

CHAPTER XVI
ELECTIONS TO THE AUTHORITIES OF THE UNIVERSITY
STATUTES

A. GENERAL RULES APPLICABLE TO ALL ELECTIONS
UNDER THE ACT

Statute 1. _ Vice-Chancellor to direct the holding of elections

1. Except as otherwise provided in the Laws, the Vice-Chancellor shall direct the holding of all elections and shall have powers

- (a) to fix the date of elections;
- (b) to determine the form of notice, nomination, letter of intimation, declaration paper, ballot paper and cover and envelope for any election;
- (c) to decide the validity or invalidity of each ballot paper or of each vote recorded;
- (d) to declare the results of each election; and
- (e) to delegate the power to the Returning Officer to decide the validity or invalidity of each ballot paper or of each vote recorded and to declare the results of each election;

Provided that, in the case of elections enumerated in Statute 7 of this Chapter, the officers holding the elections shall, subject to the provisions of Statute 10 exercise the powers under (a), (c) and (d) above.

The decision of the Vice-Chancellor or the officers named in Statute 7 or the Returning Officer to whom the power has been delegated shall, subject to the provisions in Section 50 of the Act, be final:

Provided also that it shall be competent for the Vice-Chancellor, when any emergency arises (1) to assume the powers of the Returning Officer and function as such either by himself 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 date or dates fixed in the programme for transaction of business connected with the elections at any intermediate stage. The Vice-Chancellor shall record his reasons for so acting.

2. *Act S. 50. Disputes as to constitution of University Authorities and Bodies.* _ If any question arises whether any person has been duly elected or nominated as or is entitled to be a member of any authority of the University or other body of the University, the question shall be referred to the Chancellor whose decision thereon shall be final.

3. *Act 'S. 47 _ Filling up of Casual vacancies.* _ All casual vacancies among the members (other than *ex-officio* members) of any authority or other body of the University shall be filled as soon as conveniently, may be by the person or body who or which nominated or elected a member whose place has become vacant and the person nominated or elected to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member,

Provided that vacancies arising by efflux of time among elected members of any authority or other body of the University may be filled at elections which may be fixed by the Vice-Chancellor to take place on such days not earlier than two months from the date on which the vacancies arise, as he thinks fit

Provided further that no casual vacancy shall be filled if such vacancy occurs within six months before the date of the expiry of the term of the members of any authority or other body of the University.

4. *Statute 2. _ Election not invalid by reason of vacancies in electorate.* No election

to an authority of the University shall be invalid by reason of any vacancy among the persons entitled to vote at such election, or of the loss during transmission of any notice or ballot paper.

5. *Act S. 48. ,* Proceedings of the University Authorities and Bodies not invalidated by vacancies.* — No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of the existence of any vacancy or of any defect or irregularity in the election or appointment of a member of any authority or other Body of the University or of any defect or irregularity in such act or proceeding not affecting the merits of the case or on the ground only that the Senate did not meet twice in any year.

6. The results of all elections shall be published in the *Tamil Nadu Government Gazette*.

Statute 3. — Dates from which elections take effect. ® Elections shall take effect in the case of anticipatory elections, from the date of the occurrence of the vacancy and in other cases, from the date of declaration of the result of the election.

7. *Statute 4. _ Objections to elections.* † Objections to elections shall be made in writing and shall be forwarded to the Vice-Chancellor so as to reach him within seven clear days after the declaration of the result of the election.

8. *Statute 5. — Preservation of election papers.* _ The ballot papers, together with the declaration papers, of each election shall be preserved in the University Office or the office of the Officer referred to in Statute 7 as the case may be, for a period of three months after the date of the election or if any question arises as to the election, until it is disposed of.

* Act S.7 - Disqualification for election or nomination to Senate, Syndicate and Standing Committee on Academic Affairs. - (a) Notwithstanding anything contained in sections 20, 23 or 24 no person who has held office as a member for a total period of six years any one of more of the following authorities of the University are any other University in the State of Tamil Nadu established by, or under, any law in force namely:-

- i) the Senate
- ii) the Syndicate and
- iii) the Standing Committee on Academic Affairs, shall be eligible for election or nomination to any of the said three authorities.

Explanation I. or the *mimosa* Or imputing the total period of six years referred to in this sub-section, the period of three years during which year person held office in one authority either by election or nomination and the period of three years during which he held office in another authority either by election or nomination shall be taken into account and accordingly such person shall not be eligible for election or nomination to any two of the said three authorities:

* Amendment Chapter XVI Elections to the Authority of the University

Section 9 Act S.7. Disqualification for Election or Nomination to Senate, Syndicate and Standing Committee on Academic Affairs — omitted

-- vide S.15 of Tamil Nadu Universities Laws (Amendment) Act, 1989 (Tamil Nadu Act 29 of 1989) and shall come into force on the 11th Septemeber, 1989.

