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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

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Dated : 07.06.2017

NOTIFICATION

GOVERNMENT OF WEST BENGAL
DEPARTMENT OF HIGHER EDUCATION,
SCIENCE & TECHNOLOGY AND BIOTECHNOLOGY
(INTEGRATED LAW CELL)
Bikash Bhaban, Salt Lake, Kolkata-700 091

In exercise of the powers conferred by section 17 read with section 9 and section 16 of the West Bengal Universities and Colleges (Administration and Regulation) Act, 2017 (West Ben. Act VII of 2017), the Governor is hereby pleased to make the following rules regulating the constitution, functions, procedure of election and other related matters related to the Students' Council of State-aided Universities and Government-aided colleges in West Bengal:-

Rules

1. Short title and commencement :-

- (1) These rules may be called the West Bengal Universities and Colleges (Composition, Functions and Procedure for Election of Students' Council) Rules, 2017.
- (2) They shall come into force on the date of its publication in the Official Gazette.

2. Definitions:- (1) In these rules, unless the context otherwise requires:-

- (a) "Act" means the West Bengal Universities and Colleges (Administration and Regulation) Act, 2017;
- (b) "ballot paper" means the instrument in which one's selection of candidates is recorded for the purpose of the election;
- (c) "cognizable offence" means the cognizable offences described as such under the Code of Criminal Procedure, 1973 or such other laws regulating preventive detention;
- (d) "Election Authority" means the body or authority to be constituted by the State Government for every University, entrusted with the job of managing Students' Council's election in the University and its affiliated colleges;

- (e) "fee" includes tuition fees and other charges payable to the college or to the University by a student;
 - (f) "election" means the election to a Students' Council;
 - (g) "electoral college" means a group of eligible students participating in any election belonging to the same category in respect of the nature of study or courses;
 - (h) "electoral roll" means the list of regular students eligible to participate in the students' council election, prepared by the Election Committee for the purpose of students' council election;
 - (i) "political party" shall mean the party recognized as such by the Election Commission of India;
 - (j) "polling station" in relation to an election shall mean the place of polling;
 - (k) "presiding officer" shall mean the officer appointed by the Election authority for conducting the election;
 - (l) "regular student" shall mean a student, including regular research scholars enrolled in a college or in a University for the purpose of receiving academic instruction in any course of study, who has attended at least sixty (60%) percentage of total number of classes in an academic year and has cleared all dues towards tuition or other fees including charges, levied upon him by the college or University concerned;
 - (m) "Students' Council", means an association of regular students of a college or of a University duly constituted in accordance with these rules, and the office bearers and members therein are elected from amongst the regular students of the college or of the University, as the case may be, through direct election;
 - (n) "Teachers' Council" in relation to a college, means the association of regular whole-time teachers including Graduate Laboratory Instructors and librarians.
- (2) Words and expression used but not defined in these rules shall have the same meaning assigned to them in the Act.

3. Students' Council of colleges and Universities:-

- (1) With effect from the date of effect of these rules, any association or body of students or union in any college or in any University by whatever name called shall, henceforth, be known as the Students' Council.
- (2) Notwithstanding anything contained in any Statutes, Regulations, Ordinances or rules of any University, for the time being in force, the constitution, duties, functions and procedures of election of the Students' Council shall henceforth, be guided by the provisions of these rules:

Provided that the colleges administered by minorities may adopt their own rules regarding composition and functions of its Students' Council.

- (1) The election of Students' Council shall be conducted regularly once in every two years as may be advised by the State Government from time to time, and every such elected Students' Council shall ordinarily have a tenure of two years unless otherwise directed by the State Government.
- (2) The Students' Council of colleges and Universities shall not use any banner or emblem of any political party in any manner during election or campaigning.
- (3) Every student contesting in the election as candidate or as class representative shall be identified by his own name, class or section and roll number and nothing else.
- (4) The whole election process, commencing from filing of nomination papers, scrutiny, preparation of electoral rolls of regular students, declaration of name of contesting candidates, election campaign, casting of votes and declaration of results shall be completed within a period not exceeding thirty days:

Provided that the State Government may under exceptional circumstances, extend such period as it may deem necessary considering the local conditions or otherwise of the concerned college or University.

- (5) The date and time of election in a college or in a University shall be such as may be specified by the State Government, from time to time:

Provided that the polling and declaration of result shall be done on a single day during the working hours of the institution concerned.

