

**CONSTITUTION
OF
UNIVERSITY & COLLEGE STUDENTS' UNION
2018-2019**



**MOHANLAL SUKHADIA UNIVERSITY
UDAIPUR**

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UDAIPUR**

PREAMBLE

In exercise of the powers conferred under the First Statute 39(4) of the Mohanlal Sukhadia University, Udaipur and in compliance of the Hon'ble Supreme Court of India directions accepting to adopt the recommendations of the "Lyngdoh Committee Report" dated 23rd May, 2006 vide Record of Proceeding Order dated 22nd September, 2006 in SPL No. 24295 of 2004 with No. 24296-99 of 2004 in ref. University of Kerala (1) Vs. Council, Principals' Colleges, Kerala & Ors. and the Full Bench Decision of the Hon'ble Rajasthan High Court at Jodhpur dated 5th December, 2009 in DB Civil Review Petition No. 15 of 2005 in ref. Rajasthan High Court Advocates Association, Jodhpur & Anr. Vs. State of Rajasthan & Ors. and with a view of overall development and representation of the students of the Mohanlal Sukhadia University, Udaipur for the creation of space for democratic representation through an effective mechanism not only to ensure the voicing of the grievances and the general welfare of the student populace but also for providing a healthy learning field for the generations of tomorrow while securing the autonomy of the University in matters of imparting education and maintaining a certain mode of decorum, do hereby formulate and adopt this Model Code of Conduct and Mohanlal Sukhadia University Students' Union Constitution.

In the light of the recommendations of the "Lyngdoh Committee" as accepted by the Hon'ble Supreme Court for implementation vide point 6.1.4, it is mentioned that all the institutions must, over a period of 05 years convert from the nomination to a structured election model that may be based on a system of parliamentary (indirect) elections, or on the presidential (direct) system, or a hybrid of both. It is decided to bring a uniform pattern of student union elections in the state of Rajasthan, the Govt. vide its Order No. प. 3(54)शिक्षा-4/2002 पार्ट dated 24.7.2017/ amended later dated 16.08.2017 issued the directions to be implemented from the academic session 2017-18 in the Mohanlal Sukhadia University, Udaipur.

PART — I

Clause 1: Title and Name

The name of this union shall be Mohanlal Sukhadia University Students' Union".

Definition :

- (a) **Student** : "Student" means a person who is on the rolls of a minimum one year regular course of study being run in the University Campus, except diploma and certificate course programmes.
- (b) **Research Scholar** : "Research Scholar" means any person who is admitted to pursue full time research work in the University for the M.Phil./Ph.D. Degree and duly enrolled/admitted or registered.

Clause 2: Commencement of the Constitution

The date of Commencement of this amended constitution is 01st August, 2018.

Clause 3: Office

The office of the Students' Union will be located within Mohanlal Sukhadia University premises at Udaipur.

Clause 4 : Scope

This shall apply to all the regular students of the University and also to M.Phil./Ph.D. admitted/ registered Research Scholars who have deposited the Admission/ Registration Fees and the Tuition Fees to the University for the respective session.

Clause 5: Composition and Structure of the Apex / Central Students' Union

I. Members

All students on the rolls of the Departments and Constituent Units of the University including full time duly registered research scholars as on 01st day of August or 10 days before the date of the students election 2018 by state government of the relevant academic year will be the members. Membership of the students Union shall be automatic for all students who are enrolled. The membership fee can be fixed and revised by the University from time to time.

Composition of the Students' Union

The composition of the Students' Union shall be Presidential form of Union and all the office bearers shall be directly elected by the University Electoral Collegium by single nontransferable vote. Any student of the University Post Graduate Departments or Fourth and Fifth Year of the course shall be eligible to contest for the position of President and General Secretary of Apex / Central Students' Union. The students pursuing second year or above class shall be eligible to contest the election for the post of Vice President and Joint Secretary.

II. The cabinet will consist of following office bearers

- (i) President (Direct Election)
- (ii) Vice President (-do-)
- (iii) General Secretary (-do-)
- (iv) Joint Secretary (-do-)
- (v) Such other members/office bearers as may be nominated by the President in consultation with Vice President, General Secretary and the Joint Secretary among from the elected University Representatives of the college/unit within 2 days of the declaration of University Election results which will be called University Students' Union Cabinet.

Any regular student who is enrolled in courses of study as run by the University atleast for one year shall be eligible to contest for the various posts of Apex Students' Union subject to fulfillment of the qualifications / eligibility as laid down in clause 07.

Note :

- (i) The students of all the Diploma and Certificate course programs will not be eligible to vote and contest.
- (ii) The students enrolled in the First Year shall be eligible to contest only for Class Representative (CR) and such students shall not be eligible to contest for any other position of the Apex/ College Students' Union. The student enrolled in different departments shall be allowed to participate in the election process of the Central/Apex Students' Union.
- (iii) The students enrolled in Three Year LL.B. Course (Traditional)/Post Graduate Course shall be eligible to contest for any post of the Student Union.
- (iv) The students enrolled in the Five Year LL.B. Integrated Course shall be eligible to contest and vote only for the posts of Student Bar Council.

Two representatives from each semester shall be elected by the students enrolled in Five Year LL.B. Integrated Program. These elected representatives shall constitute the Students' Bar Council.

- (v) The maximum age to contest the election for all the posts of Student Union shall be 25 years but the maximum age limit to contest for the students of Law post graduate program and Research Representative shall be 28 years.
- (vi) The contesting candidates may have their camps during election with prior permission of the University Authorities. But in no case they shall have election campaign with papers/posters/slogans outside the University/College campus. If found, suitable action shall be taken against such defaulters. The campaign of student Union election outside the Campus is strictly prohibited.

III. Research Representative (Direct Election)

All the M.Phil./Ph.D. research scholars who are full time researchers and not employed **part time or full time** anywhere in Private / Government institution and duly admitted/registered as on 01st day of August or 10 days before the date of the Students Election 2018 by State Government of the relevant academic year will elect their one representative. However, such scholars shall vote & contest only for the post of Research Representative but can vote for any other position of the University Students' Union. They must have deposited their requisite fee within stipulated time as decided by the University. However, these scholars shall not be eligible to contest for any post of University Students' Union.

IV. Parliament

The parliament shall consist of One University Representative for every 200 students or any number as decided by the University to be elected from each unit subject to maximum of five from each constituent college (Direct Election System).

There shall be other associations/unions at Departments. Departmental Association in all P.G. Departments having five members committee duly nominated by the Head on the basis of academic merit from graduation / previous and final years of P.G. Courses. There shall be no direct election in the Departments for Departmental Association. This process shall be completed within two days of Apex / Central Students' Union Election.

V. Advisor

The Dean Students' Welfare or in case there is no DSW, the person nominated by the Vice-Chancellor shall be the Advisor of the Students' Union. He/She will have the right to attend all meetings of the Cabinet.

VI. Chief Electoral Officer

There shall be Chief Electoral Officer who shall be such officer as the Registrar may in consultation with the Vice Chancellor of the University, designate or nominate with all the Heads of the Colleges as Additional Electoral Officers for their respective Colleges/Units who shall prepare the electoral of the student in such form and in such manner as may be required for the proper conduct of the Union Election based on the closing of admission and same shall be certified to be Authorised Electoral Roll for the purpose of the Election and made available to the Chief Election Officer by 01st of August of the Academic Year.

