

**CONSTITUTION OF THE  
UNIVERSITY OF KOTA  
STUDENTS' UNION, KOTA**

**2017**



**UNIVERSITY OF KOTA  
KOTA**

## CONSTITUTION OF

### THE UNIVERSITY OF KOTA, KOTA STUDENTS' UNION

#### Chapter- I: AIMS AND OBJECTIVES

1. The University of Kota hereby formulates The University of Kota, Kota Students' Union Constitution with the following aims and objectives.
  - (a) To promote mutual contact, a democratic out-look and sprit of oneness amongst the students of the University of Kota;
  - (b) To promote social, cultural and intellectual development of the students of the University of Kota;
  - (c) To promote consciousness amongst the students of the University of Kota of the events taking place around them- with a view to better equip them as responsible and educated citizens;
  - (d) To promote amongst the students of the University of Kota a sense of service to the people and duty towards the state; and
  - (e) To promote harmonious relations amongst all sections of the University community.

#### Chapter-II: SHORT TITLE, EXTENT AND COMMENCEMENT

2. This may be called Constitution of the University of Kota, Kota Students' Union, Kota.
3. This Constitution shall apply to all the Postgraduate (PG) departments/*Units* (by whatever name they are called) and all the *Constituent Colleges of the University*.
4. This Constitution shall come into force with effect *from the date of approval by the Board of Management (BOM)*.

#### 5. Definitions

- (a) **Student:** "Student" means a person who is on the rolls of a PG Department/Unit (by whatever name it is called) *Constituent College* of the University of Kota pursuing a regular course of stud *other than M.Phil. or Ph.D. in the current academic session. He/She shall not be employed anywhere.*
- (b) *M.Phil. Student:* "*M.Phil. Student*" means a person who is on the rolls of *M.Phil* course in a Department/Center (by whatever name it is called) of the University of Kota in the current academic session. *He/She shall not be employed anywhere.*

- (c) *Research Scholar*: “*Research Scholar*” means any person who is admitted in current academic year in any PG Department/Center/Institute of the University for pursuing full time research work in current academic session for the Degree of Ph.D. under a supervisor on roll of University of Kota. He/She shall not be employed anywhere.
- (d) **University**: “University” means the University of Kota, consisting of its PG Departments/Units (by whatever name they are called) and the Constituent Colleges.
- (e) **Vice-Chancellor**: “Vice-Chancellor” means the Vice-Chancellor of the University of Kota, Kota.
- (f) **University of Kota Students’ Union**: “University of Kota Students Union means the union at the University level of all the students on roll in the current academic session excluding M.Phil. and Ph.D. students.
- (g) **Constituent College Students Union**: “Constituent College Students’ Union: means the union at the Constituent College level of all the students on roll in the current academic session.
- (h) **Other Unions**: “Other Unions” means the union at the level of PG Departments/Units of all the students on roll in the current academic session in the unit concern.

### **CHAPTER-III: ORGANIZATIONAL STRUCTURE**

- 6. (i) There shall be one union at the University level of all the students of the PG Departments/Unit (by whatever name they are called) and the Constituent Colleges of the University, called “**University of Kota Students’ Union**”. *There shall be the constituent College Students’ Union at each Constituent College of University of Kota, Kota.*
- 7. **Function of the University of Kota Students’ Union**  
The *University of Kota Students’ Union* shall;
  - (a) Concern itself with all matters related to the interest, well being and all round development of the students of the University;
  - (b) Coordinate and organize such co-curricular and extracurricular activities which the members may desire and which the other unions are unable to organize individually (such as U.N. Youth Moot session, Youth festival, Inter-College Debates, Symposia, and so on) or which may be better organized from a central nucleus;
  - (c) *Assist in running the Non-Resident Students Centre at the main University campus;*
  - (d) Cooperate with University/College Students’ Union in furtherance of students’ unity and interests;
  - (e) Take steps to create in the students’ community a sense of partnership with other segments of University community towards a healthy and dynamic life in the University

by organising such activities as games, debates, seminars, dramas and such other activities;

