

# CONSTITUTION OF BISWANATH COLLEGE STUDENTS' UNION (BCSU)

- 1.1. **Name :** The Union shall be called the "Biswanath College Students' Union", hereinafter referred to as BCSU.
- 1.2. **Office :** The office of the BCSU shall be located in the union building inside the college campus. It shall also be its official address.
- 1.3. **Flag of BCSU :** The flag of BCSU shall be of white silken cloth, its length and breadth shall be 3 ft. and 2 ft. respectively. In the middle of the flag at the centre shall be the emblem which depicts a glowing sun in the innermost circle surrounded by the motto of the college "Lead me from darkness to light" in Devnagri script "तमसो मा ज्योतिर्गमय" in another circle. The glowing sun in the innermost circle symbolizes march towards enlightenment. Above the emblem shall be written "Biswanath College Students' Union" in red colour while below the emblem shall be written the name of the union in Assamese "বিশ্বনাথ মহাবিদ্যালয় ছাত্র একতা সভা" in red colour. The circles of the emblem shall be red and blue.
- 1.4. **Aims and objectives :-**  
*The following shall be the aims and objectives of the BCSU :*
  - 1.3.1 To promote mutual contact, a democratic outlook and a spirit of oneness among the students of Biswanath College.
  - 1.3.2 To promote the social, cultural, intellectual, physical and moral development of the students of Biswanath College.
  - 1.3.3 To promote civil responsibility and leadership quality among the students of Biswanath College.\
  - 1.3.4 To promote among the students of Biswanath College a sense of service to the people and duty towards the state.
  - 1.3.5 To promote harmonious relations among all sections of the college community.
  - 1.3.6 To meet, discuss and make representations to the college authorities on matters concerning common interests of the students.
- 1.5. **Activities :**  
*The BCSU shall/may organize the following activities :-*
  - 1.4.1 Freshmen's Social and Annual College Week.
  - 1.4.2 Debates, discourses, lectures, study circles, essay competitions, etc.
  - 1.4.3 Cultural activities and festivals.
  - 1.4.4 Indoor and outdoor games.
  - 1.4.5 Publication of magazine, bulletin and wall magazines.
  - 1.4.6 Social service and social relief activities.
  - 1.4.7 Any other such activities which will further the realization of the above aims and objectives.
- 2.0. **Formation of BCSU :**
  - 2.1 **Membership :** All the bona-fide regular whole-time students of the college (excluding the certificate & diploma course students) will be the general members of the BCSU.

## 2.2 **Executive Committee :**

The executive committee of the BCSU shall comprise of the following office-bearers :-

- 2.2.1 Vice President.
- 2.2.2 General Secretary.
- 2.2.3 Assistant General Secretary.
- 2.2.4 Editor, College Magazine.
- 2.2.5 Secretary, Major Games.
- 2.2.6 Secretary, Minor Games.
- 2.2.7 Secretary, Debates and Discourses.
- 2.2.8 Secretary, Music and Fine Arts.
- 2.2.9 Secretary, Festival and Social Services.
- 2.2.10 Secretary, Boys' Common Room.
- 2.2.11 Secretary, Girls' Common Room.
- 2.2.12 Secretary, Gymnasium.
- 2.2.13 The Principal of Biswanath College shall be the permanent President of the BCSU.
- 2.2.14 There shall be a professor in-charge against each of the above portfolios. However, in the College Magazine portfolio , there will be a chairman from among the teaching faculty, a professor in-charge each for the English and the Assamese sections.

## 3.0. **Tenure :**

- 3.1. The tenure of the BCSU executive body shall be one year or till the formation of the next executive body.

## 4.0. **Duties and Responsibilities of the BCSU Office-bearers :**

### 4.1. **President :**

- 4.1.1. The principal-cum-president of the BCSU shall be the **Chief Executive Head** of the union and shall function in all matters relating to the BCSU in accordance with this Constitution.
- 4.1.2. Notwithstanding anything contained in this Constitution, the principal/president, BCSU in any emergency may take any action as he deems fit and report the same to the executive committee of BCSU.

### 4.2. **Vice-President :**

- 4.2.1. The vice-president shall offer counsel and advice to the secretaries of different portfolios for smooth discharge of their duties.
- 4.2.2. The vice-president shall be entrusted with the responsibility of making arrangements for taking out the cultural procession during the Annual College Week.
- 4.2.3. The vice-president shall preside over the BCSU meeting on special circumstances concerning solely on students' interest.