VII. Chief Election Officer

There shall be a Chief Election Officer who shall be the DSW or a Professor of the University or officer of the university not below the rank of Deputy Registrar as the Vice-Chancellor may appoint in his behalf with all the Heads/Deans of the respective Colleges/Units as the Additional Chief Election Officer for the proper conduct of Union Election as per Schedule of dates as may be directed by the State Government and published/notified by the Chief Election Officer including publication of electoral roll, receipt of objections on the electoral roll, final publication of the electoral roll, filing of nomination before the chief election officer, scrutiny of nomination papers last day and time for withdrawal of nomination papers, final publication of validly contesting candidates, polling, counting of votes, declaration of result and administration of oath.

Explanatory note:

Parliament

The parliament shall consist of representatives directly elected from each Class/Section.

Class means

- a. B.Sc./B.A./B.Com./LL.B./All Integrated Course Programmes, etc. – Part I,
- b. B.Sc./B.A./B.Com./LL.B./All Integrated Course Programmes, etc. – Part II,

- c. B.Sc./B.A./B.Com./LL.B./All Integrated Course Programmes, etc. – Part III, IV & V,
- d. M.A./M.Sc./M.Com./LL.M., etc.- Semester I/II students or Students of Previous Class in Annual examination pattern.
- e. MA/M.Sc./M.Com./LL.M., etc.- Semester III/IV students or Students of Final class in Annual examination pattern.

Section means

- a. B.Sc./B.A./B.Com./LL.B., etc. - Part I or II or III having different sections namely A, B, C, D, etc.
- b. M.A./M.Sc./M.Com./LL.M., etc- Semester I/II students or Students of Previous or Final having different sections namely A, B, C, D, etc.

Clause 6 : Eligibility for Election

- (a) **For the office of the President, Vice President, General Secretary and Joint Secretary**

Any student of the University Post Graduate Department or fourth/fifth year of the course for study shall be eligible to contest for the office of the President and General Secretary. The students enrolled in second year or above classes shall be eligible to contest for the post of Vice President and Join Secretary. This is all subject to fulfillment of the qualifications as laid down in Clause 7.

- (b) **For the University Representatives**

All students on the rolls of the Constituent Units / Departments of the University shall be eligible to contest election for the University Representatives subject to the fulfillment of the qualifications as laid down in Clause 7.

- (c) **Research Representative**

All the students enrolled in M.Phil./Ph.D. program, who are full time researchers and not employed **part time or full time** anywhere in Private / Government institution and duly registered as on 01st day of August or 10 days before the date of Student Election 2018 by state government of the relevant academic year will elect their one representative. However, such research scholars shall vote for the post of Research Representative but cannot contest for any other position of the University Students' Union. They can only exercise their right to vote for the University Student's Union

Clause 7: Qualifications

In order to be eligible to contest any election

- a. The age of the contesting candidates shall be as follows on 1st day of the August of the academic year in which election is held
 - i. For all the posts of Students' Union the maximum age shall be 25 years for contesting candidate.
 - ii. For Research Representative the maximum age limit to legitimately contest an election would be 28 years and they can contest election only for Research Representative of the Apex / Central Students' Union provided they have deposited requisite fee in the University.
 - iii. Only for Post Graduate Law Degree Courses, the maximum age for contesting candidate shall be 28 Years.
- b. The candidate should in no event have any academic arrears in the immediate preceding year of contesting election. Provided that in case of semester system examination where exam/result is due the candidates should in no event have any academic arrear in previous semester. Further provided that they have to submit an affidavit/undertaking that in case they are unable to clear their current examination, their election will be treated as cancelled by the University and they will not be entitled to claim any right.
- c. The candidate should have attained the minimum percentage of attendance as prescribed by the university or 75% attendance, whichever is higher in the immediate preceding year.
- d. The candidate shall have one opportunity to contest or to get nominated for the post of office bearer and two opportunities to contest for the post of an executive member.
- e.
 - (i) The candidate shall not have a previous criminal record, that is to say he should have not been tried and/or convicted of any criminal offence punishable with imprisonment of more than two years.
 - (ii) The candidate shall also not have been subjected to any disciplinary action by the University authorities.
 - (iii) In this regard, it is clarified that the student who has been rusticated by the University/College or against whom FIR has been lodged by the University/College will not be entitled to contest the election.

- (iv) A student who is being tried with offence punishable with the imprisonment of more than two years is ineligible to contest the student union election.
- f. The candidate must be a regular, full time student of the College/University. That is to say that all eligible candidates must be enrolled in a full time course, except diploma and certificate course programmes.
- g. No student shall hold more than one elected office/post at a time.
- h. In case of election to the office of the President, Vice President, General Secretary and Joint Secretary a student should have been a regular student of the constituent/departmental unit in the immediately preceding academic year of the election.
- i. A student can contest for any one office either at the Central Union level or at the College Union level only.
- j. Students' Union shall be elected out of all the students' who are studying in the University/College. No faculty member or the administrative staff shall be eligible to contest and or hold any position of the Students' Union Executive. Students of all the diploma and certificate course programmes will not be eligible to vote and contest the student union election.
- k. The student union cabinet so constituted shall work for full academic session and no change in the cabinet / office bearers whatsoever shall not be allowed at any stage during the session.

Clause 8: Procedure for Election

(i) Security Deposit

The candidate filing nomination in prescribed application form for contesting any election shall deposit security as under:

- | | |
|--|------------|
| 1. For the President | Rs. 1000/- |
| 2. For the Vice President, General Secretary,
Joint Secretary | Rs. 700/- |
| 3. For the Member as University Representative | Rs. 500/- |
| 4. For Research Representative | Rs. 1000/- |

Provided further that the security deposit shall be forfeited in case the candidate secures less than 1/6 of the total valid votes polled for the office contested.

- (ii) The Dean, Students' Welfare or the person nominated by the Vice-Chancellor on his/her behalf shall be the Chief Returning Officer for the election of the Union. He/She shall declare the election programme and invite the nominations for the elections. After the

due scrutiny of the nominations filed, he/she shall notify the names of the contesting candidates for the above election in Hindi and in alphabetical order on the notice boards of all the constituent/departmental units of the university. He/She shall also conduct the poll, if necessary, and declare the results.

(iii) Election of Members of University Representative

The Electoral College for election of members of University Representative shall consist of all the members of the Students' Union of the institution concerned as per the seats notified in the election programme.

The Dean, Students' Welfare or the person nominated by the Vice-Chancellor on his/her behalf shall be the Chief Returning Officer for the election of the University Representative. He/She shall declare the election programme and invite the nominations for the elections. After the due scrutiny of the nominations filed, he/she shall notify the names of the contesting candidates for the above election in Hindi and in alphabetical order on the boards of all the constituent units including the departments of the university. He/She shall also conduct the poll, if necessary, and declare the results.

Other Regulations - Frequency and duration of Election Process

- (i) All elections shall be held on a date and as per programme fixed by the Dean, Students' Welfare or the person authorized by the Vice-Chancellor in this behalf. However, the notice for election shall be issued at least 7 days before the day of poll.
- (ii) Elections shall be by simple majority vote and by means of secret ballot/EVM machine. In case of tie in any election, the result will be declared on the basis of draw of lots.
- (iii) The voter will also be given the option of None of the Above (NOTA) in the ballot paper.
- (iv) The University Administration including the Head of the Institution concerned shall provide all such assistance as may be needed by the Chief Returning/Election Officer for conducting the elections.
- (v) It shall be the exclusive responsibility of the All Head of the Institution and University Staff to ensure free and fair elections in his Unit.
- (vi) After all the results of the election have been declared, the Dean, Students' Welfare or the person nominated by the Vice-Chancellor in this behalf shall notify the consolidated list of elected/nominated University Office bearers and Representatives.

