

## APPENDIX “A”

(See Statutes 4.12 and 22.02)

### ELECTION BY PROPORTIONAL REPRESENTATION BY MEANS OF SINGLE TRANSFERABLE VOTE

#### Part I-General

1. Unless there is anything repugnant to the subject or context with reference to any election by proportional representation by single transferable vote:

(i) “Candidate” means a person duly qualified to seek election who has been duly nominated.

(ii) “Continuing candidate” means a candidate not elected and not excluded from the poll at any given time.

(iii) “Elector” means a person who is duly qualified to give his vote in the election.

(iv) “Exhausted Paper” means a ballot paper on which no further preference is recorded for a continuing candidate provided that a paper shall also be deemed to be exhausted if :-

(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-

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

(2) by two or more figures.

(v) "First preference vote" means the vote for a candidate against whose name the figure 1 appears on a ballot paper. "Second preferences vote" means the vote for a candidate against whose name the figure 2 appears, "third

preference vote” means the vote for a candidate against whose name the figure 3 appears and so on.

(vi) “Original vote” in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for such candidate.

(vii) “Quota” means the lowest value of votes sufficient to secure the return of a candidate.

(viii) “Surplus” means the number by which the value of votes of any candidate original and transferred, exceeds the quota.

(ix) “Transferred vote” in regard to any candidate means a vote which is derived from a ballot paper on which a second or subsequent preference is recorded for such candidate and the value or a part of the value of which is credited to such candidate.

(x) “Unexhausted paper” means a ballot paper on which a further preference is recorded for a continuing candidate.

(2) The Registrar shall be the Returning Officer responsible for the conduct of all elections.

(3) The Vice-Chancellor shall :-

(i) appoint the dates for the various stages of each election in conformity with the provisions of the Statutes and shall have power to alter these dates in case of any emergency except where such alternation contravenes the provisions of the Statutes;

(ii) decide in case of doubt the validity or otherwise of a vote recorded.

4. The election of members of the Court representing Registered Graduates (and such other election as the Vice-Chancellor may for reasons of convenience or economy direct) shall be conducted by postal ballot. Other elections shall be conducted at meetings of the Authorities or Bodies concerned.

5. A voting paper shall be in the following form:

**NAME OF UNIVERSITY**

Election by .....Constituency

Name of candidate and Order of preference (to be indicated in the space) by the numericals 1, 2, 3, etc

.....

.....

.....

6. An elector in recording his vote –

(i) must place on his voting paper the figure 1 opposite the name of the candidate for whom he votes, and

(ii) may, in addition, indicate the order of his choice or preference for as many other candidates as he pleases, by placing against their respective names the figures 2, 3, 4 and so on, consecutive numericals.

7. A voting paper shall be invalid on which-

(i) the figure 1 is not marked, or

(ii) the figure 1 is placed opposite the name of more than one candidate,

or

(iii) figure 1 and some figure are marked opposite the name of the same candidate, or

(iv) the figure 1 is so marked as to render it doubtful to which candidate it is intended to apply, or

(v) in an election by ballot any mark is made by which the voter may afterwards be indentified, or

(vi) there is any erasure, or alternations in the figure indicating the voter's preferences, or

(vii) it is not on the form provided for the purposes.

## Part II

### **Election conducted by Postal Ballot.**

8. At least three months before the vacancies to be filled by election by postal ballot or due to occur, the Registrar shall cause a notice to be issued under a registered cover to each qualified voter at his registered address calling on him to submit nomination within fifteen days of the posting of the notice. The notice shall be accompanied by a list of voters.

9. The Registrar shall have power to correct any error and supply any omission brought to his notice in list of voters. If the name of a person is removed from the list his vote shall not be counted even if he has received the voting paper and recorded his vote, and a certificate that this has been so done, shall be recorded by the Registrar and the person, if any, associated with him in preparing the result of the election.

10. Every elector shall have the option of nominating any number of candidates not exceeding the number of places to be filled.

11. Every nomination paper shall be signed by a proposer who shall himself be an elector and shall be accompanied by the assent of the candidate nominated for election either in writing or by signing the nomination paper. It may bear the signature of other electors as supporters of the nomination. But no candidate shall sign as proposer or seconder a nomination paper on which his own name appears as a candidate.

12. The nomination paper shall be delivered to the Registrar in a closed cover either in person by the proposer or an elector who supports the nomination or through post, within the time mentioned in the notice.

