

GOVERNMENT OF KERALA
HIGHER EDUCATION (P) DEPARTMENT

NOTIFICATION

NO. 19811/P 2/73/H.Edn **Dated, Trivandrum, 7th September 1973**

In exercise of the powers conferred by Sub-section (1) of Section 31 of the Cochin University Act 1971 (30 of 1971) the Government of Kerala hereby make the first statutes on elections to the authorities of the said University, namely:-

COCHIN UNIVERSITY STATUTES

ELECTIONS

PART I

General

1. Definitions:- For the purpose of this Chapter,-

- (1) "Act" means the Cochin University Act, 1971;
- (2) "Candidate" means a person qualified to seek election, who has been duly nominated in accordance with these statutes.
- (3) "Continuing candidate" means candidate not elected or not excluded from the poll at any given time;
- (4) "elector" means a person who is qualified to vote at the election;
- (5) "exhausted paper" means a ballot paper on which no further preference is recorded for continuing candidate, provided that a paper shall also be deemed to be exhausted in any case in which-
 - (a) the names of two or more candidates, whether continuing or not, are marked with the same figure and are next in earlier preference; or
 - (b) 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 ballot paper or by two or more figures;
- (6) "first preference" means the figure I set opposite to the name of any candidate, "second preference" means the figure 2, "third preference" means the figure 3 and so on;
- (7) "original votes" in regard to any candidate mean the votes derived from ballot papers on which a first preference is recorded for such candidates;
- (8) "polling station" in relation to election means a place fixed for conducting the poll at the election;

- (9) “section” means the section of the Act;
- (10) “surplus” means the number by which the votes of any candidate, original and transferred, exceed the quota as defined in statute 51;
- (11) “transferred vote” in regard to any candidate means a vote credited to such candidate and which is derived from a ballot paper on which second or subsequent preference is recorded for such candidate;
- (12) “unexhausted paper” means a ballot paper on which a further preference is recorded for a continuing candidate;
- (13) “University” means the University of Cochin.

2. *Mode of Elections.*—(1) The election of members to the Senate under clauses (1), (2), (5), (7), (9), (10) and (13) under “Elected Members” in section 15, election of ex-officio members to the Syndicate under clause (6) of section 19 and election of members to the Board of Graduate and Undergraduate studies under clause (v) of sub-section (1) of section 22 shall be held by postal ballot in accordance with the provisions in Part II.

(2) The election of members to the Senate under clause (6), (11), (12) and (14) under “Elected Members”, in section 15, election of members to the Board of Graduate and undergraduate studies under clause (vi) of sub-section (1) of section 22 and election of members to the Academic Council under clauses (1) and (m) of sub-section (2) of section 23 shall be held without postal ballot and in accordance with the provisions in Part III.

(3) The election of members to the Senate under clause (3) under “Elected Members” in section 15, of “other members” to the Syndicate under section 19, election of members to the Academic Council under clause (j) of sub-section (2) of section 23 and election of one member each by the Senate and Syndicate to the Committee for appointment of the Vice-Chancellor under sub-section (1) of section 10, election of members to the Finance Committee, election to the Committees to be appointed by the Senate, the Syndicate and the Academic Council, election of members to the Faculties by the Senate and the Academic Council and election of members to the Council of Students Affairs shall be held in accordance with the provisions in part IV.

*(4) The provisions of this Chapter shall not apply to election of members to the Senate under clauses (4) and (8) under “Elected Members” in section 15. In the case of those elections, the Returning Officer shall notify to the Secretary of the Legislative Assembly and the Commissioner of the Cochin Corporation respectively of the elections and the dates by which the result of such elections shall be communicated to him. On receipt of such intimation, the Secretary of the Legislative Assembly and the Commissioner of the Cochin Corporation respectively shall make arrangements to hold the elections and the results thereof with the names and addresses of the members elected shall be communicated to the Returning Officer by the said dates.

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(5) All elections shall be held as and when required,

*Amended

3. *Vice-Chancellor responsible for conduct of elections.*—Subject to the other provisions of these Statutes, the Vice-Chancellor shall be responsible for the conduct of all elections held by the University and shall have power--

(a) to fix the date, place and time of all elections;

(b) to prescribe the form of notice, nomination, letter of intimation, declaration paper, ballot paper cover and the envelope for any election, the form of any other record to be prepared or maintained relating to an election and the instructions to be contained in the notification;

(c) to decide, in cases of doubt, the validity or invalidity of each ballot paper or of each vote recorded thereon;

(d) to declare the result of each election;

(e) to fix-

(i) the date of notification;

(ii) the last date for receipt of nominations;

(iii) the date of scrutiny of nominations and publication of list of candidates validly nominated;

(iv) the last date and hour for withdrawal of candidature;

(v) the date of publication of the final list;

(vi) the date of issue of ballot paper;

(vii) the date and hour for the poll;

(viii) the date and hour of scrutiny and counting of votes.

4. *Returning Officer.*- The Registrar shall be the Returning Officer for all elections held by the University.