Clause 9: Model Code of Conduct for Candidates and Election Administrators

Following shall be Model Code of Conduct for Candidates and Election Administrator which shall be effective and binding on all candidates, their representatives, teachers and non teaching staff of the University and the constituent colleges/ departmental units immediately with the issuance of Election Programme/ Notification.

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.
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.
3. There shall be no appeal to caste or communal feeling for securing votes, places of worship, within or without the campus shall not be used for election propaganda.
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 meeting 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.
5. No candidate shall be permitted to make use of printed posters, printed pamphlets, or any other printed material within the campus or outside 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 and herein after.
6. Candidates may only utilize hand-made posters at certain places in the campus, which shall be notified in advance by the Election Commission/ Returning Officers/University authority(ies).
7. No candidate shall be permitted to carry out processions or public meeting or in any way canvas or distribute propaganda material outside the university/college campus/premises during the election period.

8. No candidates shall, nor shall his/her supporters, deface or cause any destruction to any property of the university/ college campus, or outside for any purpose whatsoever. With the prior express written permission of the college/ university authorities candidates may place their publicity material at the specified places for specified purposes. All candidates shall be held jointly and severally liable for any destruction/ defacing of any university/ college/public private property.
9. The use of loudspeakers, vehicles and animals for the purpose of canvassing shall be strictly prohibited.
10. On the day of polling, student organizations and candidates shall co-operate with officers on election duty to ensure peaceful and orderly polling and complete freedom to voters to exercise their franchise without being subjected to any annoyance or obstruction; not serve or distribute any eatables, or other solid and liquid consumables, except water on polling day; not hand out any propagation on polling day.
11. Except the voters, no one without a valid pass/ letter of authority from election commission or from the college/ university authorities shall enter the polling booths.
12. The election commission/ college/ university 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. Observers shall also be appointed to oversee the process of nomination of candidates/ representatives.
13. All candidates shall be jointly responsible for ensuring the cleaning up of the polling area within 48 hours of the conclusion of polling and if any cost incurred to this shall be booked in the student union budget.
14. Any contravention of any of the code of conduct may take the candidates liable to be stripped of his/her candidature, or his/her selected post, as the case may be. The election commission/ college / university authorities may also take appropriate disciplinary action against such a violator.
15. In addition to the above mentioned model code of conduct, provisions of the Indian Penal code, 1860 (Section 153A and Chapter IXA – “Offences Relating to Election”) shall also be applicable for the student Union elections.
16. 153A- Promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony.

- (i) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on ground of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feeling of enmity, hatred or ill—will between different religious, racial, language or regional groups or castes or communities.
 - (ii) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbs or is likely to disturb the public tranquility.
 - (iii) organizes any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amount members of such religious, racial, language or regional group or caste or community, which is punishable with imprisonment which may extend to three years, or with fine, or with both.
17. 171A- “Candidate”, ”Electoral right” defined - For the purpose of chapter IXA of the Code-
- (a) “candidate” means a person who has been nominated as a candidate at an election;
 - (b) “electoral right” means the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at any election.
18. 171B- Bribery- (1) Whoever-
- (i) Gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right.
 - (ii) accepts either for himself or for any other person for any/ gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right; commits the offence of bribery; provided that a declaration of public policy or a promise of publication shall not be an offence under this section.

A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive of doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

19. 171C- Undue influence at elections-

- (1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.
- (2) Without prejudice to the generality of the provisions of subsection (1), whoever-
 - (a) Threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind.
 - (b) Induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of Divine displeasure or of spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of subsection (1).
- (3) A declaration of public policy or a promise of public action or the mere exercise of a legal right without intent to interfere with an electoral right shall not be deemed to be interference within the meaning of this section.

20. 171D- Impersonation at election-

Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of impersonation at an election. Provided that nothing in this section shall apply to a person who has been authorised to vote as proxy for an elector under any law for the time being in force in so far as he votes as a proxy for such elector.

21. 171E- Punishment for bribery-

Whoever commits the offence of bribery shall be punishable with imprisonment of either description for a term which may be extend to one year, or with fine, or with both:

Provided that bribery by treating shall be punished with fine only.

Explanation— “Treating” means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

22. 171F- Punishment for undue influence or impersonation at an election-

Whoever commits the offence of undue influence or impersonation at an election shall be punishable with imprisonment of either description for a term which may extend to one year or with fine, or with both.

23. 171G- False statement in connection with an election-

Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punishable with fine.

24. 171H- Illegal payments in connection with an election-

Whoever without the general or special authority in writing of a candidate incurs or authorizes expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punishable with fine which may extend to five hundred rupees:

Provided that if any person having incurred any such expenses not exceeding the amount of ten thousand rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

25. 171I- Failure to keep election accounts-Whoever being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts shall be punishable with fine which may extend to five hundred rupees.

In case of any doubt, discrepancy or dispute pertaining to the elections, the decision of the Chief Returning/Election Officer and/or Grievance Redressal Cell shall be final and binding on all the candidates/ students of the University concerned.

26. EVM machines if made available by the State Government shall be used for the Student Union Election purpose, otherwise ballot paper may be used. This will be decided by the University Authorities in consultation with the State Authorities.

27. In case if any contesting candidates or his / her allies found in defacement of any private or public properties, place, roads and construction within the campus or outside in the city shall be charged under Rajasthan Prevention of Defacement of Property Act, 2006 and subsequent Amendment Act, 2015 and such offenders shall be debarred from the University.
28. The Code of Conduct as stated in the Constitution will be followed strictly and the candidates who will use posters, pamphlets or any printed material will not be entitled to contest the election. Also the candidates who deface the University premises, wall, campus, etc. will also not be eligible to contest the election. Only handmade posters will be allowed and that too at the place specified by the University/College. This should be strictly followed throughout the academic session and violators of the same will be debarred from contesting the election and other appropriate action too will be taken by the DSW.
29. No outside persons will be allowed to enter or participate in any way, except the registered student union. Further no outside vehicles will be allowed to enter in the college for the purpose of campaigning/convincing and legal action against the outside persons and vehicle owners will be taken.
30. No procession will be allowed and even after election no procession/*Vijay Juloos* will be allowed and it will be considered Breach of Code of Conduct & will liable the candidate to be stripped off the post.
31. The campaigning in Colleges/University will only be allowed at the time specified by the D.S.W. in consultation with the respective Dean.
32. For the Central Union posts, the candidate will be provided a platform at University to interact with the students at the time specified by D.S.W. The classes will not be allowed to disturb during the election period and also the candidate or supporters. If found disturbing the classes or taking the students to Canteen or outside for the parties will be liable for legal action in accordance to the constitution.
33. The candidate or supporters if found organizing any parties or movies etc. then the same will be considered as bribery, under Section 171 (b) IPC and necessary action will be taken by the D.S.W. One representative of each student union contesting will be included in the D.S.W. team to ensure and to create harmony among the students.
34. All the candidate at the time of filling the nomination have to give an affidavit that they have not violated the code of conduct and if found

guilty of the same will not continue on the post till they are not acquitted by Election Tribunal.

35. The D.S.W. alongwith the all the A.D.S.W and Proctors will ensure that the elections are held strictly in accordance to the constitution of student union and also all the powers vest in the D.S.W. to take strict legal action.