- (f) Undertake all such activities as may be conducive to the interest, prestige, honour, health traditions and peaceful life in the Institutions/University; and
- (g) Take steps for creating a consciousness in the students' community of their duties, obligations and responsibilities towards society and the country in general and to the under-privileged sections of the people in particular.
- (h) *The inaugural function of Student Union must be organized within a month from the date of election by The President of university in consultation with University Administration and there shall be one and only one inaugural function for that purpose.*

## **8. Membership**

- (a) Membership of the Students' Union *University of Kota, Kota* shall be automatic for all the students of Under Graduate courses / PG Departments/*Units/Constituent Colleges of the University (by whatever name they are called)* including M.Phil. and full time Ph.D. students on the campus.
- (b) Membership of the Union shall be for the academic session of admission and shall automatically expire on the last date of academic session. *No faculty member/guest faculty member or the administrative staff will be eligible to contest and or hold any position of the Student's Union Executive, Students of all the diploma and certificate course/ programs will not be eligible to vote and contest the student's union election.*
- (c) Only those members admitted as students prior to the date of Notification of the students Union Election, shall be allowed to participate in the election process of Kota University Students' Union University of Kota, Kota in any given academic session.
- (d) In-service students will not be made members of the University of Kota Students' Union.
- (e) Annual membership fee for the University of Kota Students' Union shall be notified time to time by the Registrar. *The fee shall be in addition to the fee paid by the students for the membership of the Constituent College Union or Other Unions of the respective Department/Unit.*
- (f) *The Annual membership fee for the Constituent College Union or other unions in PG Departments/Units shall be notified time to time by the Registrar.*
- (g) The membership fee shall be charged and collected by the concerned Department from each student at the beginning of the academic session.
- (h) Membership fee collected by various Departments for the Students' Union University of Kota, Kota shall be deposited in the bank account in the name of the "University of Kota Students' Union", which will be operated by the Dean Students' Welfare. At least 1/5<sup>th</sup> of

the amount collected under the head of “Students’ Union, University of Kota membership fee” shall be earmarked for the welfare of the needy students of the University which shall be disposed off by a Committee, consisting of the DSW, the President of the Students’ Union University of Kota, Kota and one nominee of the Vice-Chancellor.

## **9. Chief Patron and Patrons**

- a) The Vice-Chancellor of the University shall be the Patron of the University of Kota Students’ Union and Chief Patron of other Unions.
- b) *The Principals of the Constituent Colleges shall be the Patrons of Students’ Unions in their respective colleges.*

## **10. Powers and Functions of the Patrons/ The Chief Patron**

- (a) The Patron shall exercise the general supervision and overall authority over the affairs of the respective Union under his/her jurisdiction.
- (b) The Patron shall be the ultimate authority to deal with the problems or suggestions made by the Unions or any of their Committee or sub-committees
- (c) The Patron shall have the powers to call for reports from any office bearer of the Union.
- (d) The Patron may, at his their own discretion, attend any meeting of the Union or their Committee /sub-committees.
- (e) In case an office bearer/member of the Union misbehaves or neglects his/her duty or is alleged to have committed a breach of the Constitutions, or is charged with an offence such as defalcation, misappropriation of funds or convicted for any offence, the Patron shall have the power to call for an explanation and after enquiry take such action as he/she may deem fit.

## **11. Dean, Students’ Welfare**

There shall be a Dean, Students’ Welfare to be appointed by the, Vice-Chancellor from amongst the members of the teaching staff on such terms and conditions as may be determined by the Vice-Chancellor.

The Dean, Students ‘Welfare:

- (a) Shall be responsible for the proper functioning, coordination and direction of the students’ activities in the social and intellectual sphere;
- (b) Shall function as a channel of communication with the University authorities and the students;
- (c) Shall act as the Chief Returning Office of the University of Kota Students’ Union elections;

- (d) Shall exercise general supervision and control over all the activities of the University of Kota Students' Union;
- (e) Shall exercise general supervision over the funds of University of Kota Students' Union under the directions of the Vice-Chancellor;
- (f) Shall be present at the meetings of the Assembly of the University of Kota Students' Union to regulate the proceedings of the same and to ensure smooth and orderly conduct of the meetings.
- (g) Shall prepare a report of various activities of the University of Kota Students' Union and also the position of the funds spent in various activities and submit the same to the Vice-Chancellor; and
- (h) Shall maintain and operate all the financial transactions including the Bank account in the name of the University of Kota Students' Union.