4. Composition of Students' Council of colleges:-

- (1) The Students' Council of a college shall consist of the following office bearers and members, namely,-
 - (a) the President, who shall be nominated by the Principal/ Vice Principal/ Teacher-in-charge of the college concerned from amongst the teachers of the College,
 - (b) the Vice-President- who shall be nominated from amongst the teachers by the Teachers' Council of the College.
 - (c) the General Secretary- who shall be elected by the elected Class Representatives of all classes from amongst them in the first meeting of the Student's Council,
 - (d) two Assistant General Secretaries- who shall be elected by the elected Class Representatives of all classes from amongst them in the first meeting of the Student Union or council,
 - (e) not more than five Assistant Secretaries to look after various departments or branches like Cultural Secretary, Welfare Secretary, etc.- who shall be selected by the elected Class Representatives of all classes from amongst them in the first meeting of the Students' Council:
Provided that the number of Assistant Secretaries representing various departments or branches may exceed five considering the various activities of the Students' Council but the total number of Assistant Secretaries shall under no circumstances exceed seven.
 - (f) the Treasurer- who shall be nominated by the Principal/ Vice Principal/ Teacher-in-charge from amongst the teachers of the college in the first meeting of the Students' Council,
 - (g) elected class representatives of all classes/ sections- member, to be elected by the regular students of individual sections or departments.
- (2) The elected class representatives of all classes/ sections/ departments shall be the members of the Students' Council and shall have power to vote in any meeting of the Council. The President or in his absence, the Vice-President, shall have a casting vote in the event of a tie.
- (3) Every meeting of the Students' Council shall ordinarily be convened by the President or in his absence, the Vice-President within the college campus and only after the academic hours.

5. Composition of the Students' Council of the University:-

- (1) The Students' Council of the University shall comprise the following office bearers namely,-
 - (a) the President, who shall be nominated by the Vice Chancellor from amongst the teachers of the University,
 - (b) two Vice-Presidents, to be nominated by the Vice Chancellor from amongst the teachers of the University,
 - (c) the General Secretary;
 - (d) Assistant General Secretaries representing each Faculty Council for post-graduate and/or undergraduate studies of the University;
 - (e) not more than ten Assistant Secretaries representing various departments or branches like Cultural Secretary, Welfare Secretary, etc;
 - (f) the Treasurer, to be nominated by the Vice Chancellor from amongst the regular teachers or officers of the University;
 - (g) Class Representatives- Members, to be elected by the regular students and research scholars of various faculties, departments of the University.
- (2) The office bearers mentioned under clauses (c) (d) and (e) of sub-rule (1) shall be elected from amongst the elected class representatives of the concerned University in the first meeting of the Council through direct election by an electoral college comprising of the office bearers (except nominated members) of the Students' Council of the affiliated colleges, and the elected class representatives of the University, taken together.
- (3) All elected class representatives of each faculty/ department or sections of department of the University shall ordinarily be the members of the Council and shall have the power to cast vote in any meeting of the Council.

- (4) Every meeting of the Student Council shall ordinarily be convened in the name of the President and in his absence, by the Vice-President, within the University campus regularly.
- (5) A University having more than one campus shall be treated as a single unit and there shall be a single Students' Council of such Universities, irrespective of the number of Campuses.
- (6) In case of Unitary University having no affiliated college, the composition of the Students' Council will be the same and the office bearers of such Council shall be elected by the elected class representatives from amongst them in its first meeting.

6. Eligibility of students for participating in the election:-

- (1) A student shall be permitted to contest in or to cast vote in the Students' Council election, if his name appears in the electoral roll of the regular students of the college or of the University.
- (2) Every college and University shall prepare an electoral roll of regular students and publish the same on the official Notice Board as well as in its official website for inspection of all students, at least fifteen days before the scheduled date of poll.
- (3) Every complaint relating to the electoral roll shall be heard and settled by the Election Authority at least two days prior to the date of Poll.
- (4) A student can contest in the Students' Council election only for two times in the concerned institution.
- (5) A student convicted or charged in a criminal offence or offence involving moral turpitude or having been punished under formal proceedings by the college or the University, shall not be eligible to participate in any election.

Note- Mere investigation or enquiry in connection with a criminal proceeding by the Police shall not however, be a disqualification for contesting or voting in the election.

- (6) A student shall be permitted to contest or cast vote in any election if he has been issued with a security enabled valid Identity Card issued by the College or the University authority, as the case may be.