Clause 10 : Election Grievance Redressal Mechanism- Election Tribunal

The following shall be the guiding principles for Grievance Redressal Mechanism:

- a. There shall be a Election/ Grievances Redressal Cell with the Dean/Head/Sr. Professor/ Teacher as its Chairman in charge and his team as may be notified by the Registrar of the University with the approval of the Vice Chancellor in consultation with DSW. Consisting of one Senior Professor, one senior administrative officer and two final year students of good academic carrier—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 redressal of the elected-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.
- b. In pursuit of its duties, the grievance cell may recommend prosecute violators of any aspect of the code of conduct or the ruling of the grievance cell. The grievance cell shall serve as the Election Tribunal/Court of the original jurisdiction. The Vice Chancellor for University and the institutional head shall have appellate jurisdiction for their respective College/Unit over the 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.
 - (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 procedure necessary records; and
 - (ii) to inspect the financial reports of any candidate and make these records available for public scrutiny upon request.
- c. 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 the 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 hearing.

- d. The Grievance Cell may dismiss a complaint if
 - (i) the complaint was not filed within the time frame prescribed recommendation above;
 - (ii) the complaint fails to state a cause of action for which relief may be granted;
 - (iii) the complaint has not and/or likely will not suffer injury or damage.
- e. 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 all individuals or groups named in the complaint of the time and place of hearing. The parties are not considered notified until they have received a copy of the complaint.
- f. The hearing shall be held at the earliest possible time, but not within twenty-four (24) hours after the receipt of notice described above, unless all parties to agree to waive the 24 — hour time constraint.
- g. 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 hearing or until rescinded by the Grievance Cell.
- h. All the Grievance Cell hearing, proceeding and meeting must be open to all students.
- i. All parties of the Grievance Cell hearing shall represent themselves at the hearing, may be accompanied by any other student from which they can receive counsel like assistance, and have the option to be represented by that student as counsel and not the Lawyer. No student shall take resort to the Court of civil jurisdiction for any election or Union purpose for whatsoever reason.
- j. For any hearing, a majority of sitting Grievance Cell members must be in attendance with the chair of the Grievance Cell presiding with law faculty member. In the absence of the chair, the responsibility to preside shall fall to an Sr. Grievance Cell member designated by the chair.

The Grievance 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 hearing:

Complaining parties shall be allowed not 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 Chair of the Grievance Cell 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 hearing.

Reasonable time limits may be set by Grievance Cell, provided they give fair and equal treatment to both sides.

The complaining party shall bear the burden of proof.

Decisions, orders, ruling 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 finding of the fact by the Grievance Cell and the conclusion of the law in support of it. Written opinions shall set a precedent for a time period of three election cycles for the Grievance Cell ruling and shall guide the Grievance Cell in its proceeding. 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 submit 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 state of mind or the intent of 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 Grievance Cell finds that provisions of this Code were violated by a candidate, or a candidate's agents or workers, the Grievance Cell may restrict the candidate, or a

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 the part of the remaining campaign period, it shall effect immediately so that after its termination, the candidate will have an opportunity to resume campaigning during the days immediately period to and including the election days.

If, after a hearing, the Grievance Cell finds that provisions of either this code or decisions, opinions, orders, or ruling of the Grievance Cell have been willfully and blatantly violated by a candidate, or a candidate's agents or workers, the grievance Cell may disqualify the candidate.

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

The decision of the Grievance 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 Grievance Cell ruling as soon as possible, but not within twenty-four (24) hours after the Grievance Cell delivers to the Appellant and the Institutional head a copy of its written opinion in the case. Appeal may be heard prior to this time, but only if the Appellant waives the right to a written opinion and the institutional head agrees the waiver.

The institutional head can issue suitable orders to suspend or halt the operation of the ruling issued by the Grievance Cell until the appeals are decided.

The institutional head shall review finding of the Grievance cell when appealed. The Institutional head may affirm or overturn the decision of the Grievance cell, or modify the sanctions imposed.

Without prejudice to the aforesaid in no case the election process shall be stayed by the Grievance Tribunal and no body shall take resort to civil court for any election dispute whatsoever.

Clause 11: Election Expenditure and Financial Accountability

- a. The maximum permitted expenditure per candidate shall be 5000/-. Each candidate shall, within two weeks of the declaration of the result, submit complete and certified accounts to the University authorities. The university shall publish such certified 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.

- b. The election of the candidate will be nullified in the event of any non-compliance or in the event of any excessive expenditure.
- c. The candidates are specially barred from utilizing funds from any other sources than voluntary contributions from student body. Any complaint if found relating to taking funds from any agency in an unauthorized manner shall automatically tantamount to make the candidate disqualified for contesting the students union election.

Clause 12 : Constitution of the Cabinet

The Electoral College of University Representatives shall select the Cabinet from among the members of the Parliament. The President shall convene meeting of the Cabinet at least once in two months. Special meeting may be convened by the President on the request made by any four members of the University Representatives.

The President shall preside over the cabinet meeting. The General Secretary shall record the proceeding and carry out the day to day work the cabinet.

Clause 13 : Term of Office of the Students' Union

The term of office of the President, the Vice-President, General Secretary, Joint Secretary, the Member of Cabinet and the University Representatives and Research Representative shall be from the date of his/her election till the last day of the academic session i.e. 30th day of June of the academic session. The office bearer of students' Union if not applying or filling the examination form on the basis of which he / she has been elected / nominated shall automatically cease to be the office bearer any more from the last date of the filling of the examination form.

But in case any one of them ceases to be on the rolls of the institution, he shall *ipso facto* cease to be an office bearer or member of the Students' Union. Likewise, if any member or office bearer has been fined or punished for misbehavior or misconduct or for causing damage to College/University property or convicted for any criminal offence by a court of law such member of the office bearer shall *ipso facto* cease to be such member or office bearer.

Clause 14 : Oath of Office

The following oath of office shall be administered to the President, the Cabinet, Research Representative and each University Representatives and by Dean, Students' Welfare or any other person approved by the Vice-Chancellor within 3 days of the declaration of result.

I, do solemnly swear (or affirm) that I shall protect, preserve and defend the Constitution of the

Students' Union, Mohanlal Sukhadia University, Udaipur and that I shall execute the duties of my office without fear and favour to the best of my ability and in accordance with the provisions of the constitution. I shall not indulge in any activity individually or collectively which may be detrimental to the prestige and interest of the University.

Clause 15 : Conduct of Business by Parliament

- a) The Parliament shall meet at least once in every 2 months on the day and time fixed by the president with the approval of the DSW or the person nominated by the Vice-Chancellor in this behalf. In case the meeting is not so convened, the DSW or any person authorized by the Vice-Chancellor shall be competent to convene the meeting and preside over it.
- b) The quorum for any meeting shall be one third of the total strength of the Parliament/Cabinet as the case may be. Business transacted or decisions taken without the quorum or without the approval of DSW will not be valid.
- c) The President or in his/her absence, the Vice-President of the Students' Union shall preside over the meeting of the Parliament. If in any duly convened meeting of Parliament both the President and the Vice President are absent, the members present shall elect a person from among them to preside over the meeting.
- d) The president may appoint any Standing Committee and Special Committee as the Parliament may deem necessary and he shall be an ex-officio member of all such committees.
- e) The Annual Plan and Annual Budget prepared by the President shall be discussed and will be passed by the Parliament by simple majority in its first meeting.
- f) The budget of the student union must have provisions for maintenance of greenery, afforestation, leadership development for students, cultural activities, sports activities and such other allied activities which helps in enhancement of personality of university students' as per guidelines of the Lyngdoh Committee.