### 4.3. **General Secretary :**

- 4.3.1 The General Secretary of the BCSU shall act in consultation with the president as well as the professor in-charge and shall function in all matters relating to the BCSU in accordance with this Constitution.

- 4.3.2. It shall be the duty of the General Secretary of BCSU to convene general and executive committee meetings in consultation with the president and the professor in-charge . The General Secretary shall also prepare and present the minutes of all such meetings.
- 4.3.3. The General Secretary shall carry on correspondence on behalf of the BCSU and shall keep and maintain all records.
- 4.3.4. The General Secretary shall fix the dates for different activities and festivals like Freshmen's Social, Annual College Week, etc. in consultation with the Executive Committee in general and the Principal in particular.
- 4.3.5. The General Secretary shall be in charge of organizing the Freshmen's Social and the prize distribution ceremony-cum-concluding function of the Annual College Week.
- 4.4. **Assistant General Secretary :**
  - 4.4.1. The Assistant General Secretary of BCSU shall assist the General Secretary in all the matters relating to the union.
  - 4.4.2. In absence of the General Secretary, the Assistant General Secretary shall act as the General Secretary in-charge.
  - 4.4.3. In absence of the Secretary of any portfolio, the executive committee of the BCSU may empower the Assistant General Secretary to discharge the duties of that portfolio temporarily.
- 4.5. **Other Office-bearers :**

The other Office-bearers of BCSU shall perform their duties in their respective portfolios under supervision of the respective Professors-in-charge.

**5.0. Quorum :**

- 5.1 One-third of the total office-bearers shall constitute the quorum.

**6.0. Budget :**

- 6.1. The annual budget of BCSU shall have to be submitted at the executive committee meeting before holding the annual college week and the same has to be approved by the executive committee of BCSU.
- 6.2. The funds allotted to the different portfolios shall be spent under the supervision of respective professors in-charge and details of the accounts have to be submitted within 30 days from the event to the respective professors in-charge.

**7.0. Meetings :**

- 7.1 The executive committee of BCSU shall meet as often as may be necessary, but at least thrice a year.

**8.0. Elections :**

- 8.1. The elections to BCSU shall be held in compliance with the judgment passed by the Hon'ble Supreme Court of India dated 22/9/2006.
- 8.2. **Formation of Election Commission :** The principal shall constitute a five-member Election Commission from among the teaching staff to be headed by a Chief Election Officer. The Election Commission shall enforce model code of conduct for the election period and shall ensure observance of the same by the candidates.

- 8.3. **Maintaining law and order on the campus during election process :**
- 8.3.1. Maintenance of law and order inside the college campus during the election process shall be the responsibility of the principal.
- 8.3.2. Any instance of acute lawlessness or the commission of a criminal offence shall be reported to the police by the principal as soon as possible, but not later than 12 hours after the alleged commission of the offence.
- 8.4 **Election Notification :**
- 8.4.1. The Chief Election Officer shall issue a complete schedule of elections giving therein the date and time for filing nominations, scrutiny of nominations, the authority to whom nominations are to be filed, the date of withdrawal of nomination, declaration of the final list of contestants, the date and time for holding campaign, the date and time of holding the election, the date and time of counting and the date and time of declaration of results.
- 8.5. **Issuance and scrutiny of nomination papers :**
- 8.5.1 The Chief Election Officer shall, after issuing nomination papers, convene a meeting with the aspiring candidates and shall brief them about the rules/guidelines of the election process. Moreover, it is the bounden duty of the Chief Election Officer to apprise of all the rules and regulations or about any decision of Election Commission to the contesting candidates in due course of election process.
- 8.5.2 The scrutiny of each nomination paper shall be carried out by the Election Commission in presence of the concerned candidate or his/her authorized representative along with his/her proposer and seconder.
- 8.6 **Frequency and Duration of Election Process :-**
- 8.6.1 The entire process of election, commencing from the date of filing of nomination papers to the date of declaration of results, including the campaign period, shall not exceed 10 (ten) days.
- 8.6.2 The Election shall be normally held within six to eight weeks from the commencement of the academic session.
- 8.7 **Eligibility Criteria of the Candidates :-**
- 8.7.1 Undergraduate regular students between the age of 17 to 22 years may contest elections.
- 8.7.2 The candidate should in no event have any academic arrears in the year of contesting the election.
- 8.7.3 The candidate should have attained the minimum 75% of attendance in the current academic session.
- 8.7.4 No candidate shall have more than one opportunity to contest for the post of office bearer of BCSU.
- 8.7.5 The candidate shall not have a previous criminal record, that is to say, he/she should not have been tried and/or convicted of any criminal offence or misdemeanour.
- 8.7.6 The candidate should not have been subject to any disciplinary action by the college authorities.

