

(As Approved by the Coordination Committee in its meeting held on 25/10/2017 and Adopted by Devi Ahilya Vishwavidyalaya in its EC meeting held on 04/12/2017).

STATUTE NO. 23

ELECTION OF REGISTERED GRADUATES TO THE COURT

[REFER EXPLANATION (IV) (C) UNDER SECTION 20 (1)]

1. The Statute may be called the Election of Registered Graduates to the Court.
Definition
2. In this Statute :-
 - (1) "Continuing candidates" means the candidates not elected or not excluded from the poll at any given time.
 - (2) "Count" means and includes:
 - (a) All operations of first preferences counting; or
 - (b) Transfer of surplus of an elected candidate; or
 - (c) Transfer of the total value of votes of excluded candidate.
 - (3) "First Preference" means the figure I set opposite the name of a candidate; "Second Preference" means the figure II set opposite the name of a candidate; "Third Preference" means the figure III set opposite the name of a candidate, and so on.
 - (4) "Unexhausted Papers" means voting papers on which a further preference is recorded for a continuing candidate.
 - (5) "Exhausted Paper" means a voting paper on which no further preference is recorded for a continuing candidate, provided that a paper shall also be deemed to be exhausted whenever :-
 - (a) 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
 - (b) the name of the candidate next in order of preference, whether continuing or not is marked by a figure not following consecutively after some other figure on the voting paper or by two or more figures.
 - (6) "Original votes" in regard to any candidate means the votes derived from voting papers on which a first preference is recorded for such candidate.

- (7) "Transferred votes" in regard to any candidate means votes, the value or part of the value of which is credited to such candidate and which are derived from voting papers on which a second or subsequent preference is recorded for such candidate.
- (8) "Surplus" means the number by which the value of the votes of any candidate, original and transferred exceeds the quota.
- (9) "Registrar" of the University also means the Returning Officer for the election and the Presiding Officer for the Poll.
- (10) "Attesting Officer" means any of the following persons, not being a candidate for the election. viz.:
- (i) A Statutory Officer of the University.
 - (ii) A Principal of a College.
 - (iii) A Professor or College Professor or Reader or Assistant Professor in any Teaching Department or College.
 - (iv) A Magistrate.
 - (v) A Gazetted Officer of the State of Madhya Pradesh or of the Central Government.
 - (vi) A member of Madhya Pradesh Vidhan Sabha or the Parliament.
- (11) "Sealed" means sealed with sealing wax.

Manner of Election

3. The election of representatives on the Court by the registered graduates of the University from amongst themselves under item (xix) of sub-section (I) of section 20 of the Adhiniyam shall be in accordance with the system of proportional representation by means of single transferable vote.

Elector

4. (a) Every person who is a registered or re-registered graduate at least ninety days prior to the date of election fixed by a notice issued under paragraph 5 shall be qualified to stand as a candidate for and vote at the election of representatives of registered graduates on the Court under item (xix) of sub-section (I) of section 20.
- (b) No salaried employee of any University or any college within the State shall be eligible for the election, as laid down in the explanation to sub-section (I) of section 20 of the Adhiniyam.

Nominations and Fixing of Programmes

5. Whenever it is necessary to hold election of representatives of registered graduates on the Court, the Registrar shall by notice, publish by affixing a copy thereof on the Office Notice Board and on website of the University and in such newspapers, as the Kulpati may direct:

- (i) Declare the last date for registration or re-registration as Registered Graduate which would entitle a person to stand as a candidate for and vote at the election, such last date being ninety days prior to the date of election.
- (ii) Call upon the Registered Graduates who are registered on or before the last day fixed in (i) above to elect members to the Court specifying the number of members to be elected.
- (iii) Fix the last date for receipt of nominations, such last date being the forty-fifth day after the date of publication of the notice,
- (iv) Fix the date and time for scrutiny of nominations which shall be the fifth day after the last date for receipt of nominations.
- (v) Fix the last date and time for the withdrawal of candidature which shall be tenth day after the date for the scrutiny of nominations.
- (vi) Fix the place, date and hours for poll for voters residing within the radius of 15 kms from the administrative office of the University, the date will as far as possible be the same as in (viii) below.
- (vii) fix the last date for dispatch of ballot papers to voters residing outside the radius of 15 kms from the Administrative Office of the University. The last date shall be the fifteenth day after the last date for the withdrawal of candidature.
- (viii) fix the last date for the return of ballot papers referred to in (vii) above which shall be the thirtieth day after the last day for dispatch thereof.
- (ix) Fix the place, date and hour for counting of ballot papers which shall not be later than two days after the date of the poll.