## **12. Organs of the Unions**

- (a) University of Kota Students' Union, Kota shall have two organs
  - (i) Assembly and
  - (ii) Executive Council.

- (b) The Assembly shall consist of the following

- (i) President, University of Kota Students' Union;
- (ii) Vice-President, University of Kota Students' Union;
- (iii) General Secretary, University of Kota Students' Union
- (iv) Joint Secretary , University of Kota Students' Union
- (v) *One course representative (CR) shall be elected form each courses.*
- (vi) *President of the "Constituent College(s) Student Union.*

### **(c) The Executive Council shall consist of the following**

- (i) President, Vice-President, General Secretary and Joint Secretary of the University of Kota Students' Union;
- (ii) One Research Scholars' Representative elected from amongst the M.Phil. and Ph.D. Students.
- (iii) Cultural Secretary, Students' Welfare Secretary, Games and Sports Secretary and Literary Secretary of the University of Kota Students' Union, to be nominated by the President of University of Kota Students' Union from amongst the members of the Assembly mentioned at 12(b)(v), above.
- (iv) Three student-members to be elected by all the members of the Assembly from amongst the CRs other than the office bearers.

### **13. Office Bearers of the University of Kota Students' Union**

**(a) There shall be the following office bearers of the University of Kota Students' Union**

- (i) President;
- (ii) Vice-President
- (iii) General Secretary; and
- (iv) Joint Secretary

(b) All the office bearers of the University of Kota Students' Union will be directly elected by and from amongst the members of the Union by a simple majority vote, in accordance with this Constitution;

**(c) Provided that**

No student shall be allowed to contest for more than one post at a time and more than once for any post of the office bearers of the same Union any time; and not more than twice for the post of an Executive Member.

**(d) Further, provided that the candidates contesting for the posts of President and General Secretary shall have to be**

(i) Not more than the age of 25 years (*28 years for a student of PG Course in Law*) on the day of nomination for election

(ii) Student of any Postgraduate course of study.

Or

*Student of the 4<sup>th</sup> or 5<sup>th</sup> year of any Five year Integrated course of study;*

Or

*Student of 3 year LLB Course in which graduation is the minimum eligibility for admission.*

**(e) Further, Provided that the candidates contesting for the Posts of Vice-President and Joint Secretary, Shall have to be**

(i) *Not more than the age of 22 years on the day of nomination for election.*

(ii) *Student of any Undergraduate course of study including 3 year L.L.B. Course with having one standing academic session in the university.*

Or

*Student of 2<sup>nd</sup> to 3<sup>rd</sup> year in any Five year Integrated course of study*

**(f) Further, Provided that candidates contesting for the post of Research scholars Representative shall have to be**

(i) Not more than the age of 28 years on the day of nomination for election.

(ii) *Either a full time registered Research Scholar or M.Phil. Students (admitted during the current academic session of the Election) in any teaching Department/Centre/Constituent College/Unit of the University and not employed anywhere.*

- (iii) *A member of the University of Kota Students Union having deposited his/her membership fees for the academic session of election.*
- (iv) *No student shall be allowed to contest for more than once for the post of Research Scholar Representative in any case.*
- (g) ***Further provided that candidates contesting for the post of Class Representative to the University of Kota Students Union shall have to be***
  - (i) *Not more than the age of 22 years for each UG Course and 25 year of each PG Course and L.L.B. (28 years for a students of PG Course in Law) on the day of nomination for election, if contesting from a Postgraduate Department/Unit; subject to the provision that in case of students of Five Year Integrated Courses, the upper age Limit for students of first three years shall be 22 years and for the students of fourth and fifth year shall be 25 years.*
  - (h) **All the office-bearers of the Union will function within the framework of the policy laid down by the Assembly and under the general supervision and direction of the Executive Council**
    - (i) All the office bearers of the union shall be responsible to the Assembly and the executive Council and will function strictly in accordance with the provisions of this Constitution.
    - (j) The office bearers of the Union shall be responsible for orderly functioning of the Union.
    - (k) *Office Bearer of the Constituent College(s) Students' Union will be in accordance with point no. 13.*