13. It shall be open to a candidate to withdraw from an election by sending to the Registrar, so as to reach him before the day and hour fixed as the last day for the receipt of nomination, as intimation of withdrawal in writing signed by himself and attested by a Stipendiary Magistrate, a Gazetted Officer, or the Principal of a College Associated with or affiliated to a University. The attestation should be under the seal of the officer concerned.

14. The Registrar shall notify the place, date and time for the opening of the covers containing the nomination papers. Such candidates or electors as may desire to be present may do so the occasion.

15. The Registrar shall prepare list of valid nominations: If the nomination paper is rejected by the Registrar, he shall inform the candidates within two days stating the reasons for such rejection. It shall be open to the candidate to send within three days of the receipt of such communication a request that the matter be referred to the Vice-Chancellor. The matter shall then be referred to the Vice-Chancellor whose decision shall be final.

16. If the number of candidates duly nominated dose not exceed the number of places to be filled, the Registrar shall declare them elected. In case any place remains unfilled a fresh election shall be held in like manner to fill it and such election shall be deemed to be a part of general election.

17. If the number of candidates duly nominated exceed the number of places to be filled an election shall be conducted.

18. The Registrar shall within 15 days of the completion of scrutiny send by registered post to each elector at his registered address a voting paper together with a cover bearing the name of the constituency only and a larger cover on the left side of which are written or printed the number of elector on the electoral roll, the name of the constituency, and on the right side the address to the Registrar of the University. The Registrars shall also enclose a certificate of identity.

19 (i) The elector shall sign the certificate of identity and have it duly attested by any of following persons :-

(a) The Registrar of any University established by law in India for the time being.

(b) The Principal of a College associated with any such University or Head of a Department of teaching of such University.

(c) Any Gazetted Officer of the Government.

(ii) The attesting Officer shall attest with his full signature and under his seal.

(iii) The elector shall enclose the voting paper duly filled in but without his name or signature in a smaller cover, and then enclose it in the larger cover alongwith the certificate of identity duly signed and attested and send the same duly sealed with either by registered post or deliver it personally to the Registrar.

20. The voting paper must reach the Registrar by the time and date fixed. If received after the appointed time and date, it shall be rejected by him.

21. If two or more voting papers are sent in the same cover they shall not be counted.

22. A voter who has not received his voting paper and other connected papers, or who has lost them or whose papers before their return to the Registrar have been inadvertently spoiled, may send a declaration to that effect signed by himself and request the Registrar to send him duplicate papers in place of those not received, lost or spoiled. The Registrar in place of those not received, lost or spoiled, may, if he is satisfied, issue another copy marked "Duplicate".

23. The Registrar shall keep the voting papers sealed and unopened in safe custody until the date and time fixed for their scrutiny.

24. Due notice of such date, time and place of scrutiny shall be given by the Registrar to all the candidates who shall have the right to be present during the scrutiny.

Provided that no candidate shall be entitled to ask for the inspection of any voting paper.

25. The Registrar, where necessary shall be helped by such other persons as may be appointed by the Vice-Chancellor for assisting him in the scrutiny work.

26. At the appointed date, time and place the Registrar shall open the covers containing the voting paper and scrutinize them and separate those that are not valid.

27. The valid papers shall then be sorted into parcels, each parcel containing all the papers on which the first preference is recorded for a particular candidate.

28. For the purpose of facilitating the process prescribed by this Statute each ballot paper shall be deemed to be of the value of one hundred.

29. The Registrar shall in carrying out the provisions of the Statute-

(i) disregard all fractions.

(ii) ignore all preferences recorded for candidate already elected or excluded from the poll.

30. The Registrar shall then add together the values of the papers in all the parcels, divide the total by a number exceeding by one the number of vacancies to be filled, and add one to the quotient. The number thus obtained shall be the "quota".

31. If at any time candidates equal in number to the number of persons to be elected have obtained the quota such candidates shall be treated as elected and no further proceeding shall be taken.

32. (i) Every candidates the values of whose parcel, on the first preference being counted is equal to or grater than the quota, shall be declared elected.

(ii) If the value of the papers in any such parcel is equal to the quota, the papers shall be set aside as finally dealt with.

(iii) If the value of the papers in any such parcel is grater than the quota, the surplus shall be transferred to the continuing candidates indicated on the ballot paper as next in order of the voter's preference the manner prescribed in the Statute hereinafter appearing.

33. (i) If and whenever as the result of any operation prescribed by the Statute above, a candidate has any surplus that surplus shall be transferred in accordance with the provisions of the Statute.