Note:

- a) The last date under (i) shall ordinarily be a working day.

- b) If the day fixed under any of the clauses above except (i) is a holiday, the immediately succeeding day which is not a holiday shall be fixed for the purpose.

Availability of Nomination Forms

6. Nomination form is Form-A appended to this Statute may be obtained from the University Office during the office hours on any working day after the issue of notice under paragraph 5

Filing of Nomination Forms

7. On or before the date appointed under clause (iii) of paragraph 5, each candidate shall:
 - (i) either in person or by his proposer or seconder, between office hours. deliver in a sealed cover marked 'Nomination Paper' to the Registrar or his nominee a nomination paper completed in Form A appended hereto and signed by the candidate and by two electors as proposer and seconder; and duly attested, or
 - (ii) send by registered post in a sealed cover marked 'Nomination Paper' to the Registrar or his nominee a nomination paper complete in Form A appended hereto and signed by the candidate and by two electors as proposer and seconder and duly attested.
8. Each candidate shall be nominated by a separate nomination paper and not more than one nomination paper shall be delivered or sent in one cover.
9. On receipt of nomination paper the Registrar or his nominee receiving the same shall enter on the cover the time and date of receipt of the paper and shall initial the entry. Nomination papers not received during office hours on or before the date fixed under clause (iii) of paragraph 5 shall be treated as rejected.

Scrutiny of Nomination Papers

10. On the date and time fixed for scrutiny of nominations under clause (iv) of paragraph 5, the candidate. their proposers or seconders but no other person may attend at such time in the office of the Registrar as the Registrar may have fixed and the Registrar shall give them all reasonable facilities for examining the nomination papers of all candidates which have been received by him within the time and in the manner laid down in paragraph 7.

Rejection of Nomination Paper

11. (1) The Registrar shall then examine the nomination papers and shall decide all objections which may be made to any nomination and may either on such objections or on his own motion, after such summary enquiry if any, as he thinks necessary. Rejection of any nomination on any of the following grounds:
- (a) That the candidate is not qualified or is disqualified for being chosen to fill the seat under any of the provisions of the Adhiniyam and the Statutes made there under
 - (b) That there has been a failure to comply with any of the provisions of paragraph 7 and 8:
 - (c) That the signature of the candidate or the proposer or seconder on the nomination paper is not genuine:
 - (d) That the cover containing the nomination paper is not sealed.
- (2) Nothing contained in sub-clause (b) or (c) of clause (1) shall be deemed to authorize the rejection of the nomination of any candidate on the ground of irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.
- (3) The Registrar shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection. The decision of the Registrar shall be final.

List of Validly Nominated Candidates

- (4) Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the Registrar shall prepare a list of validly nominated candidates that is to say, candidates whose nominations have been found valid and affix it on his office notice board. This list shall contain the names in alphabetical order and the addresses of contesting candidates as given in the nomination papers.

Withdrawal of Candidature

12. (1) Any candidate may withdraw his/her candidature by a notice in writing duly signed by him and delivered to the Registrar or his nominee either by such candidate in person or his/her proposer or seconder, during office hours on or before the date fixed for withdrawal under clause (v) of paragraph 5.
- (2) No person who has given a notice of withdrawal of his candidature under clause (1) above shall be allowed to cancel the notice.
- (3) The Registrar shall, on receiving notice of withdrawal under clause (1), as soon as may be thereafter, cause a notice of the withdrawal to be affixed on his office notice board.

List of Contesting Candidates

13. (1) Immediately after the expiry of the period within which candidatures may be withdrawn under clause (v) of paragraph 5, the Registrar shall prepare and affix on his Office Notice Board a list of contesting candidates who are included in the list of validly nominated candidates and who have not withdrawn their candidature within the said period.
- (2) The said list shall contain the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers.
14. (1) If the number of contesting candidates is equal to the number of seats to be filled, the Registrar shall forthwith declare all such candidates to be duly elected to fill those seats.
- (2) If the number of contesting candidates is less than the number of seats to be filled, the Registrar shall forthwith declare all such candidates to be elected. The remaining seats shall remain unfilled till the next constitution of the Court.
- (3) If the number of contesting candidates is more than the number of seats to be filled, voting shall take place in the manner hereinafter provided.