5. *Election in anticipation of vacancies.*- The Vice Chancellor shall have power to direct the holding of elections in anticipation of vacancies that are about to occur by efflux of time.

6. *Election not invalid by reason of vacancies in electorate.*- No election shall be invalid by reason of any vacancy among the persons entitled to vote at such election or on account of the non-receipt of loss during transmission of any notice, ballot paper, or any other paper connected with the election.

7. *Electoral rolls.*- The Registrar shall maintain electoral roll for each electoral body entitled to elect members at any election conducted by the University, showing the names and address of all persons.

8. *Date of publication of electoral roll.*-The electoral rolls shall be published in the University Office not less than 30 clear days before the date of notification of the

election. The Returning Officer shall notify the date of publication of such electoral roll, not less than 30 clear days before the date of publication of the roll, in newspapers approved by the Vice-Chancellor for the purpose.

9. *Eligibility to take part in election-* The names of persons who are on the electoral body 30 days before the date of publication of the roll along shall be included in the electoral roll, and such persons along shall be entitled to participate in the election, provided that any person who ceases to be a member of an electoral body before the date of issue of the ballot paper from the University Office shall not be entitled to participate in the election.

10. *Corrections, alterations, etc. in electoral roll-* It shall be competent for the Vice-Chancellor to make any addition, correction, alteration or deletion in any electoral roll, provided that the fact necessitating such correction or alteration or deletion is brought to his notice within 15 days after the publication of the electoral roll and that he is satisfied that such correction or alteration or deletion is necessary.

11. *Price of copies of electoral roll-* Copies of the electoral roll or part thereof shall be made available to the electors or to the general public or any other body on request and payment of the price to be fixed for the roll by the Vice-Chancellor.

12. *Electoral roll of teaching staff-* Electoral roll of the teaching staff of constituent colleges, recognized institutions and the University Departments shall include the following:-

(i) names and official addresses of the teachers of the constituent colleges other than principals, whose appointments have been approved by the University.

(ii) names and official addresses of teachers of recognized institutions whose appointments have been approved by the University;

(iii) names and official address of teachers of the University Departments.

13. *Electoral roll of registered trade unions-* Electoral roll of Trade Unions shall include only the registered Trade Unions in the University area which have a membership of over 1000 as on the first day of November preceding the date of publication of the electoral roll. The electoral roll shall contain the name and address of the President of the Union concerned.

14 *Electoral roll of registered graduates-* In the case of registered graduates, the electoral roll shall contain the names and addresses of registered graduates of the University whose names are so registered in the register of registered graduates, not less than 30 days prior to the publication of the electoral roll.

*15 *Electoral roll of Principals of all constituent Colleges, Heads of University Departments, etc.-* The electoral roll of the Principals of constituent Colleges, Heads of University Departments and Heads of Branches of studies in the University shall contain the names and official addresses of the persons in all such categories.

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16. *Electoral roll of employees other than teachers of the University-* The electoral roll of employees other than teacher of the University shall contain the names and designations of all the non-teaching employees of the University.

17. *Electoral roll of non-teaching staff of constituent colleges-* The Electoral roll of non-teaching staff of constituent colleges shall include the names and designations of all non-teaching staff of such colleges.

18. *Electoral roll of students-* Electoral roll of students of the University Departments and Constituent colleges shall be prepared department wise in the case of University Departments, and college-wise in the case of constituent colleges. The Electoral roll shall contain the names of the students appearing in the registers of the respective institutions with the details of the class, the course and the college or the Department concerned.

19. *Electoral roll of teachers entitled to elect members of Academic Council-* Electoral roll for election to the Academic Council by teachers shall be prepared college-wise in the case of constituent colleges and Department-wise in the case of the University. The Electoral roll shall include the names and addresses of teachers in the colleges constituent with or maintained by the University and the University Departments.

20. *The Electoral roll of post-graduate or research students.-* Electoral roll for election to the Academic Council by the post-graduate or research students shall be prepared department-wise and shall contain the names and other particulars of such students as appearing in the registers of the Departments.

96. *Electoral roll of other electorates.-* Separate electoral rolls showing- names, and addresses shall also be prepared for each of the following electorates, namely;-

- (i) members of the Panchayats in the University area;
- (ii) members of Municipalities in the University area;
- (iii) managers of constituent private colleges;
- (iv) Principals of constituent colleges; and
- (v) Teachers of constituent colleges in charge of instruction at graduate level of studies.

22. *Election to the Senate from the Managers Constituency.-* Every Manager of a constituent private college shall be entitled to one vote. In case a manager has more than one constituent private college under him, he shall entitled to have as many votes as there are Colleges under his management.

23. *Objections.-* Objections to elections shall be made in writing and shall be forwarded to the Registrar with these fees, if any, prescribed under the Ordinances, so as to reach him within seven days after the declaration of the result of the election.

24. *Preservation of election papers.*- The ballot papers, the declaration papers and the ballot paper cover shall be preserved in the University Office for a period of one month after the date of declaration of the results, or if any dispute arises regarding the election until it is disposed of.