Act S. 7 :- "Restriction for elecion or nomination to Senate, Syndicate and Standing Committee on Academic Affairs. - (1) Notwithstanding anything contained in sections 20, 23 or 24, any person who has completed two terms of three years each, continuously in any one or two of the following authorities of the University, namely:-

- i) the Senate
- n) the Syndicate and
- in) the Standing Committee on Academic Affairs,

shall be eligible, after a period of three years has elapsed from the date of his ceasing to be such member. for election or nomination to any of the above mentioned authorities.

Provided that for the purpose of this sub-section, if a person was elected or nominated to one authority and such person became a member of another authority by virtue of the membership in the first mentioned authority, the period for which he held office in the first mentioned authority alone shall be taken into account.

Provided that for the purposes of this sub-section, if a person who has held office for a period not less than one year in any one of the said three authorities in a casual vacancy, shall be deemed to have held office for a period of three years in that authority:

Provided further that, for the purposes of this sub-section, if a person was elected or nominated to one authority and such person become a member of another authority by virtue of the membership in the first mentioned authority, the period for which he held office in the first mentioned authority alone shall be taken into account.

Explanation II For the purpose of this sub-section, the expression "period" shall include the period of office held by ally person prior to the 5th July 1984.

(2) Nothing in s jib-section (1) shall have application in respect of _

(i) ex-officio members referred to in Section 20 (a), *Class I*, but not including members of the Syndicate who are not otherwise member's of the Senate referred to in item (13); and

(ii) ex-officio members referred to in Section 23(2) (a), Class I and Section 24 (b), Class I.

10. *Statute 6.* For purposes of verification as stated above, the Registrar shall maintain a permanent register of elected members of (a) the Senate (b) the Syndicate, and (c) the Standing Committee on Academic Affairs. The names of the candidates shall be arranged in alphabetical order, and sufficient space shall be left after each candidate to show the period for which an elected member has been elected to the Senate or the Syndicate or the Standing Committee on Academic Affairs as the case may be.

ELECTIONS CONDUCTED BY AGENCIES OTHER THAN THE UNIVERSITY

10. *Statute 7. _ Elections to be conducted by specified persons.* (a) In the case of the elections enumerated below, the Vice-Chancellor shall direct the holding of the elections within a date specified by him, and the Officers referred to in the fourth column below who are designated as Returning Officers shall thereupon hold the election in accordance with Statutes 18 to 29, 31, 32 and 33 or as otherwise provided for in this Chapter, and shall exercise the powers and perform the duties of the Vice-Chancellor and the Registrar under the above mentioned statutes and the proviso to Statute I.

<i>Name of the Electorate</i>	<i>Number of persons to be elected</i>	<i>University Authority to which elected</i>	<i>Official to hold the election</i>
(1)	(2)	(3)	(4)
1. Tamil Nadu Legislative Council	1	Senate	Secretary to the Legislative Council
2. Tamil Nadu Legislative Assembly	2	Senate	Secretary to the Legislative Assembly
3. Teachers of Colleges	1 from each College	Senate	Principal of the College concerned
4. Headmasters of Higher Secondary School	1 from each Revenue District	Senate	Director of School Education or a person authorised by him not below the rank of Chief Educational Officer.

(b) Notwithstanding anything contained in these Statutes, the election to the Senate by the Tamil Nadu Legislative Assembly shall be conducted by the Secretary of the Assembly and the election to the Senate by the Tamil Nadu Legislative Council by the Secretary of the Council. The election shall be so conducted by the Secretary of the

Assembly or the Secretary of the Council in accordance with such directions as the Speaker of the Legislative Assembly or, as the case may be, the Chairman of the Legislative Council may, from time to time issue.

(c) _ The Returning Officer may, for sufficient cause, with the previous consent of the Vice-Chancellor, postpone the date or dates fixed in the programme for publication of final list of valid nominations, for despatch of ballot papers, for poll or for scrutiny and counting of votes, when at any intermediate stage of an election, any objection or any question is raised which necessitates the postponement of the programme.

C. ELECTIONS CONDUCTED BY THE UNIVERSITY :

(a) Electoral Rolls.

(i) Registration of Graduates.

11. *Registration of Graduates* _ (1) On and after the notified date every person ordinarily resident within the University area, who -

(i) has been for at least three years a graduate of any University in the territory of India, or

(ii) is a registered graduate of any University in the territory of India, shall be entitled to have his name entered in the register of graduates maintained under this Act for a period of five years on payment to such fee and subject to such conditions as may be prescribed by the Statutes.