#### **14. Secretaries**

- (a) There shall be the following Secretaries to be nominated only by the President of the University of Kota Students' Union.
  - (i) **Cultural Secretary:** The Cultural Secretary shall look after the cultural activities of the Union;
  - (ii) **Students Welfare Secretary:** The students Welfare Secretary shall look after the students' welfare activities of the Union.
  - (iii) **Literary Secretary:** The Literary Secretary shall look after the literary activities of the Union.
  - (iv) **Games and Sports Secretary:** The games and sports Secretary shall look after the Games and Sports activities of the Union.
- (b) The Secretaries above will be nominated from amongst the Course Representatives mentioned under Section 12 (b) (v).



## 15. Functions of Office Bearers of University of Kota Students' Union:

- (a) **President:** The President of the Union will be the Chief Executive Head of the Union and will function in all matters relating to the Union in accordance with this Constitution.
- (b) **General Secretary:** The General Secretary of the Union will act in Consultation with the President and will function in all matters relating to the Union in accordance with this Constitution.
- (c) In the absence of the President, or in the event of vacancy in the post of President by whatever reason, the *Vice-President* of the Union will perform all the functions of the President in accordance with this Constitution. *In the absence of President and Vice-President or in the event of vacancy in these posts by whatever reason, the General Secretary will perform all the functions of the President, in addition to his duties as General Secretary of the Union in accordance with this Constitution. In the absence of the General Secretary, the Joint Secretary will perform all the functions of the General Secretary in accordance with this Constitution.*
- (d) The President of the Union shall preside at the meetings of the Executive Council or Executive Committee, as the case may be, and it shall be his/her duty to conduct the meetings in an orderly and peaceful manner, in accordance with this Constitution.
- (e) It shall be the duty of the General Secretary of the Union to prepare the minutes of all the meetings of the Assembly/Executive Council/Executive Committee, as the case may be, and to keep the records of those meetings properly and in safe custody.
- (f) The General Secretary of the Union will also carry on correspondence on behalf of the Union and will keep and maintain all records. He will call the meetings of the Assembly/Executive Council/Executive Committee. As the case may be, after obtaining prior approval of the President.

## CHAPTER –IV: DISQUALIFICATIONS

**16. No member of the University of Kota Students' Union Shall be entitled to contest for any post of office- bearer or to become student member of the Assembly/executive council/executive Committee as the case may be, if that student**

- (a) is not a full time regular student of any course of study in University and not a member of the University of Kota Students' Union.
- (b) has exceeded the age limit as prescribed herein above in Section 14 for various posts.
- (c) *has failed to clear all the papers, whether compulsory or elective, individually and in aggregate, including by absence (or not scored required credits in case of final examination) of the last Semester/Year in which he has taken admission in the preceding academic session of the year of contesting the election (whether Annual or Semester Scheme or whether the examination of University of Kota or any other academic institution).*
- (d) has been detained to appear as a regular student in the previous year's examination on account of less than 75 per cent attendance.
- (e) has been convicted of criminal offence including that of moral turpitude. *Shall have a previous criminal record, that is to say he/she should not have been tried and / or convicted of any criminal offence or misdemeanor. The candidate shall also not have been subject to any disciplinary action by the University authorities.*
- (f) has been duly declared as a "habitual offender"/ "history-sheeter"
- (g) has been punished by the University/College authorities for an coercive in nature, especially to the women students, involving threat to life and dignity of others and involving threat to property of the University and for any other misconduct.
- (h) has been found guilty and punished for use of unfairmeans in any examination of college/University or any other examining body.