Clause 16 : General Regulations

- a) The General Secretary shall keep a record of minutes and shall circulate to members of union the same from time to time.
- b) Upon requisition by not less than one third of the total members, a special meeting of the Parliament shall be convened by the President after due notice. However, a gap of two months must exist between two consecutive special meeting of the Parliament. If the President is unable to call the special meeting, the Dean Students' Welfare or the nominee of the Vice Chancellor shall call the special meeting and preside over the same.

PART— II

Clause 17 : Power, Function and Responsibility of the Students Union

- a. All executive powers under the constitution shall vest in the Cabinet of the Students' Union.
- b. The President in consultation with his Cabinet and DSW shall convene the meeting of the Parliament within 30 days from assuming office to discuss the matters relevant to the student community.
- c. The President in consultation with the Cabinet shall appoint sub-committees to carry on the work of the Union. The President shall serve as the Official Head of the Students' Union and shall perform all official and social functions pertaining to the Union.
- d. The Cabinet shall have the authority to invite such persons as they deem proper for any special meeting of the Cabinet. Such persons shall have no voting rights, and shall not be outsiders.
- e. The Cabinet shall from time to time recommend to the Vice-Chancellor such measures as may be necessary or expedient for the benefit of the student community and prestige of the University.
- f. The expenditure for the Central Union activities shall be met out of the funds received as the Union fee for University Students Union for the current session only as per the provisions and procedures as given in (g). The funds as allocated in the budget of the Union shall be operated upon by the Accounts officer of the University/College/Unit as may be authorized by the Comptroller/ Finance Officer of the University specifically on his behalf. The University President shall authorise expenditure/ payments under the supervision of DSW and shall also submit proper accounts regularly through him/her. All the accounts shall be maintained/ audited as per University rules and the audited accounts together with auditors report shall be placed by the President before the Parliament before the end of the session. No expenditure shall be incurred without approval of the budget of the Union approved by the cabinet / Parliament and subsequently by the Dean Students Welfare and Comptroller / Finance Officer of the University.
- g. It is important that the frame work of all the activities and the budget shall be in accordance with the Lyngdoh Committee's recommendations.

- (i) The Central Students' Union through its President will organize all the activities jointly as per the approved budgetary provision by the cabinet.

Individual office bearer including the President shall not plan or organize these activities individually. However, individual office bearer may submit his plan for holding jointly such activities to the Central Student Union which shall be finally decided by the students' union cabinet in the manner as mentioned above.

- (ii) No activity by the union shall be organized without the prior and in-time approval of the budget from the DSW for the current academic session.

BUDGETARY PROVISIONS FOR ACTIVITIES

Allocation in percentage under the following main Budget Heads:

S.No.	Heads	To be Utilized by	Allocation
1.	Maintenances of greenery on the campus (Plantation etc.)	To be utilized by the University.	10%
2.	Leadership development programme for students (Motivational talks, Seminars, Symposia, etc.) & Special Academic Lectures, Seminars, Symposiums and Workshops for Research Representatives. (a) for General Students (%) (b) for Research Representatives (%)	To be utilized by the Central Students' Union.	10%
3.	Public Lecture organized by University.	To be utilized by the University.	15%
4.	Blood Donation Camps – Two (September & January)	To be utilized by the University.	5%
5.	Cultural activities of Students' Union:		
	1- Office Inaugural Function	To be utilized by the Central Students' Union	15%
	2-Cultural Programme		25%
	3-Sports Activities & Transportation expenses		10%
	4-Any other activates.		05%
6.	Contingent Expenses.	To be utilized by both.	05%
Total:-			100%

- **Conditions:**
 - 1- The procurement of different items should be through the approved vendors only whose rates are approved.
 - 2- No advance payment shall be made for any item. In case, if made, shall be through the DSW office only.
 - 3- All the payments shall be made through RTGS/ Electronic mode only.
 - 4- All the vendors supplying materials must have Bank account, PAN, GST Registration etc. Only such vendors will be approved for supplying the materials.
 - 5- Payment of contingent expenditure can be made for one transaction in cash upto the maximum limit of Rs.2000/- only with the prior approval of the competent authority of the University.
 - 6- Following are the main rules of RTPP Act 2012 to be adhered strictly:
 - 1- Single Procurement:- Up to Rs.10,000/-
 - 2- Spot Purchase Committee:-Up to Rs.50,000/-
 - 3- Limited Tender:- Up to Rs.1,00,000/- subject to upload on University website inviting quotation 15 days prior.
 - 4- Open Tender:- Above 1.00 Lac subject to uploading on State Portal and University website inviting quotation 15 days prior.
 - 7- This is mandatory and legally required for all types of transaction, failing which no bill will be processed.
 - All the programmes and activities to be organized by the Central Students' Union must be over by 31st December of that academic session.
 - No individual programme shall be organized by the office bearers of Students' Union from the budget of Students' Union such as Introduction/ Fresher Parties, Fashion Show, Garba etc.
 - New Year OR Diwali greeting cards of the students union jointly shall be allowed to send digitally only once in the academic session through University Centralized Facilities on the request duly forwarded by the DSW.
 - There will be a separate budget provision for Research Representative that shall be utilized only for holding academic programs such as special academic lectures, seminars, symposiums and workshops etc. for Research Scholars for helping them in their research in sharpening the skills.
- h. The University Students Union shall by all means strictly adhere to the activity calendar so evolved by the Cabinet and approved by the Dean Students' Welfare for the respective academic session and make an attempt to finish all the activities by 31st of

December of the academic session so that the examination schedule is not disturbed.

- i. There shall be common program for the entire elected cabinet of the Students' Union like oath taking ceremony, inauguration of the office of the Union and other such programmes as evolved and approved by the Dean Students' Welfare and University/College authorities.

Clause 18: Succession

In case of the office of the President falls vacant due to any reason, the Vice-President shall succeed him and in case the office of the Vice-President is also vacant, the elected members of the Parliament shall elect a President from among themselves for the residuary term.

Clause 19: Motion of No-Confidence against the President.

A motion of no confidence against the President shall be deemed to be a motion against him/her and his / her cabinet. A motion of no confidence may be proposed against the President by at least one third of the members of Parliament in writing at a regular or special meeting. It shall become effective if passed by two-third members present and voting which shall not be less than one half of the total strength of the house.

If a motion of no confidence is passed against the President, the whole cabinet would be deemed to have vacated its office. In such circumstances, the Apex / Central Students Union will be dissolved automatically for rest of the session. In case, if the Apex/Central Students Cabinet is dissolved for any reason then the student union will cease to work for rest of the session.

Clause 20: Motion of Impeachment

The President, Vice-President, General Secretary and Joint Secretary may be impeached by the Parliament for any act of misbehavior including any action on their part, which tends to lower the prestige of the University.

A motion of impeachment against the President shall be deemed to be motion of impeachment also against his entire Cabinet except the Vice-President. A motion of impeachment may be proposed against the President or the Vice-President in any meeting of the Parliament by at least one half of the members present. It shall become effective if passed by two third members present and voting, which shall not be less than three-fourth of the total strength of the house. In case a special meeting is requisitioned for the purpose of impeachment, no confidence motion against the President, the DSW shall preside over such a meeting.

PART — III

Clause 21 : Amendments to the Constitution

No proposal/Motion for amendment in the basic structure of the model code of conduct and / or this Constitution shall be considered by the Union unless the same is allowed by the Hon'ble Rajasthan High Court to be introduced upon recommendation by the Patron of the Union.

