

“ अधिसूचना ”

भोपाल, दिनांक 10 अप्रैल, 2007

भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, इस विभाग की अधिसूचना क्रमांक/एफ-49/1/2007/42-1 दिनांक 10 अप्रैल, 2007 द्वारा प्रकाशित राजीव गांधी प्रौद्योगिकी विश्वविद्यालय संभाग के रजिस्ट्रीकृत स्नातकों का निर्वाचन परिनियम, 2007 (परिनियम क्रमांक – 26) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है।

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार

शमीम उद्दीन
अपर सचिव
मध्यप्रदेश शासन
तकनीकी शिक्षा एवं प्रशिक्षण विभाग

Bhopal 10th April, 2007

No/F-49/1/2007/42-1 In exercise of the powers conferred by sub-section (1) of Section 38, read with Section 37 of the Rajiv Gandhi Proudyogiki Vishwavidyalaya Adhiniyam, 1998 (No. 13 of 1998), the State Government hereby makes the following first Statute for the Rajiv Gandhi Proudyogiki Vishwavidyalaya, namely: -

STATUTE-26

1. **Short title and commencement:**

- (1) This Statute may be called the Rajiv Gandhi Proudyogiki Vishwavidyalaya **(Election of Registered Graduates to the Court) Statute, 2007**
- [
- (2) This shall come into force with effect from the date of publication in the Madhya Pradesh Gazette.

2. **Definitions:** In this statute, unless the context otherwise requires; -

- (a) **“Adhiniyam”** means the Rajiv Gandhi Proudyogiki Vishwavidyalaya Adhiniyam, 1998 (No 13 of 1998);
- (b) **“Attesting Officer”** means any of the following persons, not being a candidate for the election, namely: -
- (i) A Statuary Officer of the University;
- (ii) A Principal of the a College Professor or Reader or Assistant Peofessor;
- (iii) A Professor in any teaching department or College;
- (iv) A Magistrate;
- (v) A Gazetted Officer of the Sate of Madhya Pradesh or of the Central Government;
- (vi) A Member of Madhya Pradesh Vidhan Sabha or the Parliament;
- (c) **“Continuing Candidates”** means the candidates not elected or not excluded from the poll at given time;

- (d) **"Count" means and includes:** -
- (i) all operations of first preferences counting; or
 - (ii) transfer of surplus of an elected candidate; or
 - (iii) transfer of the total value of votes of excluded candidate;
- (e) **"Exhausted Paper"** means a voting paper on which no further preference is recorded for a continuing candidate, provided that a paper shall also be deemed to be exhausted wherever:
- (i) the name of two or more candidates, whether continuing or not, are marked with the same figure and are next in order of preference; or
 - (ii) the name of the candidate next in order of preference, whether continuing or not is marked by a figure not following consecutively after some other figure on the voting paper or by two or more figures.
- (f) **"First Preference"** means the figure I set opposite the name of a candidate; **"Second Preference"** means the figure II set opposite the name of a candidate; **"Third Preference"** means the figure III set opposite the name of a candidate, and so on
- (g) **"Original votes"** in regard to any candidate, means the votes derived from voting papers on which a first preference is recorded for such candidate;
- (h) **"Registrar"** of the University also means the Returning Officer for the election and the Presiding Officer for the Poll;
- (i) **"Section"** means Section of the Adhiniyam;
- (j) **"Sealed"** means sealed with sealing wax;
- (k) **"Statute"** means the Statute made under the provisions of Section 37 and 38 of the Rajiv Gandhi Proudyogiki Vishwavidyalaya Adhiniyam, 1998 (No 13 of 1998);
- (l) **"Surplus"** means the number' by which the value of the votes of any candidate, original and transferred, exceeds the quota;
- (n) **"Unexhausted Papers"** means voting papers on which a further preference is recorded for a continuing candidate;
- (m) **"Transferred votes"** in regard to any candidate means votes, the value or part of the value of which is credited to such candidate and which are derived from voting papers on which a second or subsequent preference is recorded for such candidate;
- (o) **Words and expression** used but not defined in this statute shall have the meaning as assigned to them in the Adhiniyam.