## CHAPTER – V: MEETINGS

**17. Meetings of various bodies of the Union shall be conducted as under:**

- a) The Assembly of the University of Kota Students Union will meet at least twice a year.
- b) The Executive Council/ Executive Committee will meet as often as may be necessary but at least thrice a year.

- c) The meetings of the Assembly/Executive Council/ Executive Committee will be convened by the General Secretary of the concerned Union by giving at least 7 days' advance Notice
- d) Emergency meetings may, however be convened in consultation with the Dean Students' Welfare, as the case may be, by giving at least 24 hours' advance notice.
- e) All the meetings of the Assembly/Executive Council Executive Committee shall be held at the place identified by the Dean Students' Welfare.
- f) The agenda of the meeting will be issued along with the notice of the meeting, except for emergency meeting(s).
- g) A notice of a meeting and a copy of the agenda (except for emergency meeting) of the meeting will be duly given to all the members.
- h) The attendance and the minutes of the meeting of the Assembly/Executive Council/Executive Committee shall be confirmed at the subsequent meeting. A copy of the confirmed meeting shall be furnished to the DSW.
- i) The register of attendance of the member at the meeting of the Assembly/Executive Council /Executive Committee shall be maintained by the General Secretary and signed by the DSW, as the case may be.
- j) A meeting of the Assembly/Executive Council/Executive Committee may be requisitioned, if not less than 25 per cent of the members thereof submit such a requisition in writing to the General Secretary, who shall thereupon call such a meeting within a period of one week from the date of the Receipt of the requisition. The DSW, may call a meeting in case the General Secretary does not call the meeting on any ground whatsoever.

## **18. Quorum**

In all ordinary as well as emergency meeting(s) of the Assembly/Executive Council/Executive Committee, one third of the total membership of the Body will constitute the quorum.

## **19. Vote of No- Confidence**

Not less than one-third student members of the Assembly of the University of Kota Students' / *Constituent College Students' Union* may move a resolution of No – Confidence against any of the office – bearers and submit to the DSW who may ensure

that such meeting is called by the General Secretary. Such resolution cannot be moved before the completion of 6 months of the date of election. A notice of minimum 15 days will be required for such a resolution to be moved. Such a resolution, in order to be effective, will be required to have been passed by a simple majority of not less than two-third members of the Assembly.

## **20. Tenure**

*The tenure of the Office-bearers/other student members of the University of Kota Students Union/Constituent College(s) Students' Unions as the case may be, will cease automatically on the last working day of the current academic session. After the cessation of the tenure, all offices shall be vacated and handed over to the Proctor/DSW within 7 days, failing which the possession of the offices will be automatically taken by the University administration.*

## **CHAPER VI: ELECTIONS**

### **21. Conduct of Election:**

- (a) The Vice-Chancellor shall appoint the Chief Election Officer who will be a teacher of the University, not below the rank of a Professor. The Chief Election Officer will be assisted by a Committee, consisting of the DSW, the other teachers of the University to be nominated by the Vice-Chancellor and DSW shall be the Secretary to the Committee. The detailed programme of the elections will be finalized and notified by the Committee.
- (b) A Notification for the election shall be issued under the signature of the Chief Election Officer 10 days before the election (inclusive of the date of election).
- (c) The results of the University of Kota Students' Union will be declared by the concerned Patron. The oath of office to the Office bearers shall also be administered by the Patron immediately after the declaration of result(s)
- (d) The maximum permitted expenditure per candidate for election shall be Rs.5,000 (Rs Five thousand only).
- (e) Each candidate shall, within fifteen days of the declaration of the result, submit complete and certified accounts of election expenses to the Chief Election Officer, through concerned Returning Officer/Principal. The Chief Election Officer shall publish such certified accounts within 2 days of submission of such accounts, through University websites and DSW Notice Board so that any member of the student body may freely examine the same.
- (f) The election of the candidate will be nullified by the in the event of any non-compliance or in the event of any excessive expenditure.
- (g) With the view to prevent the inflow of funds from political parties into the student election process, the candidates will be specially barred from utilizing funds from any other sources other than voluntary contributions from the student's members.