- 8.7.7 The candidate must be a regular full-time student of the college and should not be a distance/proximate education student. That is to say, all eligible candidates must be enrolled in a full-time course, the course duration being at least one year.
  - 8.7.8 The Vice-President, BCSU shall be elected exclusively from among the students of 5<sup>th</sup>/6<sup>th</sup> Semester classes.
  - 8.7.9 The General Secretary & the Editor, College Magazine, BCSU shall be elected from 3<sup>rd</sup>/4<sup>th</sup> Semester Classes only.
  - 8.7.10 All other portfolios shall remain open for all classes except 5<sup>th</sup> & 6<sup>th</sup> Semesters.
- 8.8 The Chief Election Officer shall supply nomination papers to the candidates and shall receive the filled-up nomination papers along with supporting documents. The Chief Election Officer shall have the right to determine the eligibility or otherwise of the contestants and proposer/seconded. If it is found that the candidate is ineligible as per these regulations, his/her nomination papers shall be rejected. The decision of the Chief Election Officer in the matter shall be final.

**8.9 Documents to be submitted along with nomination papers :**

A candidate should submit the following documents (Self attested copies) :

- 8.9.1 High School Leaving pass certificate/Admit Card as age proof.
  - 8.9.2 Fee clearance certificate of the current semester/academic session issued by the Supervisory Assistant of the college. Fee clearance Certificate is also mandatory for the proposer and the seconded.
  - 8.9.3 A Certificate of percentage of attendance duly signed by two heads of departments of the subjects opted for.
  - 8.9.4 A certificate from the Vice-Principal declaring that the candidate has no academic arrears in the year of contesting the election.
  - 8.9.5 An affidavit stating that the candidate has no previous criminal records as well as has not been subjected to any disciplinary action by the college authority.
  - 8.9.6 A declaration duly signed by the candidate to the effect that he/she has not availed any opportunity to contest previously.
- 8.10 **Mode of Election :**
- 8.10.1 Direct elections to all the portfolios shall be held through secret ballots
  - 8.10.2 The Ballot Boxes shall be locked and sealed by the Chief Election Officer or his representative in the presence of each candidate or his/her representative (formal authorization in writing) who should also be a bona-fide whole-time student.
  - 8.10.3 The election shall be by simple majority by means of a single non-transferable vote.
  - 8.10.4 The Chief Election Officer can change the venue of the voting and counting after due notification.
  - 8.10.5 If two contestants of the same portfolio secure equal number of votes, the Chief Election Officer shall apply toss method in presence of the candidates or their authorized representatives to declare the winner.

**8.11 Electors' Identity :**

8.11.1. The electors, i.e. the students, should be in college uniform.

8.11.2 A student should produce his/her recent Identity Card. If the Identity Card is not of the current session, i.e. earlier to the session in which election is going to be held, then he/she should produce up-to-date fee receipt along with the Identity Card.

**8.12. Marked copy of electoral roll :**

The marked copy, i.e. voters' list, will be prepared by the Commission from the college Admission Register (Class and Stream-wise).

**8.13 Provision for recounting :**

If a candidate is not satisfied with results of the counting, he/she may appeal to the Chief Election Officer within 48 hours for recounting of votes stating valid reasons and paying a fee fixed by the Commission. If the commission prima facie finds the petition for recounting reasonable, recounting for that portfolio shall be held within one week from the date of appeal. If the difference between the winner and the defeated candidate is more than five votes, the petition of the appellant for recounting shall not be entertained by the Commission.

**8.14 Election related expenditure and Financial Accountability :**

8.14.1 The maximum permitted expenditure per candidate shall be Rs. 5000/- (five thousand)

8.14.2 Each candidate shall, within two weeks of the declaration of result, submit complete and audited accounts to the college authorities. The college shall publish such audited accounts within two days of submission of such accounts, through a suitable medium so that any member of the student body may freely examine the same.