Manner of Election

3. The election of representative of the Court by the registered graduates of the University from amongst themselves under item (xxi) of sub-section (1) of section 22 of the Adhiniyam shall be in accordance with the system of proportional representation by means of single transferable vote.

Elector

4. (a) Every person who is a registered or re-registered graduate ninety days prior to the date of election fixed by a notice issued under Statute 5 of this Statute shall be qualified to stand as a candidate for and vote at the election of representative of registered graduate on the Court under item (xxi) of sub-section (2) of section 22.
- (b) No salaried employee of any University or any college within the State shall be eligible for the election.

Nominations and Fixing of Programmes: -

5. Wherever it is necessary to hold election of representative of registered graduates on the Court, the Registrar shall by notice published by affixing a copy there-of on the Notice Board of the University and in such newspaper, as the Kulapati may direct:-
 - (i) Declare the last date for registration or re-registration as Registered Graduate, which shall entitle a person to stand as a candidate for and vote at the election, such last date being ninety days prior to date of election.
 - (ii) Call upon the Registered Graduate who are registered on or before the last day fixed in para (i) above to elect members to the Court specifying the number of members to be elected.
 - (iii) Fix the last date for receipt of nomination, such last date being the forty fifth day after the date of publication of notice.
 - (iv) Fix the date and time for scrutiny of nomination which shall be fifth day after the last date for receipt of nominations.
 - (v) Fix the last date and time for the withdrawal of candidature which shall be tenth day after the date for scrutiny of nominations.
 - (vi) Fix the place, date and hour for poll for voters.
 - (vii) Fix the place, date and hour for counting of ballot papers which shall not be later than two days after the date of the poll.

- Note: (a) The last date under para (i) ordinarily be a working day
- (b) If the day fixed under any of the clause above except para (i) is a holiday, the immediately succeeding day which is not a holiday shall be fixed for the purpose.

Availability of Nomination Papers: -

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

Filling of Nomination Forms

7. (1) On or before the date fixed under clause (iii) of Statute 5 of this Statute, each candidate shall: -

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

Scrutiny of Nomination Papers.

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

Rejection of Nomination Paper.

- 9. (1) The Registrar shall then examine the nomination papers and shall decide all objective, or on his own motion, after such summary enquiry, if any, as thinks necessary, reject any nomination on any of the following grounds:
 - (a) that the candidate is not qualified or is disqualified for being chosen to fill the seat under any of the provisions of the Adhiniyam and the statutes made their under :
 - (b) that there has been a failure to comply with any of the provisions of Statute 7 of this Statute.
 - (c) that the signature of the candidate or the proposer or seconder on the nomination paper is not genuine;
 - (d) that the cover containing the nomination paper is not sealed.
- (2) Nothing contained in clause (b) or (c) of Sub-Statute (1) above shall be deemed authorize the rejection of the nomination of any candidate on the ground of irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

- (3) The Registrar shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement with reasons for such rejection. The decision of the Registrar shall be final.

List of Validly Nominated Candidates.

10. Immediately after all the nomination papers have been scrutinized and decisions accepting or rejecting the same have been recorded, the Registrar shall prepare a list of validly nominated candidates, This list shall contain the names in alphabetical order and the addresses of contesting candidates as given in the nomination papers.

Withdrawal of Candidature:-

11. (1) Any candidate may withdraw his candidature by a notice in writing duly signed by him and delivered to the Registrar or his nominee either by such candidate in person or his proposer or seconder, during office hours on or before the date fixed for withdrawal under clause (v) of Statute 5 of this Statute.
- (2) No Person who has given a notice of withdrawal of his candidature under Sub-Statute (I) above shall be allowed to cancel the notice.
- (3) The Registrar shall, on receiving notice of withdrawal under Sub-Statute (1) affix a notice of withdrawal on the notice board of this office.

List of contesting candidates

12. (1) Immediately after the expiry of the period within which candidatures may be withdrawn under clause (v) of Statute 5 of this Statute, the Registrar shall prepare and affix on his office Notice Board a list of contesting candidates who are included in the list of validly nominated candidates and who have not withdrawn their candidature within the said period.
- (2) The said list shall contain the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers.