## 22. Code of Conduct

*All the candidates contesting the elections for any post or office of the University of Kota Students Union/Constituent College(s) Students' Unions (as the case may be) and also their agents and supporters shall abide by the following code of conduct which will be operational from first day of commencement of academic session:-*

- (a) No candidate shall indulge in, nor shall abet, any activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic, or between any group(s) of students.
- (b) Criticism of other candidates, when made, shall be confined to their policies and programmes, past record and work. Candidate shall refrain from criticism of all aspects of private life, not connected with the public activities of the other candidates or supporters of such other candidates. Criticism of other candidates, or their supporters based on unverified allegations or distortion shall be avoided.
- (c) There shall be no appeal to caste or communal feelings for securing vote. Places of worship, within or outside the campus shall not be used for election propaganda.
- (d) All candidates shall be prohibited from indulging or abetting all activities which are considered to be 'corrupt practices and offences, such as bribing of voters, intimidation of voters, impersonation of voters, canvassing of the use of propaganda within 100 meters of polling stations, holding public meeting during the period of 24 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling stations.
- (e) No candidate shall be permitted to make use of printed posters, printed pamphlet, or any other printed material for the purpose of canvassing. Candidates may only utilize handmade posters for the purpose of canvassing, provided that such handmade posters are procured within the expenditure limit set out herein above.
- (f) Candidates may only utilize handmade posters at certain places in the campus, which shall be notified in advance by the Chief Election Officer/University authority
- (g) No candidate shall be permitted to carry out procession, or public meetings, or in any way canvass or distribute propaganda outside the University campus, i.e., *the election campaigning outside the University and Constituent College campus is banned.*
- (h) No candidate shall, nor shall his/her supporters, deface or cause any destruction to any property of the University campus, for any purpose whatsoever, without the prior written permission of the University authorities. All candidates shall be held individually and jointly responsible and severally liable for any destruction /defacing of any University/College property.

- (i) During the election period the candidates may hold processions and/or public meetings in the Campus, provided that such processions and/or public meetings do not in any manner, disturb the classes and other academic and co-curricular activities of the University Further, such procession/Public meeting may not be held without the prior written permission of the University authority.
- (j) The use of loudspeakers, vehicles and animals for the purpose of canvassing shall be prohibited.
- (k) On the day of polling, student organizations and candidates shall-
  - (i) Cooperate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction
  - (ii) Not serve or distribute any eatable, or other solid and liquid consumables, except water on polling day;
  - (iii) No hand out propaganda on the polling day.
- (l) Excepting the voters, no one without a valid pass/letters of authority from the chief Election Officer or from the University authorities shall enter the polling booths.
- (m) All candidates shall be individually and jointly responsible for ensuring the cleaning up of the polling area within 48 hours of the conclusion of polling.
- (n) No Student will be allowed to enter the premises and cast vote without identity card issued under the seal and signature of the Competent authority of the University.

### **23. Consequences of violation of Code of Conduct**

Any contravention of any of the above provisions of Section 25 will make the candidate liable to be stripped off his/her candidature, or his/her elected post, as the case may be. The Chief Election Officer of the University/concerned authorities may also take appropriate disciplinary action against such a violator

### **24. Additional Penal Liability**

In addition to the above-mentioned code of conduct, provisions of the Indian Penal Code, 1860 (Section 153-A and Chapter IX-A 'offences relating to election'), will also be applicable to the elections to the University of Kota Students' Union/ Constituent College(s) Student Union.

### **25. Grievances Redressal Mechanism**

- (a) There shall be a Grievances Redressal Cell with the Dean Students' Welfare as its Chairman. In addition, one senior faculty member, one senior administrative officer and

two students of the final year of Postgraduate course-one boy and one girl. These students will be nominated on the basis of the merit and /or participation in the co-curricular activities in the previous year, by the Vice-Chancellor

The Grievances Cell shall be responsible for the redressal of election related grievances, including, but not limited to breaches of the conduct of election and complaints relating to election-related expenditure. This cell will be the regular unit of the institution.