(ii) If more than one candidate has a surplus the largest surplus shall be dealt with first and the others in a decreasing order of magnitude provided that every surplus arising on the first count of votes shall be dealt with before those arising on the second, and so on.

(iii) Where two or more surplus or equal, the Registrar shall decide according to the terms prescribed in sub-clause (ii) above which shall be first dealt with.

(iv) (a) If the surplus of any candidate to be transferred arises from original votes only, the Registrar shall examine all papers in the parcel belonging to the candidate whose surplus is to be transferred and divided the unexhausted papers into sub-parcels according to the next preference recorded thereon. He shall also make a separate sub-parcel of the exhausted papers.

(b) He shall ascertain the value of the papers in each sub-parcel and of the unexhausted papers.

(c) If the value of the unexhausted paper is equal to or less than the surplus, he shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred.

(d) If value of the unexhausted papers is greater than the surplus, he shall transfer the sub-parcels of unexhausted paper and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of unexhausted papers

(v) If the surplus of any candidate to be transferred arises from transferred as well as original votes, the Registrar shall re-examine all the papers in the sub-parcel last transferred to the candidate and divide the unexhausted papers into sub-parcels according to the next preference accorded thereon. He shall thereupon deal with sub-parcels in the same manner as is provided in the case of sub-parcels referred in the last preceding clause.

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

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

34. (i) If after all surpluses have been transferred as hereinbefore directed less than the number of candidates required has been elected the Registrar shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidates according to the next preference recorded thereon. Any exhausted papers shall be set aside as finally dealt with.

(ii) The papers containing original votes of an excluded candidate shall first be transferred, transfer value of each paper being one hundred.

(iii) The papers containing transferred votes of an excluded candidate shall then be transferred in the orders of the transfers in which and at the value at which he obtained them.

(iv) Each of such transfers shall be deemed to be a separate transfer.

(v) The process directed, by this clause shall be repeated on the successive exclusions one after another of candidates lowest on the poll until the last vacancy is filled either by the election of a candidate with the quota or as herein-after provided.

35. If as the result of a transfer of papers the value of the votes obtained by a candidate is equal to or greater than the quota, the transfer proceedings shall be completed but no further papers shall be transferred to him.

36.(i) If after the completion of any transfer under the said clause the value of the votes of any candidate is equal to or greater than the quota he shall be declared elected.

(ii) If the value of the votes of any such candidates is equal to the quota, the whole of paper on which such votes are recorded shall be set aside as finally dealt with.

(iii) If the value of the votes of any such candidate is greater than the quota, his surplus shall thereupon be distributed in the manner hereinbefore provided before exclusion of any other candidate.

37.(i) When the number of continuing candidates is reduced to the number of vacancies remaining unfilled the continuing candidates shall be declared elected.

(ii) When only one vacancy remains unfilled and the value of votes of any continuing candidate exceeds the total value of all the votes of other continuing candidates, togetherwith any surplus not transferred, that candidate shall be declared elected.

(iii) When only one vacancy remains unfilled and there are only two continuing candidates and those two candidates have each the same value of votes and no surplus remains capable of transfer one candidate shall be declared excluded under the next succeeding clause and the other declared elected.

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

**39. Recounting** – The Registrar may, either on his own initiative or at the instance of any candidate, recount votes, whether once or more than once when the Registrar is not satisfied as to the accuracy of a previous counting:

Provided that nothing herein contained shall make it obligatory on the Registrar to recount the same more than once.

40. After the scrutiny is completed, the Registrar shall forthwith report the result to the Vice-Chancellor.

41. The Registrar shall place the nomination papers and the ballot papers in a sealed packet which shall be preserved for a period of one year.

### **PART III**

#### **Elections held at Meetings**

42. In case of an election conducted at a meeting of a University Authority it shall not be necessary to publish the electoral roll for the purpose of eliciting claims and objections or to invite nominations in advance. The members of the Authority or body concerned present at the meeting duly convened shall take part in the election. Names may be proposed for election and candidature withdrawn, in advance or at the meeting. The voting paper supplied to voters shall show the names of which notice was received in time for printing and shall contain blank spaces with addition of names including those proposed at the meeting. A notice of the meeting at which the election is to be held mentioning the time, date and place of such meeting togetherwith lists of the members shall be sent by the Registrar to each member. The period of notice shall be fixed by the Vice-Chancellor.