Election: -

13. (1) If the number of contesting candidates is equal to the number of seats to be filled, the Registrar shall forthwith declare all such candidates to be duly elected to fill those seats.
- (2) If the number of contesting candidates is less than the number of seats to be filled, the Registrar shall forthwith declare all such candidates to be elected. The remaining seats shall remain unfilled till the next constitution of the Court.
- (3) If the number of contesting candidates is more than the number of seats to be filled, voting shall take place in the manner hereinafter provided.

Mention of names of candidates on ballot paper

14. The names of candidates shall be printed on the ballot paper in Form 'B' in the same order as in the list of validly nominated candidates affixed on the University Office Notice Board under Statute 13 of this Statute.

Voting in person: -

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

Method of casting vote: -

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

Returning Officer

17. The Registrar shall be the Returning Officer for the election and Presiding Officer for the Poll. The Kulapati shall fix the hours during which the poll will be taken and the hours so fixed shall be published in the notice to be issued under Statute 5 of this Statute.

Display of list of contesting candidates: -

18. Out-side the polling station there shall be displayed on the notice board a copy of the list of the contesting candidates prepared under Statute 13 of this Statute.

Design of Ballot Box: -

19. Every Ballot Box shall be of such design as may be approved by the Kulapati

Voting compartments: -

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

Regulating the entry of electors at the Polling Station

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

Appointment of polling Agent: -

22. (1) The appointment of a Polling Agent shall be made by the Candidate in Form F and shall be handed over to the Polling Agent for production at the polling station or the place fixed for the poll.
- (2) Immediately before The commencement of the poll the Presiding Officer shall demonstrate to the polling agent and other persons present, that the ballot box is empty, and

- (3) the ballot box shall then be closed, sealed, and secured and placed in full views the Presiding Officer and the polling agents, the ballot box shall, however, be sealed in such a manner that the slit for the insertion of the ballot paper therein remains open.

Identification of Electors

23. (1) The Presiding Officer may employ at the polling station such persons as he thinks fit to help in the identification of the electors or to assist him otherwise in taking the poll.
- (2) Each Registered Graduate shall be issued an Identity Card by the Registrar on payment of appropriate fee to be determined by the Executive Council from time to time. The photograph of the Registered Graduate, duly attested by the Registrar shall be affixed on the Identity Card.
- (3) As each elector enters the polling station, the Presiding Officer or the Polling Officer authorized by him in this behalf, shall check the electors name and other particulars with the relevant entry in the electoral roll, registration number and the name of elector.
- (4) In deciding the right of a person to obtain a ballot paper the Presiding Officer or the Polling Officer as the case may be, shall overlook merely clerical or printing errors in any entry in the electoral roll if he is satisfied that such person is identical with the elector to whom such entry relates.

Issue of ballot paper to electors at the place of Poll: -

24. At the time of issuing a ballot paper to an elector at the place of Poll the Polling Officer shall obtain the signatures of the elector on the counter-foil of the Ballot Paper.

Voting Procedure at the place of poll: -

25. The elector on receiving the ballot paper shall forthwith:
- (a) Proceed to the voting compartment;
- (b) There make a mark on the ballot paper as provided in paragraph 17, fold the ballot paper so as to conceal his vote;
- (c) Insert the fold ballot paper into the ballot box and quit the polling station.

Closing the Poll: -

26. The Presiding Officer shall close the polling station at the hour fixed in that behalf under Statute 5 of this Statute and shall not thereafter admit any elector into the polling station.
27. As soon as practicable after the closing of the poll the Presiding Officer shall close the slit of the ballot box, seal it up and also allow any polling agent present to affix his seal. The ballot box shall thereafter be sealed and secured.

Counting of Votes: -

28. The counting of votes will be done by the Returning Officer at the place, date and time fixed under Statute 5 of this Statute

Counting to be conducted in the presence of a committee: -

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

Rejection of Ballot Papers: -

30. The returning Officer shall scrutinize the ballot papers. He shall reject a ballot paper:
- (a) on which the figure I is not marked, or
 - (b) on which figure I is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate the preference is intended to apply; or
 - (c) on which the figure I and some other figure or figures are set opposite the name of the same candidate; or
 - (d) if it is unmarked or void for uncertainty; or
 - (e) if it is signed by the elector.