(2) All application for registration under sub-section (1) shall be sent to the Registrar together with the prescribed fee and such proof of qualifications as may be prescribed by the Statutes.

(3) The Registrar shall, on receipt of an application made under sub-section (2) and after making such enquiry as he deems fit, enter in the register of graduates the name of the applicant.

(4) Every person whose name has been entered in the register of graduates under sub-section (3) shall be entitled to have such entry renewed every five years on application made in that behalf to the Registrar within such time, in such manner and on payment of such fee as may be prescribed by the Statutes.

(5) *Statute 8. _ Conditions of Registration.* _ (i) A graduate seeking enrolment should be ordinarily resident within the University area i.e. within the Revenue Districts of Coimbatore, Erode and the Nilgiris.

(ii) He shall apply in the prescribed form to the Registrar for enrolment together with a fee of Rs.12.

(iii) He shall with the application produce evidence. (a) of his having qualified for a Degree from a statutory University in the territory of India, and (b) of being ordinarily resident within the University area as prescribed above. The evidence of residence shall be in the nature of a certificate from an Officer of the Revenue Department not lower in rank than that of a Tahsildar or from a Gazetted Officer.

(6) *Statute 9. — Scrutiny of applications and registration.* _ All applications for registration shall be made to the Registrar in the form prescribed together with the proofs of qualification, and of residence as stated above. The Registrar on receipt of the application shall make such enquiries as he deems fit and enrol the graduates in the register on satisfactory fulfilment of the conditions, for a period of five years. Such registration shall ordinarily take effect from the 1st April or the 1st October following, and the term of five years shall be reckoned from such date. The Registrar shall on registration, post to each Registered graduate an enrolment card, giving his number, date and district and period of registration.

(7) *Statute 10. _ Change of address notification.* _ A graduate who has registered shall notify the Registrar any change of address of his residence immediately.

A graduate who changes his residence to a place outside the University area shall have his name deleted from the Register of Graduates, and any graduate shall be entitled to have his name retained in the Register only so long as he is ordinarily resident within the University area.

(8) *Statute 11. _ Eligibility for election.* _ Graduates who are enrolled at least two months prior to the date of election shall only be eligible to participate in an election, provided that on the occasion of the first election held under the Act, all those who register before such date as may be fixed in the notification for registration of graduates, shall be eligible to participate in the election.

(9) *Statute 12. _ Renewal of Registration.* _ At the expiry of the five-year period, the names of the Registered Graduates who do not apply for continuance thereon shall be deleted from the Register. Applications for renewal shall be made in the prescribed form, and shall be forwarded to the Registrar with a certificate of continued residence in the University area as prescribed above, together with a renewal fee of Rs. 5 and shall be sent by Registered Post Acknowledgement Due in an envelope superscribed "Application for Renewal of Registration" on the left hand corner. Any application not sent in a cover superscribed as stated above by Registered Post, Acknowledgement due, or not delivered in person will not be accepted. Graduates who have so renewed shall be eligible to participate in the elections from the date of renewal.

(10) *Statute 13. _ Annual Revision.* _ The Registrar of Graduates shall be revised every year on the 1st October. Graduates may notify before the 31st March preceding, any change in their address or any information relating to any change of residence or demise of any Registered Graduates.

Any omission or error in the Register of Graduates shall not by itself vitiate any election.

(9) Any Registered Graduate shall be entitled to peruse the list of the Registered Graduates in the Office by previous appointment with the Registrar.

11. *Statute 14. _ Supply of copy of Register of Graduates.* He shall also be entitled to receive a copy of the list on payment of a sum of **Rs.** 50.

(i) The list of Registered Graduates shall be maintained district-wise, arranged in the alphabetical order in respect of each district.

(ii) Register of Headmasters of Recognised Higher Secondary Schools in each Revenue district and Secretaries of Private Colleges, Teachers of Affiliated Colleges.

12. *Statute 15. _ Register of Headmasters. _* The Registrar shall maintain for each district a Register showing the names and addresses of Headmasters of complete Higher Secondary Schools, recognized by the the local Government of Tamil Nadu. For purpose of preparing such register a notification both in Tamil and English shall be sent calling the headmasters to send the necessary application to the Registrar duly certified by the Chief Educational Officer / District Educational Officer. There shall not be less than 20 days of the intervening period between the date of Notification and last date for receipt of application in the prescribed form.

(iii) Register of Teachers of Affiliated Colleges.

(iv) Register of Secretaries of Private Colleges as defined in the Tamil Nadu Private College (Regulation) Act, 1976. These Registers shall be corrected in July each year and kept up to date.

(b) Conduct of Elections.

