

## NORTH-EASTERN HILL UNIVERSITY RULES

RU-1

### THE NORTH -EASTERN HILL UNIVERSITY ELECTION RULES

*(Under Statute 42(1) (b) and 36(A) of the First Schedule)*

Rules for the election of members to the Authorities and Bodies of the University under provisions of the Statutes of the North-Eastern Hill University Act, 1973, as amended up to-date.

1. These Rules shall be called "The North-Eastern Hill University Election Rules,
2. These Rules shall come into force with immediate effect.
3. Definition: In these Rules:-
  - (a) 'Act' means the North-Eastern Hill University Act, 1973, as amended up to-date.
  - (b) 'University' means the North-Eastern Hill University.
  - (c) 'Returning Officer' means an Officer of the University appointed by the Election Commission to assist the Commission for the purposes of holding and conducting of election.
  - (d) 'Teacher' means a Professor, Reader or a Lecturer of a College affiliated to North- Eastern Hill University.
  - (e) 'Candidate' means a contesting candidate.
  - (f) 'Constituency' means the constituency from which a member is to be elected to the Authority or Body of North-Eastern Hill University.
  - (g) 'Polling Booth' means a place where arrangements are made for voters to personally record their votes.
  - (h) 'Continuing candidates' means candidates not elected or not excluded from the poll at any given time.
  - (i) 'Exhausted Papers' means ballot papers on which no further preference is recorded for a continuing candidate, provided that a paper shall also be deemed to be exhausted in any case in which -
    - (1) The names of two or more candidates, whether continuing or not are marked with the same figure and are next in order of preference; or
    - (2) the name of the candidate next in order of preference whether continuing or not, is marked -
      - (i) by a figure not following consecutively after some other figure on the ballot paper; or
      - (ii) by two or more figures.
  - (j) 'Original Votes' in regard to any candidate means the vote derived from ballot papers on which a first preference is recorded for such candidates.

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- (k) 'First preference' means, the figure 1 set opposite the name of any candidate, 'Second preference' similarly the figure 2, 'Third preference' the figure 3 and so on.
- (l) 'Surplus' means the "number by which the votes of any candidate, original and transferred, exceeds the quota.
- (m) 'Quota' for counting of votes where only one seat is to be filled- (1) at any election where only one seat is to be filled, every valid ballot paper shall be deemed to be value of one at each count, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows:
- (i) Add the values credited to all the candidates,
  - (ii) Divide the total by two; and
  - (iii) Add 1 to the quotient ignoring the remainder, if any, and the resulting number is the quota.
- (n) Quota for counting of votes when more than one seat is to be filled - (1) At any election where more than one seat is to be filled, every ballot paper shall be deemed to be of the value of 100, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows:
- (i) Add the values credited to all the candidates;
  - (ii) Divide the total by a number which exceed by 1 the number of vacancies to be filled; and
  - (iii) Add 1 to the quotient ignoring the remainder, if any, and the resulting number is the quota.
- (o) 'Transferred Votes' in regard to any candidate means votes credited to such candidate which are derived, from ballot paper on which a second subsequent preference is recorded for such candidate.
- (p) 'Un-exhausted papers' means ballot papers on which a further preference is recorded for a continuing candidate.
- Electoral Roll**
4. (a) For the purpose of election of members to an Authority or Body of the University under the North-Eastern Hill University Act, 1973, as amended upto-date, there shall be an Electoral Roll of the members of the different constituencies who are entitled to vote in the elections concerned.
- (b) The Returning Officer shall be under the superintendence and direction of the Election Commission prepare constituency-wise a draft Electoral Roll of voters who are eligible to vote in the constituency concerned.
- (c) The Returning Officer shall thereafter publish a draft Electoral Roll under his signature which shall be circulated among the Principals of Colleges and a copy of the same shall be affixed on a Notice Board at a conspicuous place in such offices and places for giving wide publicity (Schedule-1).