Counting Procedure: -

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

Ascertainment of Quota: -

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

Candidates with quota declared elected: -

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

Transfer of surplus:-

34. (1) Any candidate, the value of whose parcel, on the first preference being counted, is equal to or greater than the quota, shall be declared elected.
- (2) If the value of the papers in any such parcel is equal to the quota, the paper shall be set aside as finally dealt with.
- (3) If the value of the papers in any such parcel is greater than the quota, the surplus shall be transferred to the continuing candidates indicated on the ballot papers as next in the order of the voter's preference, in the manner prescribed in the following Statute.
35. (1) If and whichever, as the result of any operation prescribed by this Statute, a candidate has a surplus; that surplus shall be transferred in accordance with the provision of this Statute.
- (2) If more than one candidate has a surplus the largest surplus shall be dealt with first and the others in order of magnitude, provided that every surplus arising on the first count of votes shall be dealt with before those arising on the second count, and so on.
- (3) Where two or more surpluses are equal, the Registrar shall decide, as here-in-after provided in Statute 39 of this Statute which shall be dealt with first.
- (4) (a) If the surplus of any candidate to be transferred arises from original votes only, The Registrar shall examine all the papers in the parcel belonging to the candidate whose surplus is to be transferred and divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon. He shall also make a separate sub-paragraph of the exhausted papers.
- (b) He shall ascertain the value of the papers in each sub-paragraph and of the unexhausted papers.
- (c.) If the value of the unexhausted papers is equal to or less than the surplus he shall transfer all the unexhausted papers at the value at which they were received by the candidate whose' surplus is being transferred.
- (d) If the value of the unexhausted papers is greater than the surplus, he shall transfer the sub- paragraph of unexhausted and the value. At which each paper shall be transferred, shall be ascertained by dividing the surplus by the total number of unexhausted papers.
- (5) If the surplus of any candidate to be transferred arises from transferred as well as original votes, the Registrar shall re- examine all the papers in the sub-paragraph last transferred to the candidate and divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon. He shall thereupon deal with the sub-parcels in the same manner as is provided in the case of the sub-parcels referred to in sub-statute (4) of this Statute.
- (6) The papers transferred to each candidate shall be added in the form of the sub-paragraph to the papers already belonging to such candidate.
- (7) All papers in the parcel or sub-paragraph of an elected candidate not transferred under this Statute shall be set aside as finally dealt with.

Exclusion from the Poll: -

36. (1) If after all the surpluses have been transferred as hereinbefore directed, less than the number of candidates required has been elected, the Registrar shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidates according to the next preference recorded thereon. Any exhausted papers shall be set aside as finally dealt with.
- (2) The papers containing original votes of an excluded candidate shall first be transferred. The transfer value of each paper shall be one hundred.
- (3) The papers containing transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which and at the value at which he obtained them.
- (4) Each of such transfer shall be deemed to be a separate transfer but not a separate count.
- (5) The process directed by this paragraph shall be repeated on the successive exclusions one after another of the candidates lowest on the poll, until the last vacancy is filled either by the election of a candidate within the quota or as hereinafter provided.
- (6) If as the result of transfer of papers under this Statute, the value of the votes obtained by a candidate is equal to or greater than the quota, the transfer then proceeding shall be completed, but no further papers shall be transferred to him.