13. *Statute 16. _ Registrar to conduct elections. _* The Vice-Chancellor may direct the Registrar to do all things necessary for the conduct of all elections conducted by the University.

The Vice-Chancellor may also delegate in writing the powers connected with the conduct of elections of the University to the Registrar, who shall act as Returning Officer for such elections.

14. *Statute 17. _ Notification of the Vacancy. _* If any vacancy occurs, or is about to occur by efflux of time, among the members of any University authority which has to be filled up by an election conducted by the University, a notification of the fact shall be published in the *Tamil Nadu Government Gazette*.

15. *Statute 18. _ Method of Voting for Election. _* Save as otherwise provided in all elections under the Act, the envelopes in the ballot box on the day of the poll shall be adopted except in regard to the elections enumerated below.

(1) Two members elected by the Principals of affiliated Colleges from among themselves in accordance with the system of proportional representation by means of the single transferable vote;

(2) Two members elected by teachers of affiliated Colleges other than Principals from among themselves who are members of the Senate in accordance with the system of proportional representation by means of the single transferable vote.

Explanation. _ For the purpose of this item, "Teacher" shall mean those teachers elected to the Senate, by the teachers of the affiliated Colleges from among themselves;

Such elections shall be conducted as follows :

(1) Direct polling shall take place by secret ballot on the date of the ordinary meeting of the Senate in the case of the members referred in Act S. 24, Clauses (1) and (2) and on a notified date at notified place, between the hours of 10.00 a.m. and

4,00 p.m. on that date with a break of half an hour.

(2) A notice regarding the date on which the poll will be held and a final list of candidates validly nominated shall be sent to every member of the electing authority concerned not less than ten clear days before the date fixed for the poll.

(3) No vote shall be given by proxy. Members shall sign in the nominal electoral roll kept for the purpose as a record of voting at the election.

(4) The Presiding Officer shall ascertain that the person desiring to vote is a member who has not already voted and shall enter his name upon the counterfoil of ballot paper in a ballot paper book which shall be provided for the purpose of the elections and shall then tear out the ballot paper corresponding to that counterfoil and having initialled the ballot paper on the back thereof, shall hand it to the member. Every ballot paper shall contain the names of all candidates for election arranged in alphabetical order. There shall not be serial numbers or any other identifying mark on the ballot paper.

(5) When a member has received a ballot paper, he shall proceed to the place arranged for marking the vote and shall mark thereon by putting a cross mark thus 'X' against the name or names of person the member intends to vote for. The number of nominees for whom each elector may vote may be less than or equal to, but shall not be more than the number of vacancies to be filled. The member shall then fold the ballot paper and drop it in a ballot box placed in front of the Presiding Officer.

(6) If a member inadvertently spoils a ballot paper he may return it to the Presiding Officer who shall, if satisfied of such inadvertence, give him another paper and retain the spoiled paper, and this spoiled paper shall be immediately cancelled and the fact of such cancellation shall be noted on the counterfoil.

(7) In the case of elections to the Syndicate when all the Members present have voted, the Presiding Officer shall appoint from among the members present, as many Tellers as he may consider necessary and shall immediately hand over the ballot box to them for counting of the votes obtained by each candidate and for preparing the result sheet. In case of doubt about the validity of any ballot paper, the Tellers shall refer the matter to the Presiding Officer for his decision.

(8) A ballot paper shall be invalid if

- (a) it does not bear the initials of the Presiding Officer; or
- (b) a voter signs his name or writes any word; or makes any mark on it, by which it becomes recognizable; or
- (c) no vote is recorded thereon; or
- (d) the number of votes recorded thereon exceeds the number of vacancies to be filled; or
- (e) it is void for uncertainty :

Provided that where more than one vote can be given on the same ballot paper, if one of the marks is so placed as to render it doubtful to which candidate it is intended to apply, the vote concerned but not the whole ballot paper shall be invalid on

that account.

(9) The Tellers, in the case of elections to the Syndicate shall, after preparing the result sheet, deliver it to the Returning Officer, who shall declare the result of the elections as stated hereunder.

(10) The candidate or candidates equal in number to the number of vacancies receiving the largest number of votes shall be declared duly elected. When two or more candidates receive an equal number of votes and if they cannot all be declared elected, the final election shall be made by drawing lots in such manner as the Presiding Officer may determine.

(11) After the elections are concluded all ballot papers shall be put in a cover, sealed and deposited in the custody of the Registrar for a period of three months.

16. *Statute 19. Eligibility of acting persons to take part in elections.* Where persons holding office as Principals of Colleges, Teachers in Colleges or Headmasters of Higher Secondary Schools are entitled to take part in an election, the persons for the time being acting as such Principals, Teachers or Headmasters who have notified the Registrar that they are performing the duties of each of such office, shall have all the rights and powers vested in them by the Act and by these laws.