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- (d) The Election Commission shall fix a date for receipt of objections, if any, in writing and a date for hearing as well as disposal of objections shall be so fixed that there is a gap of 15 days between the date fixed for submission of objections and the date of hearing.
- (e) On the date fixed for hearing the claimants or objections may adduce oral or documentary evidence in support of their respective intentions and the order passed by the Election Commission shall be final and binding.
- (f) The Electoral Roll, after disposal of objections, be prepared and shall be finally published by the Returning Officer under his seal and signature and copies thereof may be supplied on payment of a price fixed by the Vice-Chancellor.
- Notification** 5. The Returning Officer under the direction of the Election Commission shall duly notify the Principals of affiliated colleges fixing the dates for the following purposes:
- (i) Last date for filling nomination papers.
- (ii) Date and time of scrutiny of nomination papers.
- (iii) Last date and time of withdrawal of nominations which shall ordinarily be the 3rd day after the scrutiny of nomination papers.
- (iv) Last date and time by which the postal ballot papers and the ballot boxes where polling is held in polling booths should reach the Returning Officer.
- (v) Date and time of polling at the polling booths.
- (vi) Date, time and place for counting of votes.
- Nominations** 6. (a) Any person whose name appears in the final Electoral Rolls of a constituency may be nominated as a candidate for election to that constituency, provided he is proposed by at least one person and seconded by another who are the voters according to the final Electoral Rolls.
- (b) The nomination paper in the prescribed form as in Schedule-IV must be submitted to the Returning Officer as per date and time fixed under Rule 5(i) above.
- (c) Any person whose name is enrolled in the final Electoral Roll of a constituency may subscribe as proposer or seconder in the nomination paper and nothing shall prevent any candidate from being nominated by more than one valid nomination papers.
- Scrutiny** 7. (a) All nomination papers shall be scrutinised by the Returning Officer on the date and hour fixed under Rule 5(ii).
- (b) The candidates or their agents, not more than one agent for each candidate, duly authorised by the candidate in writing may attend the scrutiny of nomination papers. Facilities for examining the nomination papers shall be provided to the candidates or their agents.

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- (c) The Returning Officer shall examine the nomination paper and hear the objections, if any, in respect of any nomination paper and may reject the same on any of the following grounds:
- (i) that the nomination paper was not received within the date and time fixed;
  - (ii) that the name of the candidate or his proposer, or seconder is not in the Electoral Roll;
  - (iii) that the name or and signature of the candidate or his proposer or seconder does not tally with the names entered in the Electoral Roll;
  - (iv) that the signature of the candidate or his proposer or seconder is not genuine.
- Provided that in case of dispute an opportunity shall be given to the person or persons concerned to prove the genuineness of his/ their signatures by a date to be fixed by the Returning Officer which shall not be beyond the date of withdrawal.
- (v) that there has been failure to comply with any of the provisions of these rules; and
  - (vi) any other irregularity which in the opinion of the Returning Officer may vitiate the election.
- (d) The Returning Officer, after scrutiny, shall declare the valid nominations.
- (e) If, after scrutiny of nomination papers, the number of candidates validly nominated is equal to or less than the number of vacancies to be filled, the candidates as nominated shall be declared duly elected.
- (f) If the number of candidates in a constituency shall be less than the number of vacancies, the constituency shall be called upon to elect a person or persons as the case may be, to fill the remaining vacancies.
- (g) If, after scrutiny, the number of candidates nominated is greater than the number of vacancies, a list of candidates whose nomination papers have been declared valid shall be published by affixing the same on the Notice Board in the Office of the Returning Officer on the same day, and a copy of the same be forwarded to each of the candidates nominated for election.

#### **Withdrawal**

8. (a) Any candidate may withdraw his candidature by notice in writing subscribed by him and sent by registered post so as to reach the Returning Officer or delivered to the Returning Officer or other person authorised by him not later than four O' Clock in the afternoon of the day fixed for withdrawal, which shall be five clear days after the last day of receipt of nominations. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be nominated as a candidate for the same election.

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- (b) The Returning Officer shall publish on the same day after the time for withdrawal of nomination has lapsed, a final list of candidates validly nominated.
- (c) If the number of candidates after withdrawal, if any, be equal to the number of vacancies the Returning Officer shall declare such candidate or candidates duly elected.
- (d) If the number of candidates exceeds the number of vacancies to be filled, the Returning Officer shall publish a list of names and addresses of the candidates whose nominations were found valid and poll shall be taken.