Clause 22: Patron of the University Students' Union and his/her Power

- a. The Vice-Chancellor of the University shall be the Patron of the University Students' Union. In case of any emergency of which the Patron shall be the sole judge and he/she may stop the process of election at any point or suspend, dissolve the Union or may take any other action which he/she deems necessary and his/her decision shall be binding on all concerned and shall not be challenged in a court of Law. This provision will not be amendable by any process.
- b. The Vice-Chancellor may also amend non basic structure of the constitution if the exigency of the situation so requires.

Clause 23 : Interpretation of the Constitution

If there is any ambiguity or dispute regarding the interpretation of the Constitution, the interpretation of the Vice-Chancellor shall be final. The English version of the constitution of University Students' Union shall be final for interpretation. The English/Hindi version of this constitution shall be available on the university website www.mlsu.ac.in.

***All the clarifications/directions/orders/circulars issued by the State government from time to time regarding the Student Union election will be part of this document/Constitution of Students' Union.**

By order

Date _____
Udaipur

Registrar
Mohanlal Sukhadia University
Udaipur

MOHANLAL SUKHADIA UNIVERSITY UDAIPUR

CONSTITUTION OF CONSTITUENT COLLEGE STUDENTS' UNION 2018-2019

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PART – I

Clause 1 :Title and Name

There shall be a Students' Union for each constituent college of the University.

Clause 2 : Office

Office of the College Union will be located in the College premises.

Clause 3 :Composition and Structure of the College Students Union

I- Members

All students on the rolls of the Department and Constituent Units of the University including full time duly registered research scholars as on 01st day of August or 10 days before the date of the students' election 2018 by state government of the relevant academic year will be the members. Membership of the students Union shall be automatic for all students who are enrolled except the student of diploma & certificate course. The membership fee can be fixed and revised by the University from time to time.

II- The composition of College Students' Union

The composition of College Students Union shall be Presidential form of Union where President, Vice President, General Secretary and Joint Secretary shall be directly elected by the College Electoral Collegium by single nontransferable vote. The President and General Secretary shall be elected from among the students enrolled in Third Year and above class and Vice-President and Joint Secretary shall be elected among from the students enrolled in second year and above class.

The cabinet will consist of the following office bearer:

- (i) President (Direct Election)
- (ii) Vice President (do)
- (iii) General Secretary (do)
- (iv) Joint Secretary (do)
- (v) Such other members/office bearers as may be nominated by the President in consultation with Vice President, General Secretary and the Joint Secretary among from the elected Class Representatives of the college/unit within 03 days of the declaration of College Election results which will be called College Students' Union Cabinet.

College Students' Union cabinet so constituted shall work for full academic session and no change in the cabinet whatsoever shall be allowed in any manner.

Any regular student who is enrolled in courses of study as run by the concerned college atleast for one year shall be eligible to contest for the

student Union subject to fulfillment of the qualifications / eligibility as laid down in Clause 7.

Note :

- (i) The students of all the Diploma and Certificate course programs will not be eligible to vote and contest.
- (ii) The students enrolled in the First Year shall be eligible to contest only for Class Representative (CR) and such students shall not be eligible to contest for any other position of the College Student's Union. The student enrolled in different departments shall be allowed to participate in the election process of the Central/Apex Students' Union.
- (iii) The students enrolled in Three Year LL.B. Course (Traditional)/ Post graduate course shall be eligible to contest for any post of Student Union.
- (iv) The Students enrolled in the Five Year LL.B. Integrated Course shall be eligible to contest and vote only for the posts of Students Bar Council.

Two representatives from each semester shall be elected by the students enrolled in Five Year LL.B. Integrated Program. These elected representatives shall constitute the Students Bar Council.

- (v) The maximum age to contest the election for all the posts of Student Union shall be 25 years but the maximum age limit to contest for the students of Law post graduate program and Research Representative shall be 28 years.
- (vi) The contesting candidates may have their camps during election with prior permission of the University Authorities. But in no case they shall have election campaign with papers/posters/slogans outside the University/College campus. If found, suitable action shall be taken against such defaulters. The campaign of student Union election outside the Campus is strictly prohibited.

Assembly

The Assembly shall consist of Class Representatives and the Class Representatives shall be elected in the following manner:

- (i) Up to Final year of TDC, one representative from each class or section of a class shall be elected.
- (ii) From LL.B. Course, there would be one representative elected from each class or section thereof of the 3 and 5 year degree courses.
- (iii) From LL.M. Course/Class, only two representatives would be elected each one from Previous and one from Final.
- (iv) From Post-graduate classes, other than law, one representative shall be elected from each subject including Previous, Final classes and

Certificate and Diploma courses of more than one year duration run by the department/college.

Clause 4 : Advisor

The Assistant Dean Students' Welfare or in case there is no ADSW, the person nominated by the Dean/Vice-Chancellor shall be the Advisor of the Students' Union. He/She will have the right to attend all meeting of the Cabinet or that of the Class Representatives.

Clause 5 : Additional Electoral Officer

There shall be Additional Electoral Officer who shall be such officer as the Registrar may in consultation with the Vice-Chancellor of the University, designate or nominate with all the Heads of the Colleges as Additional Electoral Officers for their respective Colleges/Unit who shall prepare the electoral of the student in such form and in such manner as may be required for the proper conduct of the Union Election based on the closing of admission and same shall be certified to be Authorised Electoral Roll for the purpose of the Election and made available to the Chief Election Officer by 10 days before the election/polling day for student union.

Clause 6 : Eligibility for Election

(a) For the office of the President, Vice President, General Secretary and Joint Secretary

Any student of the Final year of TDC / Third year of Four Year Course shall be eligible to contest for the office of the President, Vice President, General Secretary and Joint Secretary subject to fulfillment of the qualifications as laid down in Clause 7.

(b) For the Class Representatives

All students on the rolls of the Constituent Units of the University shall be eligible to contest election for the Class Representatives subject to the fulfillment of the qualifications as laid down in clause 7.

Clause 7: Qualifications

In order to be eligible to contest any election

- a. The maximum age of the contesting candidates shall be 25 years on 1st day of the August of the academic year in which election is held but for students pursuing post graduate law course the, maximum age shall be 28 years.
 - (i) Any student of the Final year of TDC/Third year of Four/Five Year Course shall be eligible to contest for the office of the President & General Secretary and Vice-President and Joint Secretary shall be elected among from the students enrolled in second year and above class subject to fulfillment of qualifications as laid down in Clause 6.

- (ii) Three Year Professional Law Degree Courses, the maximum age limit to legitimately contest an election would be 25 years; and shall be allowed to contest election for any post.
- b. The candidate should in no event have any academic arrears in the immediate preceding year of contesting election. Provided that in case of semester system examination where exam/result is due the candidates should in no event have any academic arrear in previous year / semester. Further provided that they have to submit an affidavit/undertaking that in case they are unable to clear their current examination, their election will be treated as cancelled by the University and they will not be entitled to claim any right.
- c. The candidate should have attained the minimum percentage of attendance as prescribed by the university or 75% attendance, whichever is higher in the immediate preceding year.
- d. 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.
- e.
 - (i) The candidate shall not have a previous criminal record, that is to say he should have not been tried and/or convicted of any criminal offence punishable with imprisonment of more than two years.
 - (ii) The candidate shall also not have been subjected to any disciplinary action by the University authorities.
 - (iii) In this regard, it is clarified that the student who has been rusticated by the University/College or against whom FIR has been lodged by the University/College will not be entitled to contest the election.
 - (iv) A student who is being tried with offence punishable with the imprisonment of more than two years is ineligible to contest the student union election.
- f. The candidate must be a regular, full time student of the college. That is to say that all eligible candidates must be enrolled in a full time course, the course duration being at least one year.
- g. No student shall hold more than one elected office/post at a time.
- h. In case of election to the office of the President, Vice President, General Secretary and Joint Secretary, a student should have been a regular student of the constituent college in the immediately preceding academic year of the election.
- i. A student can contest for any one office either at the Apex/Central Students' Union level or at the College Students' Union level only.