"Teachers" means such Full time Professors, Assistant Professors, Readers, Lecturers, Physical Directors, Librarians excluding Tutors, Demonstrators and Physical Training Instructors.

"Librarians" of colleges shall be graduates who hold a diploma or degree of a recognised University in Library Science, and shall be placed in charge of the Library

"Headmasters of Higher Secondary Schools" means Headmasters of Higher Secondary Schools, within the jurisdiction of the University and recognised by the Government of Tamil Nadu.

17. *Statute 20. _ Nominations. _* Each elector shall be at liberty to nominate a qualified person to fill the vacancy. Every nomination shall be in the prescribed form and shall be made by an elector in writing and shall be seconded in writing by another elector. Every such nomination shall be accompanied by a statement signed by the nominee agreeing to serve on the authority if elected and declaring that he is not already a member of the authority to which he seeks election, or if he is already a member that his term of office as such would expire before the membership for which he is seeking election takes effect and the nomination paper must reach the Registrar within the date and hour fixed which shall be not later than ten clear days after the

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publication of the notification in the Gazette.

Nomination papers shall be enclosed in an envelope superscribed, "Nomination to the and sent by Registered Post (Acknowledgement due) so as to reach the Registrar within the date and hour fixed or delivered to the Registrar during office hours in person or by messenger within the date and hour fixed.

Nomination papers that are not enclosed in an envelope superscribed and sent by registered post or are not delivered in person or by messenger as required above shall be declared invalid.

Subject to the proviso hereunder, no person who is a member of an authority through a particular electorate shall be eligible for election to the same authority through another electorate without his having previously resigned his membership.

It shall be competent, however, in the case of an anticipatory vacancy, for a person who is already a member of the authority elected by a particular electorate to stand as a candidate in such anticipatory vacancy, provided the date of the membership in that vacancy shall be posterior to the date on which he ceases to be a member of that authority.

*18. *Statute. 21 Scrutiny of Nomination Papers.* _ (1) All nomination papers shall be scrutinized by the Presiding Officer or other Officer authorised by him in this behalf on the date and hour and the place appointed and notified in the notice of vacancy. Candidate and a representative of each candidate appointed in writing by him may be present at the scrutiny. Nominations to Senate and Syndicate shall also be scrutinized with reference to Act S. 7 of this Chapter.

(2) If, after the 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 so nominated shall be declared duly elected.

(3) If the number of such candidates declared elected is 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.

* Amendment: Section 18 Statute 21 - Scrutiny of Nomination Papers -

The expression "Nomination to Senate and Syndicate shall also be scrutinized with reference to Act S.7 of this Chapter". — omitted.

- - consequent to the amendment to the Bharthiar University Act, 1981, vide S.15 of the Tamil Nadu Universities Laws (Amendment) Act, 1989 (Tamil Nadu Act 29 of 1989) and shall come into force on the 11th September, 1989.

(0) 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 Returning Officer on the same day, and a copy of the same be forwarded to each of the candidates nominated for election.

(1) *Statute 22. — Withdrawal of nomination.* ^a Any candidate may withdraw his candidature by notice in writing subscribed by him and sent by Registered Post so as to reach the Presiding Officer or delivered to the Presiding 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 date of receipt of nominations. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be renominated as a candidate for the same election.

Statute 23. _ Publication of valid nomination. The Returning Officer or other person authorised by him shall publish on the same day, after the time for withdrawal of nominations has lapsed, a final list of candidates validly nominated

(6) *Statute 24. _ Declaration of election of validly nominated candidates.* If the number of candidates who are validly nominated and who have not withdrawn their candidature in the manner and within the time specified, does not exceed or is less than the number of vacancies to be filled, all such candidates shall be declared to be duly elected and if the number of such candidates declared elected is 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.

(7) If the number of candidates who are validly nominated and who have not withdrawn their candidature in the manner prescribed and within the time specified is greater than the number of vacancies to be filled, the election shall be proceeded within the manner prescribed in the following statutes.

19. *Statute 25. _ . Despatch of Ballot Paper.* _ The Registrar shall forward to each elector through the post a numbered declaration paper, a ballot paper on which the names of the candidates with their addresses shall be arranged in alphabetical order and which shall bear on it the Registrar's initials and the last date of posting, a ballot paper cover, and an envelope addressed to the Registrar together with a letter of intimation stating the number of vacancies, the date and hour fixed for the poll and the day and the hour fixed for the scrutiny and counting of votes. The papers shall be forwarded to the addresses entered against the name of the elector in the electoral roll.

The date fixed for the poll shall be not less than fifteen clear days, from the date of posting or the last date of posting of the ballot papers.