### **Emergency Provision**

9. It shall be competent for the Election Commission when any emergency arises (1) to assume the powers of the Returning Officer and function as such either by the Commission or by deputing any other person when in the course of the conduct of any election, the Returning Officer cannot carry out his duties and (2) to postpone the dates fixed in the programme for transaction of business connected with the elections at any intermediate stage. The Commission shall record its reasons for such acting.

### **Death of Candidate Before Commencement of the Poll**

10. If a contesting candidate dies and a report of his death is received before the commencement of the poll, the Returning Officer shall upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Commission and all proceedings with reference to the election are taken anew in all respects as if for a new election, provided further that a person who has given a notice of withdrawal of his candidature before the countermanding of the poll, shall also be eligible as a candidate for the election after such countermanding.
11. When a poll is taken as required under Clause 8 (d) above, the Election Commission shall appoint a presiding and/or a polling officer where necessary in order to conduct the poll.

### **Casting of Votes**

12. (a) In case of casting of votes at the polling booths, the Returning Officer shall send to each Presiding Officer alongwith copies of the Electoral Rolls as many ballot papers as there are enrolled votes of the polling centre concerned so as to reach the Presiding Officer not less than three days ahead at the date fixed for the poll.

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- (b) In case of ballot vote to be cast by the teachers of colleges, the Returning Officer shall send by registered post or by messenger the ballot papers for the voters of the colleges to the respective Principals of the colleges alongwith instructions as to the procedure for casting votes (Schedule -II) to reach them at least 15 days before the date fixed for the receipt of ballot papers by the Returning Officer and the Principals on receipt of the ballot papers shall deliver the same to the respective voters on proper verification and under signed receipt. After delivery of the ballot papers, the Principal shall send by registered post or by messenger the said receipts alongwith his report to the Returning Officer and also the ballot papers which could not be delivered with reasons thereof.
- Counting 13. (a) The Returning Officer shall conduct the counting on the date, time and place fixed for this purpose by the Election Commission. Provided that if any ballot box from a polling centre is not received by the Returning Officer within the date and time fixed for the purpose counting of votes shall be kept in abeyance for a period not exceeding 7 days and if it is deemed necessary a fresh poll may be held in such polling centre or centres and the Election Commission shall fix the date and time for fresh poll and for such other purposes.
- (b) The procedure prescribed in the following rules shall be adopted in the election in accordance with the system of proportional representation by means of single transferable vote.
- (c) All voters shall be entitled to vote and each voter shall have only one vote.
- (d) The Returning Officer shall have the power to reject any ballot paper:
- (i) Which does not bear Principal's signature ; or
  - (ii) on which a voter signs his name or writing any word or makes any mark by which it becomes unrecognisable ; or
  - (iii) on which figure 1 is not marked; or
  - (iv) on which figure 1 is set opposite the names of more than one candidate; or
  - (v) on which the figure 1 and some other figures are set opposite the name of the same candidate; or
  - (vi) which is void because of uncertainty.
- (e) On every ballot paper so rejected, the Returning Officer shall endorse the word 'invalid' and such papers shall be kept in a separate bundle.