Mention of Names of Candidates on Ballot Paper

15. The names of candidates shall be printed on the ballot paper in the same order as in the list of validly nominated candidates affixed on the University Office Notice Board under paragraph 13.

VOTING

Voting in Person

16. All voters shall record their votes in person by poll to be taken as hereinafter prescribed.

Method of Casting Vote

17. (1) Every elector shall have as many preferences as there are vacancies to be filled.
- (2) An elector in giving his vote:
 - (a) shall place on his ballot paper the figure I in the space opposite the name of the candidate whom he chooses to give first preference; and
 - (b) may in addition, mark as many subsequent preferences as he wishes by placing on his ballot paper the figures II, III, IV and so on, in the spaces opposite the names of other candidates in order of preference.

The Poll Returning Officer

1. The Registrar shall be the Returning Officer for the election and he may appoint such number of officers as he thinks fit to act as Assistant Returning Officer for election and as Presiding Officers for the poll.

Display of list of Contesting Candidates

19. Outside the polling station there shall be displayed on the notice board, a copy of the list of the contesting candidates prepared under paragraph 13.

Design of Ballot Box

20. Every Ballot Box shall be of such design as may be approved by the Kulpati.

Voting Compartments

21. At the polling station there shall be set up one or more voting compartments in which electors can record their votes screened from observation.
22. At the polling station a sufficient number of ballot boxes, copies of the electoral roll and ballot papers will be provided.

Regulating the entry of electors at the Polling Station

23. The Presiding Officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude there from all persons other than the polling officers, the candidates and their election agents (one polling agent of each candidate).

Appointment of Polling Agent

24. The appointment of a Polling Agent shall be made in Form F, and shall be made over to the Polling Agent for production at the polling station or the place fixed for the poll.
24. (1) immediately before the commencement of the poll the Presiding Officer shall demonstrate to the polling agent and other persons present that the ballot box is empty; and
- (2) the ballot box shall then be closed, sealed, and secured and placed in full view of the Presiding Officer and the Polling Agents, the ballot box will, however, be sealed in such a manner that the slit for the insertion of the ballot paper therein remains open.

Identification of Electors

26. (1) the Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the Poll;
- (2) each Registered Graduate shall be issued an identity card by the Registrar on payment of appropriate fee to be determined by the Executive Council from time to time. This card will have affixed on it the photograph of the Registered Graduate, duly attested by the Registrar.
- (3) as each elector enters the polling station, the Presiding Officer or the Polling Officer authorized by him in this behalf, **shall check the electors name and other particulars** with the relevant entry in the electoral roll, registration number and the name of elector;
- (4) In deciding the right of a person to obtain a ballot paper, the Presiding Officer or the Polling Officer as the case may be, shall overlook merely clerical or printing errors in any entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.
27. At the time of issuing a ballot paper to an elector at the place of poll the polling officer shall obtain the signatures of the elector on the counter foil of the ballot paper and put his initials on the Identity Card of the elector in token of a ballot paper having been issued to him.

Voting Procedure at the place of poll

28. The elector on receiving the ballot paper shall forthwith:
- (a) Proceed to the voting compartment:

- (b) There make a mark on the ballot paper as provided in paragraph-17, fold the ballot paper so as to conceal his vote;
- (c) Insert the folded ballot paper into the ballot box and quit the polling station.

Closing the Poll

29. The Presiding Officer shall close the polling station at the hour fixed in that behalf under paragraph-5 and shall not thereafter admit any elector into the polling station.

Sealing of Ballot after Polling

30. As soon as practicable after the closing of the poll the presiding officer shall close the slit of the ballot box, seal it up and also allow any polling agent present to affix his seal.

The ballot box shall thereafter be sealed and secured. The sealed ballot box or boxes will be placed in safe custody till they are collected from the polling stations and brought to the office of the Returning Officer/Registrar under his instructions. The ballot papers will be placed in safe custody.

Counting of Votes

31. The counting of votes will be done by the Returning Officer at the place, date and time fixed under paragraph 5. Counting to be conducted in the presence of a committee

Counting to be conducted in presence of a committee

32. The counting shall be conducted in the presence of a committee of three persons appointed by the Kulpati. However, the candidate or his agent will have the right to be present at the time of counting, provided that by their presence, in the opinion of the Returning Officer, no disturbance is caused in the Counting.