Declaration of elected candidates:-

37. (1) If, after the completion of any transfer under this Statute, the value of the votes of any candidate be equal to or greater than the quota, he shall be declared elected.
- (2) If the value of the votes of any such candidate be equal to the quota, the whole of the papers on which votes are recorded shall be set aside as finally dealt with.
- (3) If the value of votes of any such candidate be greater than the quota, his surplus shall thereupon be distributed in the manner hereinafter provided, before the exclusion of any other candidate.
38. (1) when the number of continuing candidate is reduced to the number of vacancies remaining unfilled, the continuing candidates shall be declared elected
- (2) When only one vacancy remains unfilled and the value of the votes of someone continuing candidate exceeds the total value of all the votes of the other continuing candidates, together with any surplus not transferred, that candidate shall be declared elected.
- (3) When only one vacancy remains unfilled and there are only two continuing candidates, and those two candidates have each the same value of votes and no surplus remains capable of transfer, one candidate shall be declared excluded under the next succeeding Statute, and the other declared elected

Lot to be drawn for exclusion: -

39. If 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 given to the original votes of each candidate, and the candidate for whom fewest original votes are recoded shall have his surplus first distributed or shall be first excluded, as the case may be. If the values of their original votes are equal, the Registrar shall decide by lot which candidate shall have his surplus distributed or be excluded.

Re-counting: -

- 40 (1) Any candidate or, in his absence, his Polling Agent may, at any time during the counting of the votes, either before the commencement or after the completion of any transfer of votes (whether surplus or otherwise) requests the Registrar to re-examine and re-count the papers of all or any candidate (not being papers set aside at any previous transfer as finally dealt with), and the Registrar shall forthwith re-examine and re-count the same accordingly.
- (2) The Registrar in his discretion may re-count the votes either once or more than once in any case in which he is not satisfied as to the accuracy of any previous count:

Provided that nothing in this sub-Para shall make it obligatory on the Registrar to re-count the same votes more than once. .

Election Petition: -

41. An election petition against any returned candidate may be presented to the Kulapati by any candidate or elector or his agent authorized in that behalf within fifteen days from the date of the publication of the result of the election on the Notice Board of the University. The Kulapati's order on the petition shall be final.

Kulpati Final Authority for interpretation.

42. If any question arises as to the interpretation of this Statute it shall be referred to the Kulpati for decision and the decision taken by the Kulpati shall be final and binding

FORM "A"
NOMINATION PAPER
(See Statute 7(1))

(FOR ELECTION TO THE court of.Universityas a
representative of Registered Graduate under section 22(1) (xxi) of the Rajiv Gandhi
Proudyogiki Vishwavidyalaya, Adhiniyam).

Name of candidate in full

.....

Registration No. of the Candidate

.....

Address of the Candidate

.....

I propose the name of Shriregistration No.
.....to a candidate for election to the Court from among the
Registration Graduates.

Name of the Proposer in full

.....

Registration No. of the proposer

.....

Date

Signature of Proposer

Address.....

.....

I second the above proposal

Name of the Seconder in full

.....

Registration No. of the Seconder

.....

Date:

Signature of the Seconder

Address

.....

.....

Consent of the Candidate

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

Date:

.....

.....

.....

.....

Signature of the Candidate

Name in Block Letters

Address

Registration No.

Certificate

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

Date:

Officer.....

Letters.....

.....

Address of Attesting

Name in Block

Designation.....

Signature of the Attesting Officer

Note:

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

FORM "B"
(See Statute 14)
BALLOT – PAPER

Serial Number	Registration Number of candidates in the Register of Registered Graduates	Name of Candidates	Order of preference in the vote

FORM "C"
(See Statute 22)
APPOINTMENT OF POLLING AGENT

Election of Representatives of Registered Graduates on the Court under item (xxi) of section 22 (1) of the Rajiv Gandhi Proudyogiki Vishwavidyalaya, Adhiniyam.

I (here state the name of the candidate and Registration number), who is a candidate at the above election do hereby appoint:

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

Signature of the candidate

Place

Date

I agree to act as such Polling Agent

Place

Signature of Polling Agent

Date

.....

(Name in Block Letters)

Declaration

of Polling Agent to be signed before the Presiding Officer.

I hereby declare that at the above election, I will not do anything forbidden by Statute No. 23 Election of Registered Graduates to the Court; which I have read:

Date

Signed before me

Signature of Polling

Agent

Place

.....

(Name in Block Letters)

.....

Signature of Presiding Officer

By order and in the name of the Governor of Madhya Pradesh,

Shamim Uddin,
Additional Secretary
Govt. of Madhya Pradesh
Technical Education & Training Department