7. Procedure of Election:-

- (1) There shall be an Election Committee in every college or University consisting of four members, to be constituted as under;-
 - (a) the Vice Chancellor of the University or the Principal/ Vice-Principal/ Teacher-in-Charge of the college shall be the President of the Committee;
 - (b) three whole-time teachers of the University or of the College, as the case may be, to be nominated by the Vice Chancellor or the Principal/ Vice-Principal/ Teacher-in-Charge, as the case may be.
- (2) The Committee shall be responsible for the proper conduct of the election and to resolve dispute, if any, in consultation with the Election Authority constituted by the State Government for the University.
- (3) The President of the Election Committee shall appoint Presiding Officers/ Polling Officers for conducting the polls, from amongst the teaching staffs of the college.
- (4) The Election Committee shall publish the draft electoral roll at least twenty days before the date of Election.
- (5) The Election Committee shall publish a notification fixing the time and place and other particulars for-
 - (a) issuance of nomination papers;
 - (b) submission of nomination papers;
 - (c) scrutiny of nomination papers;
 - (d) publication of the list of valid nomination papers in alphabetical order of the first names in English spelling;
 - (e) withdrawal of nomination papers;
 - (f) publication of the list of the contesting candidates;
 - (g) date and hours of counting.

- (6) Declaration of results shall be made immediately after the counting is over.
- (7) The Election Committee shall appoint Counting Officers from among the members of the whole time teaching staffs of the college who shall be responsible for counting of votes in the presence of the Presiding officer and the contesting candidates.
- (8) In case two or more contesting candidates secure equal member of votes, the Election Committee, shall by a draw of lots decide as to which of the contesting candidates would be declared elected.
- (9) In case of any dispute relating to the conduct of poll, counting of votes or any other related matters; the decision given by the Election Authority of the affiliating University shall be final and binding.
- (10) There shall be one class representative for each class or section, irrespective of the number of students in the class / section.
- (11) A detailed calendar of dates for different events / phases of the election shall be published by the Election Committee.
- (12) In the elections envisaged under these rules, the forms of nomination (Form-1) and withdrawal of candidature (Form-2) appended to the Schedule shall be used. All other necessary forms relating to the holding of elections may be prescribed by the Election Committee.

8. Restrictions on Students during election:-

- (1) A candidate contesting election shall not be permitted to campaign within the college premises or University premises, as the case may be, or in the hostels or at the residences of the students twenty-four hours prior to the scheduled date and time of the poll.
- (2) A candidate or student shall not cause any disturbance or disorder during the academic hours of the Institution.
- (3) No person, excepting the employees and the students of the Institution shall be allowed to enter the premises of the institution on the day of Poll.

9. Funds and accounts of the Students' Council:-

- (1) There shall be a fund known as Students' Council Fund which shall be credited with all subscriptions and grants received from the Institution or any body concerned.
- (2) The Council's Fund shall be maintained by the Treasurer of the Council and shall be used for meeting the expenses in connection with bonafide purposes, development work, performance of cultural functions etc.
- (3) The Fund of the Students' Council shall be audited annually by the institution concerned and shall also kept open for inspection for every student during office hours.

10. Interpretation:-

- (1) The State Government shall have the power to give directions to every institution regarding smooth conduct of election and every such direction shall be binding upon the said institutions.
- (2) In case of any confusion or difficulty that may arise in the implementation of these rules, the matter shall be referred to the State Government and the decision of the State Government shall be final and binding on all concerned.

By order of the Governor,
sd/-
Vivek Kumar
Principal Secretary to
the Government of West Bengal

SCHEDULE**Form-I****Nomination Paper**

Election to the Students' Council of(College/University) Students' Council from..... year class/.....section.

The contesting candidates name (in English block letters)

.....

(First name)

(Surname)

The proposer's serial number in the electoral roll.....

Declaration by the proposer:

I hereby declare that I propose

.....(name) to be a candidate for the above election.

Declaration by the candidate:

I hereby declare that I am willing

to be a candidate for the above election.

Signature of the proposer

(In full)

Date

Signature of the candidate

(In full)

Date

The Nomination Paper is delivered on (date) at (hour) and is serially numbered :.....

Returning Officer

FORM-1A**CERTIFICATE OF DELIVERY OF NOMINATION PAPER**

Election to the Students' Council of (College/University) Students' Council from year class/..... Section.

I hereby certify that the Nomination Paper of which has been serially numbered has been delivered to me at my office on (date) at (hour) by The candidate/authorized agent of the candidate.

Returning Officer

Form - 2

NOTICE OF WITHDRAWAL OF CANDIDATURE

Election to the Union/Council of (College/University) Students' Union from
..... year class/ section.

I(name) a candidate at the above-mentioned election do hereby give
notice that I withdraw my candidature from the said election.

.....

(Date)

.....

The candidate's signature (in full)

The candidate's serial number in the electoral roll:

The notice of withdrawal of candidature has been delivered to me by the candidate personally on
(date) at (hour).

Returning Officer

Form No. -2A

CERTIFICATE OF DELIVERY OF NOTICE OF WITHDRAWAL OF CANDIDATURE

Election to the Students' Council of (College/University) Student's Council from
..... Year class/..... section.

I hereby certify that the Notice of withdrawal of candidature of has been delivered to me at my
office on (date) at(hour) by the candidate personally.

Returning Officer