Rejection of Ballot Papers

33. The Returning Officer shall scrutinize the ballot papers. **He/She** shall reject a ballot paper:-
- (a) On which the figure I is not marked, or
 - (b) On which figure I is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate the preference is intended to apply; or
 - (c) On which the figure I and some other figure or figures are set opposite the name of the same candidate; or
 - (d) If it is unmarked or void for uncertainty; or

- (e) If it is signed or any identification mark made by the elector.

Counting Procedure

- 34. All ballot papers rejected will be kept separately and the remaining ballot papers will be divided into parcels according to the first preference recorded for each candidate. The Returning Officer shall then count the number of papers in each parcel.
- 35. In carrying out the provisions of paragraphs hereinafter appearing the Returning Officer shall
 - (a) Disregard all fractions;
 - (b) Ignore all preferences recorded for candidates already elected or excluded from the poll.
- 36. For the purpose of facilitating the processes prescribed by the paragraph herein after contained, each valid ballot paper shall be deemed to be of the value of one hundred.

Ascertainment of Quota

- 37. The Registrar shall add together the values of the papers in all parcels and divide the total by a number exceeding by one the number of vacancies to be filled. The result increased by one shall be the number sufficient to secure the return of a candidate, hereinafter called the quota.

Candidates with quota declared elected

- 38. If at any time a number of candidates equal to the number of persons to be elected have obtained the quota, such candidates shall be treated as elected and no further steps shall be taken.

Transfer of surplus

- 39. (1) Any candidate the value of whose parcel, on the first preference being counted is equal to or greater than the quota shall be declared elected.
- (2) If the value of the papers in any such parcel is equal to the quota, the papers shall be set aside as finally dealt with.
- (3) If the value of the papers in any such parcel is greater than the quota, the surplus shall be transferred to the continuing candidates indicated on the ballot papers as next in the order of the voter's preference in the manner prescribed in the following paragraph.

- 40 (1) If and whenever as the result of any operation prescribed by this paragraph. A candidate has a surplus that surplus shall be transferred in accordance with the provision of this paragraph.
- (2) 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 is dealt with before those arising on the second count and so on.
- (3) Where two or more surpluses are equal the Registrar shall decide as hereinafter provided in paragraph-45 which shall be dealt with first.
- (4) (a) If the surplus of any candidate to be transferred arises from original votes only, the Registrar shall examine all the papers in the parcel belonging to the candidate whose surplus is to be transferred and divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon. He shall also make a separate sub- parcel of the exhausted papers.
- (b) He shall ascertain the value of the papers in each sub-parcel and of the parcel of the exhausted papers.
- (c) If the value of the unexhausted papers is equal to or less than the surplus he shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred.
- (d) If the value of the unexhausted papers is greater than the surplus, he shall transfer the sub-parcel of unexhausted papers and the value at which each paper shall be transferred, shall be ascertained by dividing the surplus by the total number of unexhausted papers.
- (5) If the surplus of any candidate to be transferred arises from transferred as well as original votes, the Registrar shall re-examine all the papers in the sub-parcel last transferred to the candidate and divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon. He shall thereupon deal with the sub-parcels in the same manner as is provided in the case of the sub-parcels referred to in clause (4).
- (6) The papers transferred to each candidate shall be added in the form of the sub-parcel to the papers already belonging to such candidate.
- (7) All papers in the parcel or sub-parcel of an elected candidate not transferred under this paragraph shall be set aside as finally dealt with.

Exclusion from the Poll

41. (1) If after all the surpluses have been transferred as hereinbefore directed, less than the number of candidates required has been elected, the Registrar shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidates according to the next preference recorded thereon. Any exhausted papers shall be set aside as finally dealt with.
- (2) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred.
- (3) The papers containing transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which and at the value at which he obtained them.
- (4) Each of such transfer shall be deemed to be a separate transfer but not a separate count.
- (5) The process directed by this paragraph shall be repeated on the successive exclusions one after another of the candidates lowest on the poll, until the last vacancy is filled either by the election of a candidate within the quota or as hereinafter provided.
42. If, as the result of transfer of papers under this Statute, the value of the 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.

