, along with the Security deposit, to the effect:

(i) that he/she does not have any previous criminal record and has not been subjected to any disciplinary action by the College/University;

(ii) that he/she has not failed in the preceding academic year and/or readmitted in the current year

#### **14.0 Election - Related Expenditure and Financial Accountability**

14.1 The maximum permitted expenditure per candidate shall be Rs. 5000/-.

14.2 Each candidate shall, within two weeks of the declaration of the result, submit complete and certified accounts (certified by the candidate) to the college authorities. The college shall publish such certified 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.

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

14.4 With a view to preventing the inflow of funds from political parties into the student election process, the candidates are specially barred from utilizing funds from any source other than voluntary contributions from the student body.

#### **15.0 Code of Conduct for the Candidates contesting Students Union Elections**

15.1 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.

15.2 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.



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

15.4 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.

15.5 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 (at 14.1).

15.6 Candidates may only utilize hand-made posters at specified places in the campus, which shall be notified in advance by the election commission/college authority.

15.7 No candidate shall be permitted to carry out processions, or public meetings, or in any way canvass or distribute propaganda material outside the college campus.

15.8 No candidate shall, nor shall his/her supporters, deface or cause any destruction to any property of the college campus, for any purpose whatsoever. All candidates shall be held jointly and severally liable for any destruction/defacing of any college property.

15.9 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 cocurricular activities of the college. Further, such procession/public meeting may not be held without prior written permission of the college authority.

15.10 The use of loudspeakers, vehicles and animals for the purpose of canvassing shall be prohibited.

15.11 On the day of polling, students 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 undertake any propaganda on the polling day.

15.12 Except 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.

15.13 The election commission/college authorities shall appoint impartial 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.

15.14 All candidates shall be jointly responsible for ensuring the cleaning up of the polling area within 48 hours of the conclusion of polling.

15.15 Any contravention of any of the above recommendations may make the candidate liable to be stripped of his/her candidature, or the elected post, as the case may be. The election commission/college authorities may also take appropriate disciplinary action against such a violator.

15.16 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”), shall also be applicable to students union elections.





## **16.0 Grievances Redressal Mechanism**

16.1 There shall be a Grievances Redressal Cell (here after called Cell) with the Dean, Students Welfare (DSW) 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 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.

16.2 In pursuit of its duties, the grievance redressal cell may prosecute violators of any aspect of the Code of Conduct or the rulings of the Cell. The Cell shall serve as the court of original jurisdiction. The Principal shall have appellate jurisdiction over issues of law, and in all cases or controversies arising out of the conduct of the elections in which the Cell has issued a final decision. Upon review, the Principal may revoke or modify the sanctions imposed by the Cell.

16.3 In carrying out the duties of the office, the Grievance Redressal Cell shall conduct proceedings and hearings necessary to fulfill those duties. In executing those duties, they shall have the authority:

- (i) to summon the candidates, their 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.

16.4 Members of the Cell are prohibited from filing complaints. Any other student, may file a complaint with the Grievance Redressal 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 Cell shall act on all complaints within 24 hours after they are received, by either dismissing them or calling a hearing.

16.5 The Cell may dismiss a complaint if:

- (i) the complaint was not filed within the time frame prescribed in 16.4 above;
- (ii) the complaint fails to state a cause of action for which relief may be granted; and
- (iii) the complainant has not and / or likely will not suffer injury or damage.

16.6. If a complaint is not dismissed, then a hearing must be held. The 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.

16.7 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.

16.8 At the time, notice of hearing is issued, the 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 Cell is announced after the hearing or until rescinded by the Cell.

16.9 All hearings, proceedings, and meetings of the Cell must be open to the public.

16.10 All parties related to the complaint shall present themselves at the hearing, may be accompanied by any other student from which they want to receive counsel, and have the option to be represented by that counsel in writing.



16.11 For any hearing, a majority of Cell members must be in attendance with the Chair of the Cell presiding. In the absence of the Chair, the responsibility to preside shall fall to a Cell member designated by the Chair.

16.12 The 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 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 Cell may call witnesses as required. If said witnesses are unable to appear at the hearing, signed affidavits may be submitted to the Cell Chair for the purpose of testifying by proxy.