- (b) In pursuit of its duties, the Grievances Cell may prosecute students who violate any aspect of the code of conduct or the ruling of the Grievances Cell. The Grievances Cell shall serve as the court of original jurisdiction. The institutional head shall have appellate jurisdiction over issues of law and fact in all cases or controversies arising out of the conduct of the elections in which the Grievances Cell has issued a final decision. Upon review, the institutional head may revoke or modify the sanctions imposed by the Grievances Cell.
- (c) In carrying out the duties of the office, the Grievances Cell shall conduct proceeding and hearing necessary to fulfill those duties. They shall have the authority to:
  - (i) to issue a writ of subpoena to compel candidates, agents and workers, and to request students to appear and give testimony, as well as produce necessary records and
  - (ii) to inspect the financial reports of any candidate and make these records available for public scrutiny upon request.
- (d) Members of the Grievances Cell will be prohibited from filing complaints. Any other students may file a complaint with the Grievances Cell during the process of election or within a period of 3 weeks from the date of declaration of results, as the case may be. All complaints must be filed under the name of the students filing the complaint. The Grievances Cell shall act on all complaints within 24 hours after they are received by either dismissing them or calling hearing.
- (e) the Grievances Cell may dismiss a complaint if:
  - (i) the complaint was not filed within the prescribed time frame.
  - (ii) The complaints fails to state a cause of action for which relief may be granted:
  - (iii) The complaint has not and/ or likely will not suffer injury or damage.
- (f) if a complaint is not dismissed, then a hearing must be held. The Grievances Cell shall inform, in writing or via e-mail, the complaining party and individuals or group named in the complaint of the time and place of the hearing. The parties will not be considered notified until they have received a copy of the complaint.
- (g) The hearing shall be held at the earliest possible time, but not within twenty-four (24) hours after receipt of the notice described above, unless all parties agree to waive the twenty-four hour time constraint.
- (h) At the time of issuing the notice of hearing, the Grievances Cell, by majority vote, may issue a temporary restraining order, if it determines that such action is necessary to prevent undue or adverse effects on any individual or entity. Any restraining order, once

issued, will remain in effect until a decision of the grievance cell is announced after the hearing or until rescinded by the grievance cell.

- (i) All Grievance cell hearings, proceedings and meetings must be open to the public.
- (j) At the said Grievance cell hearing, all parties shall present. The parties may be accompanied by any other student from whom they can receive counsel, and have the option to be represented by that council.
- (k) For any hearing majority of the Grievance cell member must be present. The Chairperson of the Grievance cell will preside over the meeting. In the absence of the Chair, the responsibility to preside shall fall on a Grievance cell member designated by the Chair.
- (l) The Grievance cell shall determine the format for the hearing but must require that both the complaining and responding parties appear physically before the board to discuss the issues through a complaint, answer, rebuttal, and rejoinder format. The purpose of the hearing is to gather the information necessary to make a decision, order or ruling that will resolve an election dispute. To effectuate this purpose, the following rules should prevail at all hearings:
  - 1. Complaining parties shall be allowed not more than two witnesses, however, the Grievance cell may call witnesses as required. If the said witnesses are unable to appear at the hearing, signed affidavits may be submitted to the Grievance cell chair for purpose of testifying by proxy.
  - 2. All questions and discussions by the parties in dispute shall be directed to the Grievance cell.
  - 3. There shall be no direct or cross-examination of any party or witness by complaining or responding parties during hearing.
  - 4. Reasonable time limits may be set by the Grievance cell to provide fair and equal treatment to both sides.
  - 5. The complaining party shall bear the burden of proof.
  - 6. Decisions, orders and rulings of the Grievance cell shall be concurred to by a majority of the Grievance cell members present and shall be announced as soon as possible after the hearing. The Grievance cell shall issue written opinion of the ruling within 12 hours of announcement of the decision. The written opinion must set forth the findings of fact by the Grievance cell and the conclusions of law in support of it. Written opinions shall set a precedent for a time period of three election cycles for the Grievance cell ruling consideration of prior written opinions, the Grievance cell may negate the decision, but must provide written documentation of reasons for doing so.
  - 7. The Grievance cell shall select the remedy or sanction most appropriate to both the type and severity of the infraction, as well as the state of mind or intent of the violator as determined by the Grievance cell. Possible remedies and sanctions include, but are not limited to, fines, suspension of campaigning privileges, and disqualification from the election.