20. *Statute 26. _ Voting.* _ The elector shall, after filling up the declaration paper and the ballot paper in accordance with the directions given in the letter of intimation, enclose the ballot paper in the ballot paper cover and stick it and enclose the cover and the declaration paper in the envelope addressed to the Registrar and send the envelope by Registered Post as to reach the Registrar not later than the day and the latest hour fixed for the poll :

Provided that at his option, the elector may either in person or by an agent deposit the envelope addressed to the Registrar in the ballot box on the day and during the hours fixed for the poll.

21. *Statute 27. _ Recording of Votes of Electors physically handicapped.* — If an elector is incapacitated from blindness or other Physical cause from voting in the manner prescribed it shall be competent for him to record his vote by the hand of any of persons enumerated below and such person shall on the declaration paper, certify the incapacity and attest the fact of his having been requested by the elector to mark the ballot paper for him and of its having been so marked by him in the presence of elector.

The following persons are empowered to attest votes of incapacitated electors:-

Magistrates (as defined in the code of Criminal Procedure)

Judges of and above the rank of District Munsifs

District Registrars

Sub-Registrars

Chief Educational Officers

District Educational Officers and Inspectresses of Girls' Schools

Deputy Inspectors of Schools and Sub-Assistant Inspectresses of Schools,

Principals of Affiliated Colleges.

Headmasters of Recognized Higher Secondary Schools and [Members of the Senate or of the Standing Committee on Academic Affairs.

22. *Statute 28. _ Procedure when voting papers are lost or spoiled.* _ An elector who has not received his ballot and other connected papers sent by post, or who has lost them

or whose papers before their despatch back to the Registrar have been inadvertently spoilt, may transmit a declaration to that effect signed by himself and require the Registrar to send him duplicate papers in place of those not received, lost or spoilt and if the papers have been spoilt, the spoilt papers shall be returned to the Registrar who shall cancel them on receipt. In every case when duplicate papers are issued, a mark shall be placed against the member of the elector's name in the Register (electoral roll) to denote that duplicate papers have been issued in place of those not received, lost or spoilt.

23. *Statute 29. _ Procedure on counting.* = On the day at the hour appointed for the scrutiny and counting of votes, the envelopes received from the electors by the Registrar, except those which have not either been sent by Registered Post so as to reach the Registrar not later than the day and the latest hour fixed for the poll, or deposited in the Ballot Box, provided on the day during the hours fixed for the poll shall be arranged and counted. Groups of election papers and covers sent in a single cover by Registered post to the Registrar will be rejected. They shall then be opened and the declaration papers and the ballot paper covers examined.

Statute 30. _ Ballot paper cover when rejected. _ A ballot cover shall be rejected, if

- (i) it is not the cover sent by the Registrar ; or
- (ii) the envelope contains no declaration paper outside the ballot paper cover; or
- (iii) the declaration paper is not the one sent by the Registrar, or
- (iv) the declaration of attestation is not in accordance with the rules; or
- (v) the ballot paper is placed outside the ballot paper cover, or
- (vi) more than one declaration paper or cover containing ballot paper have been enclosed in one and the same envelope.

In the case of rejection, the word "rejected" shall be endorsed on the ballot paper cover or the declaration paper.

24. *Statute 31. _ Persons who may be present at scrutiny of votes.* _ No person shall be present at the scrutiny and counting of votes except the Registrar and such persons as the Vice-Chancellor may appoint to assist the Registrar, the candidates and not more than two representatives of each candidate appointed in writing by him.

25. The election to the Senate by the teachers of colleges referred to in section 20 (a) _ Other members (1) shall be governed by the following rules :-

The election shall be conducted by secret ballot at a meeting of the teachers of the College. Not less than seven clear days before the date of the election, notice of the meeting shall be issued, furnishing information regarding the number of vacancies to be filled, last date and hour for filing the nominations and scrutiny of nomination papers, publication of list of the nominated candidates withdrawal of candidature, the place, date and hour of issue of ballot papers and polling, scrutiny and counting of votes to the electors (teachers of the College teaching staff) by the Principal (the Returning Officer); such notice shall be issued to each teacher present on duty in the college on that date and a copy of the notice shall be published in the college Notice-Board:

Provided, that if after the scrutiny of nomination and after the time of withdrawal of the candidature is over, the Returning Officer finds that the number of candidates validly nominated is less than or equal to the number of vacancies to be filled, he shall declare such candidate or candidates to be duly elected and if the number of valid nominations exceeds the number of vacancies to be filled, the election shall be proceeded with at the meeting, on the date and at the time fixed for the poll. Other rules for the conduct of election shall generally conform to the rules prescribed for University elections other than those by Registered Graduates.