8.14.3 The election of the candidate will be nullified in the event of any non-compliance or in the event of any excessive expenditure.

**8.15 Code of Conduct for candidates and election administrators :**

8.15.1 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.

8.15.2 Criticism of other candidates, when made, shall be confined to their policies and programmes, past record and work. Candidates 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.

8.15.3 There shall be no appeal to caste or communal feelings for securing vote. Place of worship, within or without the campus, shall not be used for election propaganda.

8.15.4 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 or the use of propaganda within 100 meters of polling station, 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 station.
- 8.15.5 No candidate shall be permitted to make use of printed posters, printed pamphlet, or any 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.
- 8.15.6 Candidates may only utilize handmade posters at certain places in the campus, which shall be notified in advance by the Election Commission/college authority.
- 8.15.7 No candidate shall be permitted to carry out procession, or public meetings, or in any way canvass or distribute propaganda outside the college campus.
- 8.15.8 No candidate shall, nor shall his/her supporters, deface or cause any destruction to any property of the college campus, for any purpose whatsoever. All candidates shall be held jointly and severally liable for any destruction/defacing of any college property.
- 8.15.9 During the election period the candidates may hold processions and/or public meetings, 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 college. Further, such procession/public meeting may not be held without the previous written permission of the college authority.
- 8.15.10 The use of loudspeakers, vehicles and animals for the purpose of canvassing shall be prohibited.
- 8.15.11 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) not hand out any propaganda on the polling day.
- 8.15.12 Excepting the voters, no one without a valid pass/letters of authority from the Election Commission or from the college authorities shall enter the polling booths.
- 8.15.13 The Election Commission/college authorities shall appoint impartial observers. If the candidates have any specific complaint or problem regarding the conduct of the elections they may bring the same to the notice of the observer.
- 8.15.14 All candidates shall be jointly responsible for ensuring the cleaning up of the polling area within 48 hours of the conclusion of polling.
- 8.15.15 Any contravention of any of the above recommendations may make the candidate liable to be stripped off his candidature,

or his elected post, as the case may be. The Election Commission/ College authorities may also take appropriate disciplinary action against such a violator.

8.15.16 In addition to the above, provisions of the Penal Code, 1860 (Section 153-A and Chapter IX-A ‘Offences relating to election’), may also be made applicable to student election.

8.16 In the matter of interpretation of these regulations, the decision of the Chief Election Officer shall be final.

### **8.17 Grievances redressal mechanism :**

8.17.1 There should be a Grievance Redressal Cell constituted by the Principal with the Vice-Principal as its Chairman. In addition, two senior faculty member, and two final year students – one boy and one girl (till the election results are declared) shall be nominated by the Principal. Student members can be nominated on the basis of merit and/or participation in the co-curricular activities in the previous year.

8.17.2 The Grievance Cell shall be mandated with the redressal of election related grievances, including, but not limited to, breaches of the code of conduct of election and complaints relating to election-related expenditure. This cell would be the regular unit of the institution.

8.17.3 In pursuit of its duties, the Grievance Cell may prosecute violators of any aspect of the code of conduct or the rulings of the Grievance Cell. The Grievance Cell shall serve as the court of original jurisdiction. The Principal 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 Grievance Cell has issued a final decision. Upon review, the Principal may revoke or modify the sanctions imposed by the Grievance Cell.

8.17.4 In carrying out the duties of the office, the Grievance Cell shall conduct proceedings and hearing necessary to fulfill those duties. In executing those duties it shall have the authority :

(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.

8.17.5 Members of Grievance Cell are prohibited from filing complaints. Any other student may file a complaint with the Grievance Cell, within a period of 3 days from the date of declaration of results. A complaint must be filed under the name of the student filing the complaint. The Grievance Cell shall act on all complaints within 24 hours after they are received by either dismissing them or calling a hearing.