8. Any fine or total amount of fines against a candidate in an election cycle may not exceed the spending limit as defined.
9. If, after a hearing, the Grievance cell finds that provisions of this code were violated by a candidate, or a candidate's agent or workers, the Grievance cell may restrict the candidate, or the candidate's agent or workers, from engaging in some or all campaign. If an order is issued covering only part of the remaining campaign period, it shall take effect immediately so that after its termination, the candidate will have an opportunity to resume campaigning during the days immediately prior to an including the election days.
10. If, after a hearing, the grievance Cell finds that provisions of either the code of conduct or decisions, opinions, orders or ruling of the grievance Cell have been willfully and blatantly violated by a candidate, or candidate's agent or workers, the Grievance Cell may disqualify the candidate.
11. Any party adversely affected by a decision of the Grievance Cell may file an appeal with the institutional head within twenty-four (24) hours after the adverse decision is announced. The institutional head shall have discretionary appellate jurisdiction over the Grievance Cell in all cases in which error on the part of the Grievance cell is charged.
12. The decision of the Grievance Cell shall stand and shall have full effect until the appeal is heard and decided by the institutional head.
13. The institutional head shall hear appeals from the grievance cell rulings as soon as possible, but not within twenty –four (24) hours after the Grievance cell delivers to appellant and the institutional head a copy of its written opinion in the case. Appeal may be heard prior to this time, but only if the appellant waives the Wright to a written opinion and the institutional head agrees to accept the waiver.
14. The institutional head can issue suitable orders to suspend or halt the operation of the ruling issued by the Grievance cell until the appeals are decided.
15. The institutional head shall review findings of the Grievance cell when appealed. The institutional head may affirm or overturn the decision of the Grievance cell, or modify the sanctions imposed.

## **Chapter –VII: MISCELLENOUS**

### **26. Budget and Accounts**

A meeting of the Assembly of the University of Kota Students 'Union shall the convened within two weeks of the formation of the Assembly, for Consideration of the Budget Estimates. A copy of the budget as approved by the Assembly shall be filed with the *Chief* Patron within two days after its approval. The amount collected under the head of students union membership fee shall be the ceiling of the budget passed by the assembly during that session.

### **27. Amendment to the Constitution**

A provision of the Constitution may be amended by the Board of Management (BOM), as and when required, if it is passed by 2/3<sup>rd</sup> members present in the BOM Meeting.

## **28. Rule Making**

The Vice-chancellor may appoint a Committee for framing such rules, as may be necessary for the working of this Constitution, provided that no such rules shall come into force unless they have been approved by the Board of Management.

## **29. Institutional of this Constitution and Removal of Doubts and Difficulties**

If any questions arise relating to interpretation of this Constitution or any rules framed there under, it shall be referred to the Vice-Chancellor whose decision thereon shall be final, provided such decision is taken by him/*her* in consultation with a committee consisting of at least three members of the Board of Management constituted by the Vice-Chancellor every year for the purpose. No such rules shall come into force unless they have been approved by the Board of Management.

## **30. Dissolution**

The University of Kota Students' Union/ Constituent College(s) Students' Union may be Suspended/ dissolved by the Vice-Chancellor at any time if it is so warranted by the circumstance, in consultation with the Board of Management, if so required.

## **31. *The voter will also be given the option of None of the Above (NOTA) in the ballot-paper.***

### *Repeal*

*The Constitution of the University of Kota Students' Union/Constituent College(s) Students' Union formulated by the Board of Management (BOM) earlier, will automatically be repealed, if the amendments are approval by the BOM.*

Approved by the committee constituted vide office order No. DSW/138-144 dated 01.08.2017 for making amendment(s) in the constitution of the University of Kota Students' Union 2017 in light of the letter No.i-1/454½ शिक्षा-4/2002 पार्ट दिनांक 24.7.2017