- j. College Students' Union shall be elected or get nominated out of all the students' who are studying in the College. No faculty member/guest faculty member or the administrative staff shall be eligible to contest and or hold any position of the student's Union Executive. Students of all the diploma and certificate course programmes will not be eligible to vote and contest the student union election.
- k. The student union cabinet so constituted shall work for full academic session and no change in the cabinet / office bearer whatsoever shall be allowed at any stage during the session.

Clause 8 : Procedure for Election

Security Deposit

The candidate filing nomination in prescribed application form for contesting any election shall deposit security as under:

1. For the College President Rs. 1000/-
2. For the College Vice President, General Secretary, Joint Secretary Rs. 700/-
3. For the Class Representative (C.R.) Rs. 300/-

Provided further that the security deposit shall be forfeited in case the candidate secures less than 1/6 of the total votes polled for the office contested.

i. Election of the President, Vice-President, General Secretary and Joint Secretary

- a. The Electoral College for the election of the President and other office bearer shall consist of all the members of the College Students' Union enrolled in the college.
- b. The Dean / Principal of the college or the person nominated by the Dean / Principal on his/her behalf shall be the Returning Officer for the election of the College Union. He/She shall declare the election programme and invite the nominations for the elections. After the due scrutiny of the nominations filed, he/she shall notify the names of the contesting candidates for the above election in Hindi alphabetical order on the boards of the College. He/She shall also conduct the poll, if necessary, and declare the results.

ii. Election of the Class Representative

- a. The Electoral College for election of member of Class Representative shall consist of Union of the College concerned as per the seats notified in the election programme.

- b. The Dean / Principal of the college or the person nominated by the Dean / Principal on his/her behalf shall be the Returning Officer for the election of the College Union for the election of the Class Representative. He/She shall declare the election programme and invite the nominations for the elections. After the due scrutiny of the nominations filed, he/she shall notify the names of the contesting candidates for the above election in Hindi alphabetical order on the boards constituent units of the university. He/She shall also conduct the poll, if necessary, and declare the results.
- c. Election of class representatives, if required, shall be held a day before of student union election.

Other Regulations

- i. All elections shall be held on a date and as per programme fixed by the chief election officer i.e. DSW of the University at least 7 days before the day of poll.
- ii. Elections shall be by simple majority vote and by means of secret ballot. In case of tie in any election, the result will be declared on the basis of draw of lots.
- iii. The voter will also be given the option of None of the Above (NOTA) in the ballot paper.
- iv. The Head of the Institution concerned shall provide all such assistance as may be needed by the Returning Officer for conducting the elections.
- v. It shall be the exclusive responsibility of the All Head of the Institution and College Staff to ensure free and fair elections in his/her Unit.
- vi. After all the results of the election have been declared, the Dean of the College or the person nominated by the Dean on his/her behalf shall notify the consolidated list of elected College Office bearers and Representatives.

Code of Conduct for Candidates and Election Administrators as per the Clause 09 given in the Apex/Central Students Union.

Clause 9: Election Grievance Redressal Mechanism

The University Election Grievance Redressal Mechanism will be responsible for all complaints received from the students as per Clause-10 of Constitution of Apex / Central Students' Union.

Clause 10 : Election Expenditure and Financial Accountability

As per Clause-11 of Constitution of Apex / Central Students Union.

Clause 11 : Constitution of the Cabinet

The President shall convene meeting of the Cabinet at least once in two months. Special meeting may be convened by the President on the request made by 25 percent members of the Class Representatives. The President shall preside over the cabinet meeting. The General Secretary shall record the proceeding and carry out the day to day work of the Cabinet.

Clause 12 : Term of Office

The term of office of the President, the Vice-President, the Members of Cabinet and the Class Representatives shall be from the date of his/her election till the last day of the academic session i.e. 30th day of June of the academic session. But in case any one of them ceases to be on the rolls of the Institution, he/she shall *ipso facto* cease to be an office bearer or member of the Students' Union. Likewise, if any member or office bearer has been fined or punished for misbehavior or misconduct or for causing damage to College/University property or convicted for any criminal offence by a court of law, such member of the office bearer shall *ipso facto* be ceased.

Clause 13 : Oath of Office

The following oath of office shall be administered to the President, the Cabinet and each Class Representatives by the Dean / Principal of the College or any other person approved by the Vice-Chancellor within three days of the declaration of result.

I, do solemnly swear (or affirm) that I shall protect, preserve and defend the Constitution of the College Students' Union, _____ (Name of the College) and that I shall execute the duties of my office to the best of my ability and in accordance with the provisions of the constitution. I shall not indulge in any activity individually or collectively which may be detrimental to the prestige and interest of the College/University.

Clause 14 : Conduct of Business by College Assembly

- i. The Assembly shall meet at least once in every 2 months on the day and time fixed by the President with the approval of the ADSW or the person nominated by the Dean/Vice-Chancellor on his/her behalf. In case the meetings are not so convened, ADSW or the person nominated by the Dean/Vice-Chancellor on his/her behalf shall be competent to convene the meeting and preside over it.
- ii. The quorum for any meeting shall be one third of the total strength of the Assembly/Cabinet as the case may be. Business transacted or decisions taken without the quorum or without the approval of ADSW will not be valid.

- iii. The President or in his/her absence, the Vice-President of the Students' Union shall preside over the meeting of the Assembly. If in any duly convened meeting of Assembly both the President and the Vice-President are absent, the members present shall, elect a person from among them to preside over the meeting.
- iv. The expenditure for the College Union activities shall be met out of the fund received as Union fee for College Students' Union for the current session only. The Funds budget of the Union shall be operated upon by the Accounts officer of the College/ Unit as may be authorized by the Comptroller/Finance Officer of the University specifically in this behalf. The College President shall authorize expenditure/ payments under the supervision of ADSW and shall also submit proper accounts regularly through him. All the accounts shall be maintained/ audited as per University rules and the audited accounts together with auditors report shall be placed by the President in the Assembly before the end of the session.
- v. The Annual Plan and Annual Budget prepared by the President shall be discussed and passed by the Assembly by simple majority in its first meeting.

Clause 15 : General Regulations

- a. The General Secretary shall keep a record of minutes and shall publish the same from time to time.
- b. Upon requisition by not less than one third of the total members, a special meeting of the Assembly shall be convened by the President after due notice. However, a gap of two months must exist between two consecutive special meeting of the Assembly. If the President is unable to call the special meeting, the ADSW or the nominee of the Dean/ Principal / Vice-Chancellor shall call the special meeting and preside over the same.