8.17.6 The Grievance Cell may dismiss a complaint if :



- (i) The complaint was not filed within the time-frame prescribed above;
  - (ii) The complaint fails to state a cause of action for which relief may be granted;
  - (iii) The complainant has not and/or likely will not suffer injury or damage.
- 8.17.7 If a complaint is not dismissed, then a hearing must be held. The Grievance Cell shall inform, in writing, or via e-mail, the complaining party and individuals or groups named in the complaint of the time and place of the hearing. The parties are not considered notified until they have received a copy of the complaint.
- 8.17.8 The hearing shall be held at the earliest possible time, but not within twenty-four (24) hours after receipt of the notice prescribed over, unless all parties agree to waive the twenty-four hour time constraint.
- 8.17.9 At the time notice of hearing issued, the Grievance 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.
- 8.17.10 All Grievance Cell hearings, proceedings and meetings must be open to the public.
- 8.17.11 All parties of the Grievance Cell hearing shall present themselves at the hearing, may be accompanied by any other student from which they can receive counsel, and have the option to be represented by that counsel.
- 8.17.12 For any hearing, a majority of sitting Grievance Cell members must be in attendance with the Chair of the Grievance Cell presiding. In the absence of the Chair, the responsibility to preside shall fall to a Grievance Cell member designated by the Chair.
- 8.17.13 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 :
- Complaining parties shall be allowed no 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 the purpose of testifying by proxy.
  - All questions and discussions by the parties in dispute shall be directed to the Grievance Cell.

- There shall be no direct or cross-examination of any party or witness by complaining or responding parties during hearing.
- Reasonable time-limits may be set by the Grievance Cell provided they give fair and equal treatment to both sides.
- The complaining party shall bear the burden of proof.
- Decisions, orders and rulings of the Grievance Cell must 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 a 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 precedence for a time period of three election cycles for the Grievance Cell ruling, and shall guide the Grievance Cell in its proceedings. Upon consideration of prior written opinions, the Grievance Cell may negate the decision, but must provide written documentation of reasons for doing so.
- If the decision of the Grievance Cell is appealed to the Principal, the Grievance Cell must immediately submit its ruling to the Commission.
- 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.
- Any fine or total amount of fines against a candidate in an election cycle may not exceed the spending limit as defined hereinabove.
- 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 activities for some or all of the remainder of the campaign. If an order is issued covering only part of the remaining 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 and including the election days.

- If, after a hearing, the Grievance Cell finds that provisions of either this code 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.
- Any party adversely affected by a decision of the Grievance Cell may file an appeal with the Principal within 24 hours after the adverse decision is announced. The Principal shall have the discretionary appellate jurisdiction over the Grievance Cell in all cases in which error on the part of the Grievance Cell is charged.
- The decision of the Grievance Cell shall stand and shall have full effect until the appeal is heard and decided by the Principal.
- The Principal shall hear appeals from the Grievance Cell rulings as soon as possible, but not within 24 hours after the Grievance Cell delivers to the appellant and the Principal a copy of its written opinion in the case. Appeal may be heard prior to this time, but only if the appellant waives the right to a written opinion and the Principal agrees to accept the waiver.
- The Principal can issue suitable orders to suspend or halt the operation of the ruling issued by the Grievance Cell until the appeals are decided.
- The Principal shall review findings of the Grievance Cell when appealed. The Principal may affirm or overturn the decision of the Grievance Cell, or modify the sanctions imposed.

**9.1. Commencement of the Constitution :**

The draft Constitution shall be placed before the executive committee of BCSU and if it is approved by the executive committee, the same shall be placed in the General Meeting of the regular students for final approval. Once approval of the general meeting is obtained the constitution shall come into force with effect from a date to be notified by the principal.

**9.2. Amendment of the Constitution :**

For amendment of any provision (s) of this Constitution, the Principal shall appoint a committee for drafting the amendments. The draft shall be submitted at the executive committee meeting of BCSU. If the draft is approved by the executive committee, it shall be placed in the

general meeting of BCSU. Once the general body of BCSU approves it, the amendments shall come into force with effect from a date to be notified by the Principal.

**10.1 Jurisdiction :**

Any dispute pertaining to elections or the functioning of BCSU shall be subjected to the jurisdiction of the Sub-Divisional Judicial Magistrate's Court, Biswanath Chariali only.

**11. Provisions of this Constitution have overriding effect :**

The provisions contained in this Constitution shall have overriding effect notwithstanding anything inconsistent therewith contained in any other rules/regulations/Constitution of BCSU framed in the past.

1. Kedarnath Thakur  
Professor & HoD, Chemistry  
Chairman, Constitution Drafting Committee, BCSU
2. Kshitish Saikia,  
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6. Raju Hazarika  
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