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- (f) The ballot paper covers, other than those rejected under sub-clause (d) above, shall then be opened and the ballot papers taken out and mixed together in the presence of the Returning Officer. The Returning Officer shall then proceed to count the votes.
- Admission to the  
the place fixed  
for counting** 14. The Returning Officer shall exclude from the place fixed for counting of votes all persons except-
- (a) Such persons as may be engaged to help him in the counting of votes.
- (b) Candidates and their counting agents, being allowed for each candidate at a time.
- Counting  
Procedure** 15. (1) The following counting procedure shall be followed:
- (a) All fractions shall be disregarded, and
- (b) All preferences recorded for candidates already elected or excluded from the poll shall be ignored.
- (2) After the invalid ballot papers, if any, have been rejected, the remaining ballot papers shall be divided into parcels according to the first preferences recorded for each candidate and the number of papers in each parcel noted.
- (3) The number of papers in all the parcels shall then be added together and the total divided by a number exceeding by one the number of vacancies to be filled and the result increased by one shall be numbered sufficient to secure the return of a candidate hereinafter called the quota.
- (4) Any candidate, in whose parcel the number of votes on the first preferences being counted is equal to or greater than the quota shall be deemed elected.
- (5) If at any time a number of candidates equal to the number of persons to be elected has obtained the quota, such candidates shall be treated as elected and no further steps shall be taken thereafter.
- (6) (a) If the number of papers in any such parcel is equal to the quota, the papers shall be set aside as finally dealt with.
- (b) If the number of papers in any such parcel is equal to the quota, the surplus shall be transferred to the parcel containing candidates indicated on the ballot papers as next in the order of the voters preference in the manner prescribed below:
- (c) If and wherever as a result of any operation prescribed by these rules a candidate has a surplus that surplus shall be transferred in accordance with the provisions of this rule.

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- (d) If in ascertaining the number of papers to be transferred from a sub-parcel, fractional parts are found to exist and if owing to the existence of such fractional parts, the number of papers to be transferred is less than the surplus, as many of these fractional parts taken in the order of their magnitude the total number of papers to be transferred equal to the surplus, shall be reckoned as the value of unity and the remaining fractional parts are of equal magnitude that fractional parts shall be deemed to be the larger which arises from the larger sub-parcel, and if the sub-parcels in question are equal in quantum, preference shall be given to the candidate who obtained the larger number of original votes.
- (e) If more than one candidate has a surplus, the largest surplus shall be dealt with first and the others in order of magnitude provided that every surplus arising on the first count of votes shall be dealt with before those arising on the second count and so on.
- (f) When two or more surpluses are equal, the Returning Officer shall decide, as hereinafter provided in Clause 15(c) which shall be first dealt with.
- (g) (i) If the surplus of any candidate to be transferred arises from original votes only, all the papers in the parcel belonging to the candidate whose surplus is to be transferred shall be examined and the exhausted papers divided into sub-parcels according to the next preferences recorded thereon. A separate sub-parcel shall also be made of the exhausted papers.
- (ii) The number of papers in each sub-parcel and the total of all the unexhausted papers shall then be ascertained.
- (iii) If the total number of exhausted paper is greater than the surplus, these shall be transferred from each sub-parcel the number of papers which bears the same proportion to the number of papers in the sub-parcel as the surplus bears to the total number of unexhausted papers, in the order in which such papers have been transferred.
- (h) If the surplus of any candidate to be transferred arises from the transferred as well as original votes, all the papers in the sub-parcel, last transferred to the candidates shall be re-examined and the unexhausted papers divided thereon. The sub-parcels shall be dealt with in the same manner as is provided in the case of sub-parcels referred to in Clause (i) given above.
- (i) The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already secured by such candidate.
- (j) All papers in the parcel or sub-parcel of an elected candidate not transferred under this rule shall be set aside as finally dealt with.

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- (k)
  - (i) If, after all the surplus has been transferred as hereinafter mentioned less than the number of candidates required has been elected the candidate lowest on the poll shall be excluded from the poll and his unexhausted papers distributed among the continuing candidates according to the next preferences recorded thereon. Any exhausted papers shall be set aside as finally dealt with.
  - (ii) The papers containing original votes of an excluded candidate shall first be transferred.
  - (iii) The papers containing transferred votes of an excluded candidate shall then be transferred in the order of the transfer in which he obtained them.
  - (iv) If the total of the votes of the two or more candidates lowest in the poll, together with any surplus votes not transferred is less than the votes credited may in the operation be excluded from the poll and their votes transferred in the accordance with the direction given in sub-rule (i) to (iii) above.
- (l) The process directed by this rule shall be repeated on the successive exclusion of the candidate lowest on the poll until the last vacancy is filled either by the election of candidate with the quota or as hereinafter provided.
- (m) If as a result of a transfer of papers under these rules the number of votes obtained by a candidate is equal to or greater than the quota, the transfer then proceeding shall be completed but no further papers shall be transferred to him.
  - (i) If after the completion of any transfer under these rules the number of votes of any candidate shall be equal to or greater than the quota, he shall be declared elected.
  - (ii) If the number of votes of any such candidate shall be equal to the quota, the whole of the papers on which such votes are recorded shall be set aside as finally dealt with.
  - (iii) If the number of votes of any such candidate shall be greater than the quota, his surplus shall there upon be distributed in the manner herein before provided, before the exclusion of any other candidate.
- (n)
  - (i) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.
  - (ii) When only vacancy remains unfilled and the number of votes of some of the continuing candidates exceeds the total of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be deemed elected.