PART — II

Clause 16 : Power, Function and Responsibility of Students Union

- a. All executive powers under the constitution shall vest in the Cabinet of the College Students' Union.
- b. The President in consultation with his Cabinet and ADSW shall convene the meeting of the Assembly within 30 days from assuming office to discuss the matters relevant to the student community.
- c. The President in consultation with the Cabinet shall appoint sub-committees to carry on the work of the Union. The President shall serve as the Official Head of the Students' Union and shall perform all official and social functions pertaining to the Union.
- d. The Cabinet shall have the authority to invite such persons as they deem proper for any special meeting of the Cabinet. Such persons shall have no voting rights, and shall not be outsiders.

- e. The Cabinet shall from time to time recommend to the Dean such measures as may be necessary or expedient for the benefit of the student community and prestige of the College/ University.
- f. The expenditure for the College Union activities shall be met out of the fund received as the Union fee for College Students Union for the current session only as per the provisions and procedures as given in **g**. The funds budget of the union shall be operated upon by the Account Officer of the University/College/Unit as may be authorized by the Comptroller/Finance Officer of the University specifically in this behalf. The College President shall incur expenditure under the supervision of ADSW and shall also submit proper accounts regularly through him/her. All the accounts shall be maintained /audited as per University rules and the audited accounts together with auditors report shall be placed by the President in the Assembly before the end of the session. No expenditure shall be incurred without approval of the budget of the Union approved by the cabinet/ Assembly and subsequently by the ADSW and Dean of the College.
- g. It is important that the frame work of all the activities and the budget shall be in accordance with the Lyngdoh Committee's recommendations.**
 - (i) The College Students' Union through its President will organize all the activities jointly as per the approved budgetary provision by the cabinet.

Individual office bearer including the President shall not plan or organize these activities individually. However, individual office bearer may submit his plan for holding jointly such activities to the College student union which shall be finally decided by the student's union cabinet in the manner as mentioned above.
 - (ii) No activity by the union shall be organized without the prior and in-time approval of the budget from the ADSW for the current academic session.

BUDGETARY PROVISIONS FOR ACTIVITIES:

Allocation in percentage under the following main Budget Heads:

	Heads	To be Utilized by	Allocation
1.	Maintenances of Greenery on the campus (Plantation etc.)	To be utilized by the College	10%
2.	Leadership development programme for students (Motivational talks, Seminars, Symposia, etc.) & Special Academic Lectures, Seminars, symposiums and workshops for Res. Rep: (a)for General Students(%) (b)for Research Representatives (%)	To be utilized by the college students' union.	10%
3.	Public Lecture organized by University.	To be utilized by the college students' union.	15%
4.	Blood Donation Camps – Two (September & January)	To be utilized by the college students' union.	5%
5.	Cultural activities of Students' Union:		
	1-Office Inaugural Function	To be utilized by the college students' union.	15%
	2-Cultural Programme		25%
	3-Sports activities & Transportation expenses		10%
	4-Any other activates.		05%
6.	Contingent Expenses.	To be utilized by both.	05%
Total:-			100%

- **Conditions:**

1. The procurement of different items should be through the approved vendors only whose rates are approved.
2. No advance payment shall be made for any item. In case, if made, shall be through the ADSW office only.
3. All the payments shall be made through RTGS/ Electronic mode only.
4. All the vendors, supplying materials must have Bank account, PAN, GST Registration etc. Only such vendors will be approved for supplying the materials.
5. Payment of contingent expenditure can be made for one transaction in cash upto the maximum limit of Rs.2000/- only with the prior approval of the competent authority of the University.

6. Following are the main rules of RTPP Act 2012 to be adhered strictly:

1-Single Procurement:- Up to Rs.10,000/-

2-Spot Purchase Committee: -Up to Rs.50,000/-

3-Limited Tender:- Up to Rs.1,00,000/- subject to upload on University website inviting quotation 15 days prior.

4-Open Tender:- Above 1.00 Lac subject to uploading on State Portal and University website inviting quotation 15 days prior.

7-This is mandatory and legally required for all types of transaction. Failing which no bill will be processed.

- All the programmes and activities to be organized by the College Students' Union must be over by 31st December of that academic session.
- No individual programme shall be organized by the office bearers of Students' Union from the budget of students' Union such as Introduction/ Fresher Parties, Fashion Show, Garba etc.
- New Year OR Diwali greeting cards of the students union jointly shall be allowed to send digitally only once in the academic session through University Centralized Facilities on the request duly forwarded by the ADSW.

- h. The College Students Union shall by all means strictly adhere to the activity calendar so evolved by the Cabinet and approved by the Dean Students' Welfare for the respective academic session and make an attempt to finish all the activities by 31st of December of the academic session so that the examination schedule is not disturbed.
- i. There shall be common program for the entire elected cabinet of the College Students' Union like oath taking ceremony, inauguration of the office of the Union strictly within one month of the election of Student Union. Other such programmes as evolved and approved by the Dean Students' Welfare and University/College authorities may also be organized by the Union.

Clause 17 : Succession

In case the office of the President falls vacant due to any reason, the Vice-President shall succeed him and in case the office of the Vice-President is also vacant, the elected members of the Assembly shall elect a President from among themselves for the residuary term.

Clause 18: Motion of No-Confidence against the President.

A motion of no confidence against the President shall be deemed to be a motion against him/her and his / her cabinet. A motion of no confidence may be proposed against the President by at least one third of the members of Parliament in writing at a regular or special meeting. It shall become effective if passed by two-third members present and voting which shall not be less than one half of the total strength of the house.

If a motion of no confidence is passed against the President, the whole cabinet would be deemed to have vacated its office. In such circumstances, the Apex / Central Students Union will dissolve for rest of the session. In case if the apex/Central Students Cabinet is dissolved for any reason then the student union will cease to work for rest of the session.

Clause 19: Motion of Impeachment

The President, Vice-President, General Secretary and Joint Secretary may be impeached by the Assembly for any act of misbehavior including any action on their part, which tends to lower the prestige of the University.

A motion of impeachment against the President shall be deemed to be motion of impeachment also against his entire Cabinet except the Vice-President. A motion of impeachment may be proposed against the President or the Vice-President in any meeting of the Assembly by at least one half of the members present. It shall become effective if passed by two third members present and voting, which shall not be less than three-fourth of the total strength of the house. In case a special meeting is requisitioned for the purpose of impeachment, no confidence motion against the President, the DSW shall preside over such a meeting.

PART — III

Clause 20: Amendments in the Constitution

No proposal/Motion for amendment in the Constitution shall be considered by the Union unless the same is recommended to be produced by the Patron of the Mohan Lal Sukhadia University Students Union i.e. the Vice Chancellor.

Clause 21 : Patron of the College Students' Union and his/her Powers

- a. The Dean/Principal of the College shall be the Patron of the College Students' Union. In case of any emergency of which the Patron shall be the sole judge and he/she may stop the process of election at any point or suspend, dissolve the Union with the permission of the Vice Chancellor or may recommend take any other action which he deems necessary and his decision shall be binding on all concerned and shall not be challenged in a court of Law. This provision will not be amendable by any process.
- b. The Vice Chancellor may also amend any or all provisions of this / Constitution if the exigency of the situation so requires.

Clause 22: Interpretation of the Constitution

If there is any ambiguity or dispute regarding the interpretation of the Constitution, the interpretation of the Vice-Chancellor shall be final. The English version of the constitution of University Students' Union shall be final for interpretation. The English/Hindi version of this constitution shall be available on the university website www.mlsu.ac.in.

***All the clarifications/directions/orders/circulars issued by the State government from time to time regarding the Student Union election will be part of this document/Constitution of Students' Union.**

By order

Date _____
Udaipur

Registrar
Mohanlal Sukhadia University
Udaipur