26. *Statute 32. – (i) Elections without proportional representation.* In the elections enumerated below, the procedure prescribed in the preceding Statutes and Statutes 33 and 34 below shall be followed :-

(1) One Member elected to the Senate from among themselves by the secretaries of the College Committees of Private Colleges;

(2) One Member elected to the Senate by Headmasters of Higher Secondary Schools from among themselves in each revenue district within the University area;

(3) *Two Members* elected to the Senate by Registered graduates in each Revenue District within the University area.

27. The ballot paper covers, other than those rejected under Statute 23, shall be opened and the ballot papers taken out and mixed together. The ballot papers shall then be scrutinized and valid votes counted.

Statute 33. – Ballot Papers when invalid. – A ballot paper shall be invalid if

- (a) it does not bear the Registrar's initials; or
- (b) a voter signs his name or writes any word or makes any mark on it, by which it becomes recognizable; or
- (c) no vote is recorded thereon; or
- (d) the number of votes recorded thereon exceeds the number of vacancies to be filled; or
- (e) It is void for uncertainty:

Provided that where more than one vote can be given on the same ballot paper, if one of the marks is so placed as to render it doubtful to which candidate it is intended to apply, the vote concerned but not the whole ballot paper shall be invalid on that account.

28. *Statute 34. – Declaration of Result.* — The nominee or the nominees receiving the highest number of votes shall be declared to be duly elected. When two or more nominees receive an equal number of votes and they cannot all be declared elected, the final election shall be made by drawing lots.

(ii) Elections with Proportional Representation.

29. The procedure prescribed in the following statutes shall be adopted in elections in accordance with the system of proportional representation by means of the single transferable vote.

30. *Statute 35. – Voting* – All voters shall be entitled to vote. Each voter shall have only one vote.

31. The ballot paper covers, other than those rejected under Statute 30, shall be opened and the ballot papers taken out and mixed together in the Returning Officer's presence. The Returning Officer shall then proceed to counting the votes, rejecting as invalid any ballot paper-

- Statute 36. – Invalid Ballot Papers.* —
- (a) Which does not bear the Registrar's initials; or
 - (b) on which a voter signs his name or writes any word, or makes any mark by which it becomes recognizable; or
 - (c) on which the figure 1 is not marked; or
 - (d) on which the figure 1 is set opposite the names of more than one candidate; or
 - (e) on which the figure 1 and some other figure are set opposite the name of same candidate; or

(f) which is void for uncertainty.

On every paper so rejected, the Registrar shall endorse the word "invalid" and such papers shall be kept in a separate bundle.

32. *Statute 37. _ Definition of terms.* In the following statutes:-

(1) "Continuing Candidates" means candidates not elected or not excluded from the poll at any given time;

(2) "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 -

(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

(i) by a figure not following consecutively after some other figure on the ballot paper, or

(ii) by two or more figures:

(3) "First preference" means, the figure 1 is set opposite the name of any candidate; "second preference" similarly means, the figure 2, "third preference", the figure 3, and so on;

(4) "original votes" in regard to any candidate means, the votes derived from ballot papers on which a first preference is recorded for such candidate;

(5) "Surplus" means the number by which the votes of any candidates, original and transferred, exceeds the quota as defined in *Statute 40*;

(6) "transferred votes" in regard to any candidate means, votes credited to such candidate which are derived from ballot papers on which a second or subsequent preference is recorded for such candidate;

(7) "unexhausted papers" means, ballot papers on which a further preference is recorded for a continuing candidate.

33. *Statute 38. _ Procedure of elections with Proportional Representation.* _ In carrying out the operations prescribed in the Statutes hereinafter contained :-

(i) all fractions shall be disregarded; and

(ii) All preferences recorded for candidate already elected or excluded from the poll shall be ignored

34. *Statute 39. _ Division into parcels according to first preference.* _ After the invalid ballot papers, if any, have been rejected, the remaining papers shall be divided into parcels according to the first preferences recorded for each candidate and the number of papers in each parcel noted.

35. *Statute 40. Quota.* _ The number of the 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 the number sufficient to secure the return of a candidate hereinafter called the Quota.

36. *Statute 41.* _ 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 elected and no further steps shall be taken.

37. *Statute 42. Candidate when elected* - 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.

38. *Statute 43. Transfer of Surplus Papers.* _ (1) If the number of the papers in any such parcel is equal to the quota, the papers shall be set aside as finally dealt with.

(2) If the number 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 statute.

39. *Statute 44. Surplus how dealt with.* _ (a) If and whenever as the result of any operation prescribed by these statutes a candidate has a surplus, that surplus shall be transferred in accordance with the provision of the Statute.