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(iii) When only two vacancies remain unfilled and there are only two continuing candidates and these two candidates have each the same number of votes and no surplus remains capable of transfer, one candidate shall be excluded under next succeeding clause and the other deemed elected.

(o) If when there is more than one surplus to be distributed two or more surpluses are equal or if any time it becomes necessary to exclude a candidate and two or more candidates have the same number of votes and are lowest on the poll, regard shall be had to the original votes of each candidates, and the candidates for whom lowest original votes are recorded shall have his surplus first distributed, or shall be first excluded as the same may be. If the number of their original votes is the same, the Returning Officer shall decide by lot which candidate shall have his surplus distributed or be excluded.

(p) Any candidate or his agent, at any time, during the counting of votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise) demands on reasonable grounds the Returning Officer to re-examine and recount the papers of all candidates or of any candidate (not being papers set aside at any previous transfer as finally dealt with) and the Returning Officer deems it necessary, shall forthwith re-examine and re-count the same with the help of such persons as he may appoint. The Returning Officer may also at his discretion re-count votes either once or more than once in any case in which he is not satisfied as to the accuracy of any previous counting provided that nothing herein shall make obligatory on the Returning Officer to re-count the same votes more than once.

16. In the matter of hearing of claims or objections in respect of inclusion or non-inclusion of a name in the Electoral Roll, Scrutiny of nomination papers or counting of votes, no rejection shall be made on technical or trivial grounds.
17. On completion of counting, the Returning Officer shall declare the results which shall be displayed on the Notice Board and subsequently be published in a daily newspaper.
18. No election can be questioned or challenged except by an election petition presented in accordance with the following provisions:
  - (a) An election petition must be filled within 21 days from the date of declaration of the results of the election.
  - (b) An election petition shall lie only when any irregularity has materially affected the result of the election.
  - (c) The Election Commission shall be the final authority to admit and dispose of an election petition whose decision shall be binding and cannot be questioned by any other proceeding.
  - (d) An election petition shall be submitted to the Election Commission through the Returning Officer who shall then forward the election petition alongwith a brief report and all relevant papers to the Election Commission, The Election Commission may admit or reject the petition.

### **Election Petition**

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- (e) The Returning Officer on admission of the petition shall supply copies of the same to be furnished by the person challenging the election to all the contesting candidates fixing the date for filing of written statements and documents, if any.
- (f) The Election Commission may admit and dispose of a petition on perusal of the relevant papers or may authorise any other person or persons for hearing the parties after admitting petition and the persons so authorised shall submit a report to the Election Commission for necessary order.
- Duties & Functions of the Election Commission**
- 19.(a) The superintendence, direction and control of the preparation of the Electoral Rolls for and the conduct of all elections to the authorities shall be vested with the Election Commission.
- (b) There shall be a Standing Election Commission consisting of the following:
- (i) Senior most Professor - Chairman
  - (ii) Senior most Reader - Member
  - (iii) Senior most Lecturer -Member
- (c) Before each election to the Authorities and Bodies of the University, the Election Commission shall appoint a Returning Officer, Presiding Officers and such other Officers as may be considered necessary to assist the Election Commission in the performance of the functions entrusted to the Commission by sub-clause (a) above.
- Preservation of ballot papers**
20. The ballot papers shall be preserved till the disposal of an election petition and if no election petition is received, the ballot papers shall be destroyed on the expiry of the period prescribed for filing of election petitions.
21. The North-Eastern Hill University Election Rules, 1978 are hereby repealed.