- \* All questions and discussions by the parties in dispute shall be directed to the 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 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 Cell must be concurred to by a majority of the Cell members present and shall be announced as soon as possible after the hearing. The 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 facts by the Cell and the conclusions of law in support of it. Written opinion shall set a precedent for a time period of three election cycles for Cell ruling, and shall guide the Cell in its proceedings. Upon consideration of prior written opinions, the Cell may negate the decision, but must provide written documentation of reasons for doing so.

- \* If the decision of the Cell is appealed to the Principal, the Cell must immediately submit its ruling to the commission.

- \* The Cell shall select the remedy or sanction must 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 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.

- \* It, after a hearing, the Cell finds that provisions of this Code were violated by a candidate, or a candidate's agent or workers, the 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.

- \* If, after a hearing, the Cell finds that provisions of either this Code or decisions, opinions, order, ruling of the Cell have been willfully and blatantly violated by a candidate, or a candidate's agents or workers, the Cell may disqualify the candidate.

- \* Any party adversely affected by a decision of the Cell may file an appeal with the Principal within twenty four (24) hours after the decision is announced. The Principal shall have discretionary appellate jurisdiction over the Cell in all cases in which error on the part of the Cell is charged.





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- \* The decision of the Cell shall stand and shall have full effect until the appeal is heard and decided by the Principal.
  - \* The Principal shall hear appeals on Cell rulings as soon as possible, but not within twenty four (24) hours after the Cell delivers to the appellant and the Principal 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 Principal agrees to accept the waiver.
  - \* The Principal can issue suitable orders to suspend or halt the operation of the ruling issued by the Cell until the appeals are decided.
  - \* The Principal shall review findings of the Cell when appealed, and may affirm or overturn the decision of the Cell, or modify the sanctions imposed.

### **17.0 Maintaining Law and Order on the Campus during the Election Process**

Any instance of acute lawlessness or the commission of a criminal offence shall be reported to the police by the College Proctor as soon as possible, but not later than 6 hours after the alleged commission of the offence.

### **18.0 Miscellaneous**

In the event of the office of the President or Secretary falling vacant within two 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.



**APPENDIX-A**

**'ELECTIONS'**

1. The Election Commissioner appointed by the Principal shall announce a detailed schedule of College Elections.
2. Nomination papers shall be handed over to the Election Commissioner and a receipt obtained from the office of the Election Commissioner for such delivery.
3. An individual union member may file separate nominations for different office of the union. However, the member will be allowed to contest for one office only.
4. Each nomination paper shall contain the name of the proposed candidate (with his/her class and subject in the College), the office for which nomination is being filed, his/her consent to such nomination, and the names (with their classes and subjects) of the proposer and the seconder of such nomination.
5. The Election Commissioner shall verify all the facts mentioned in the nomination paper and record on it the date of receipt.
6. A scrutiny of nomination papers will be conducted by the Election Commissioner.
7. If the Election Commissioner considers a nomination paper irregular or invalid, the same will be rejected.
8. The Election Commissioner shall paste on the notice-board of the concerned office the list of all valid nominees.
9. The polling shall be held by means of printed ballot papers/EVM. Due arrangements for polling shall be made by the Election Commissioner so that the secrecy of the ballot may be maintained.
10. There shall be different ballot papers for the elections to the offices of: (1) The President, (2) The Vice-President, (3) The General Secretary, (4) The Joint Secretary, and (5) The Treasurer.
11. Ballot papers shall be serially numbered both on the foil and the counterfoil and the voter shall sign on the counterfoil only. The vote shall be invalid if the voting paper is signed or bears any mark for identification.
12. The ballot paper at general election shall be printed in the following form:  
D. A. V. COLLEGE MUZAFFARNAGAR STUDENTS' UNION  
(Election of .....)  
Name of candidates in alphabetical order  
1.  
2.  
3.  
4.  
5.

**APPENDIX-B**

**Section 153A**

According to the section whoever by words or expression promotes enmity between different groups of the country on the grounds of religion, race, place of birth, residence, language, or any such grounds or commits an act which is prejudicial to the harmony of public is culpable under the section with imprisonment which may extend to three years with or without fine. Further, when the offence is committed on any religious place or any place of worship, the imprisonment can extend to 5 years with or without fine. The offence is non-bailable and even cognizable (after 1898) i.e. police can arrest a person under the section without warrant.