(b) 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, beginning with the largest as are necessary to make 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 shall be ignored. If two or more fractional parts are of equal magnitude, that fractional part shall be deemed to be the larger which arises from the larger sub-parcel, and if the sub-parcels in question are equal in size, preference shall be given to the candidate who obtained the larger number of original votes.

(c) 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.

(d) Where two or more surpluses are equal, the Registrar shall decide, as hereinafter provided in Statute 49 which shall be first dealt with.

(e) (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 unexhausted papers divided into sub-parcel according to the next preferences recorded thereon. A separate sub-parcel shall also be made of the exhausted papers.

(ii) The number of the papers in each sub-parcel and the total of all the unexhausted papers shall then be ascertained.

(iii) If the total number of the unexhausted papers is equal to or less than the surplus, all the sub-parcels shall be transferred to the continuing candidates.

(iv) If the total number of the unexhausted papers is greater than the surplus, there 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.

If the surplus of any candidate to be transferred arises from transferred as well as original votes, all the papers in the sub-parcels last transferred to the candidates shall be re-examined, and the unexhausted papers divided into sub-parcels according to the next preference recorded thereon.

The sub-parcels shall be dealt with in the same manner as is provided in the case of the sub-parcels referred to in clause (e).

(g) The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already belonging to such candidate.

(11) All papers in the parcel or sub-parcel of an elected candidate not transferred under this statute shall be set aside as finally dealt with.

40. *Statute 45. – Exclusion of candidate lowest on the poll.* (1) If, after all the surpluses have been transferred as herein before directed, 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 candidate according to the next preferences 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.

(3) The papers containing transferred votes of an excluded candidate shall then be transferred in the order of the transfer in which he obtained them.

(4) If the total of the votes of the two or more candidates lowest on the poll, together with any surplus votes not transferred is less than the votes credited to the next highest candidate, those candidates may, in one operation be excluded from the poll and their votes transferred in accordance with the direction given in clauses (1) to (3) above.

(5) The process directed by this Statute shall be repeated on the successive exclusions of the candidate lowest on the poll until the last vacancy is filled either by the election of a candidate with the quota, or as hereinafter provided.

41. *Statute 46.* If as a result of transfer of papers under these Statutes 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

42. *Statute 74:-* (1) If after the completion of any transfer under these Statutes the number of the votes of any candidate shall be equal to or greater than the quota, he shall be deemed elected.

(2) If the number of votes of any such candidates 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.

(3) If the number of the votes of any such candidate shall be greater than the quota, his surplus shall thereupon be distributed in the manner herein before provided before the exclusion of any other candidate.

43. *Statute 48. Distribution of Surplus. -(1)* When the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidate shall be deemed elected.

(2) When only one vacancy remains unfilled and the number of the votes of some one continuing candidate exceeds the total of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be deemed elected.

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

44. *Statute 49. ` Equal Surpluses _.* Two or more candidates Lowest on Poll. If when there is more than one surplus to be distributed, two or more surpluses are equal or if at 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 candidate for whom lowest original votes are recorded shall have his surplus first distributed, or shall be first excluded, as the case may be. If the number of their original votes is the same, the Registrar (Returning Officer) shall decide by lot which candidate shall have his surplus distributed or be excluded.

45. *Statute 50. _.* Recounting of Ballot Papers. , Any candidate or his 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) request the Registrar to re-examine and re-count the papers of all candidates or of any candidate (not being papers set aside at any previous transfer as finally dealt with) and the Registrar shall forthwith re-examine and recount the same with the help of such persons as he may appoint. The Registrar may also at his discretion recount votes, either once or more often, in any case in which he is not satisfied as to the accuracy of any previous count, provided that nothing herein shall make obligatory on the Registrar to re-count the same votes more than once.

46. *Statute 51. _ Declaration of Results.* _ The Registrar (Returning Officer) shall then declare the name of the candidates who have been duly elected.

47 The Registrar (Returning Officer) shall prepare a form showing:-

Statutes 52. _ Election Return. _ (1) The number of voters who voted. (2) the

number of ballot papers rejected:

- (a) as being received too late.
- (b) for being sent by ordinary post or is other than the prescribed way.
- (c) for irregularities connected with the declaration.
- (d) as invalid.

48. *Statute 53. _ Recounting of Votes.* _ In the case of all elections, any candidate or his agent can request a recount of the votes immediately after the counting is completed. The Returning Officer, at his discretion, may order a recount of the votes and the decision of the Returning Officer regarding recounting shall be final. While requesting recount of votes, the candidates or the agents apart from furnishing reasons for the request should pay a sum of Rs. 100 towards recounting fee for which an official receipt will be issued by the Returning Officer. A candidate or his/her agent may request recounting of votes only once in a particular election.