Declaration of elected candidates

43. (1) If, after the completion of any transfer under this Statute, the value of the votes of any candidate be equal to or greater than the quota, he shall be declared elected.
- (2) If the value of the votes of any such candidate be equal to the quota, the whole of the papers on which votes are recorded shall be set aside as finally dealt with.
- (3) If the value of votes of any such candidate be greater than the quota, his surplus shall thereupon be distributed in the manner hereinafter provided before the exclusion of any other candidate.

44. (1) When the number of continuing candidate is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected.
- (2) When only one vacancy remains unfilled and the value of the votes of someone continuing candidate exceeds the total value of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be declared elected.
- (3) When only one vacancy remains unfilled and there are only two continuing candidates, and those two candidates have each the same value of votes and no surplus remains capable of transfer, one candidate shall be declared excluded under the next succeeding paragraph, and the other declared elected.

Lot to be drawn for exclusion in case

45. If when there is more than one surplus to distribute 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 value of votes and are lowest on the poll, regard shall be had to the original votes of each candidate and the candidate for whom fewest original votes are recorded shall have his surplus first distributed or shall be first excluded, as the case may be. If the values of their original votes are equal, the Registrar shall decide by lot which candidate shall have his surplus distributed or be excluded.

Re-Counting

46. (1) Any candidate or, in his absence, his Polling Agent may, at any time during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise) requests the Registrar to re- examine and re-count the papers of all or any candidates (not being papers set aside at any previous transfer as finally dealt with), and the Registrar shall forthwith re-examine and tie-count the same accordingly.
- (2) The Registrar in his discretion may re-count the votes either once or more than once in any case in which he is not satisfied as to the accuracy of any previous count: Provided that nothing in this sub-Para shall make it obligatory on the Registrar to re- count the same votes more than once.

Election Petition

47. An election petition against any returned candidate may be presented to the Kulpati by any candidate or elector or his agent authorized in that behalf within fifteen days

from the date of the publication of the result of the election on the Notice Board of the University. The Kulpati's order on the petition shall be final.

Kulpati Final Authority for interpretation

48. If any question arises as to the interpretation of this Statute it shall be referred to the Kulpati for decision.

FORM A
NOMINATION PAPER
(FOR ELECTION TO THE COURT OF UNIVERSITY UNDER SECTION
20(1) (XIX) OF THE ADHINIYAM).

Name of Candidate in full

Registration No. of the Candidate

Address of the Candidate

I propose the name of Shri Registration No. To be a candidate
for election to the Court from among the Registered Graduates.

Name of the Proposer in full

Registration No. of the Proposer

Signature of Proposer

Date Address

I second the above proposal.

Name of the Secunder in full

Registration No. of the Secunder

Signature of the Secunder

Date Address

Consent of the Candidate

I hereby give my consent to the above nomination and agree to stand for the election
mentioned by the proposer.

I affirm that as laid down in the explanation to sub- section (I) of section 20. I am not a
salaried employee of any University or any College within the State.

Date

Signature of the Candidate

.....

Name in Block Letters

AddressRegistration No.Certificate

Certified that the proposer, secunder and the candidate have signed in my presence.

Date

Signature of the Attesting Officer

Address of Attesting Officer

Name in Block Letters

Designation

Note:

1. Each candidate shall be nominated by a separate Nomination Paper.
2. Not more than one Nomination Paper shall be sent in one cover.
3. Nomination Paper should be delivered in a sealed cover to the Registrar or his nominee personally or by Registered post.
4. Every elector is entitled to nominate as many candidates as there are vacancies.

FORM 'B'

APPOINTMENT OF POLLING AGENT

**ELECTION OF REPRESENTATIVES OF REGISTERED GRADUATES ON THE COURT
UNDER ITEM (XIX) OF SECTION 20 (1) OF THE ADHINIYAM.**

I (Here state the name of the candidate and registration number), a candidate at the above election does hereby appoint:

Shri/SmtOf as 3 Polling Agent to attend the polling station/the place fixed for the poll of the above election.

Place.....

Signature of the Candidate

Date.....

I agree to act as such Polling Agent.

Place.....

Date

Signature of Polling Agent

.....

Name in Block Letters

Declaration of Polling Agent to be signed before the Presiding Officer.

I hereby declare that at the above election I will not do anything forbidden by Statute No. Election of Registered Graduates to the Court, which I have read.

Date

.....

Signature of Polling Agent

Signed before me

.....

Name in Block Letters

Place.....

Signature of Presiding Officer