25. *Candidature of a person nominated for election through more than one electorate.*- A person who has been nominated for election to a body or authority of the University through more than one electorate and who has been declared elected from any one of the electorates either unopposed or at the counting of votes shall resign his membership excepting through any one of the electorates which he may choose within 15 days of the declaration of the result of the elections and if he fails to do so he shall be deemed to be the member only through the electorate the result of whose election has been declared first.

26. *Candidature of a person already elected to a body for election to the same body from another electorate.*- No person who has been elected from a particular electorate shall be eligible to be a candidate for election to the same body or authority through another electorate without resigning his membership from the body or authority, as the case may be. It shall, however, be competent in the case of anticipatory vacancy in a body or authority for a person who is a member of the body or authority elected by particular electorate to be a candidate for such anticipatory vacancy, provided the date of occurrence of that vacancy is posterior to the date on which he ceases to be a member of the body or authority.

97. *Date of effect of result of elections* - The results of all elections shall be published in the Gazette. Anticipatory elections shall take effect from the date of occurrence of the vacancy and other elections from the date of notification of the result of the election.

PART II

Procedure for Election by Postal Ballot

98. *Notification of elections*- When any vacancy occurs or is about to occur by efflux of time among the members of any University authority or body which has to be filled by election, or if an election has to be conducted for the constitution of any Body, Authority, or any Committee thereof according to the provisions of the laws of the University, the Registrar shall, under the directions of the Vice-Chancellor, cause such fact to be notified for

information of the electors and shall also cause such notification to be published in the Gazette. The notification shall contain the following particulars:-

- (1) date of notification, (2) last date for receipt of nominations, (3) date of scrutiny of nomination and publication of list of candidates validly nominated, (4) last date and hour for withdrawal of candidature, (5) date of publication of the final list of candidates, (6) date of issue of ballot-paper, (7) date and hour fixed for the poll, (8) date and hour of scrutiny and counting of votes.

29. *Nomination of candidates:* Every elector shall be at liberty to nominate a qualified person to fill the vacancy. Every such nomination shall be in the prescribed form and shall be made by an elector in writing and shall be seconded in writing by another elector. The nomination shall be accompanied by the consent in writing of the nominee agreeing to serve on the University Authority or Body, as the case may be, if elected, and declaring that he is not already a member of the authority or body, or if he is already a member, his term of office as such would expire before the membership for which he is seeking election takes effect and the nomination paper must reach the Registrar within the date and hour fixed, which shall not be earlier than 14 clear days after the date of publication of the notification of the election in the Gazette.

30. *Scrutiny of nomination:* All nomination papers received through post or deposited in the box provided for the purpose in the office of the Returning Officer within the prescribed hour on the prescribed date shall be scrutinized by the Returning Officer. The candidates and a representative of each candidate appointed in writing by the candidate and approved by the Returning Officer may be present at the time scrutiny of nominations.

31. *Decisions of the Returning Officer on objections:* The Returning Officer shall examine the nomination papers and shall decide all objections which may be made on any nomination paper on the ground that it is not valid, and may reject either on his own motion or on such objection any nomination paper. The decision of the Returning Officer shall in each case be endorsed by him on the nomination paper in respect of which such decision is given.

32. *List of candidates validly nominated:* A list of candidates whose nominations have been declared valid shall be published with their names and addresses by affixing the same on the notice board in the office of the Returning Officer on the same day. The names of the candidates in the list shall be in the alphabetical order of the English Language.

33. *Withdrawal of candidature:* Any candidate may withdraw his candidature by notice in writing signed by him and either sent by registered post or delivered in person or by messenger to the Returning Officer so as to be received by him not later than 4 p.m

on the day fixed for withdrawal, which shall be 5 clear days after the last date for the receipt of nominations, and the withdrawal once made shall be final. A candidates who has withdrawn his nomination shall not be eligible for re-nomination as a candidate for the same election to the same authority or body.

34. *Final list of candidates:* The Returning Officer shall, after expiry of the period fixed for withdrawal of candidature, publish the final list of candidates validly nominated. The final list of candidates validly nominated shall show the names of the candidates arranged in the alphabetical order of the English Language, together with the designation, if any, and addresses of the candidates

35. *Declaration of election of validly nominated candidates:* If the number of candidates validly nominated and not withdrawn does not exceed the number of vacancies to be filled by election, such candidates shall be declared to have been duly elected. If the number of candidates validly nominated and not withdrawn is less than the number of vacancies to be filled by election, such candidates shall be declared to have been duly elected, and the electorate shall be called upon to elect a person or persons, as the case may be, to fill the remaining vacancy or vacancies. If the number of candidates validly nominated and not withdrawn exceeds the number of vacancies to be filled by election, then the Returning Officer shall proceed with the election in the manner prescribed in these Statutes.

36. *Despatch of Ballot Paper:* The Returning Officer shall forward to each elector, through post, a serially numbered declaration paper, a ballot paper containing the names and addresses of all candidates in the same order as in the final list of candidates validly nominated, and bearing the initials of the Returning Officer and the date of posting, a ballot paper cover, and an envelope addressed to the Returning Officer and bearing a number corresponding to the serial number of the declaration paper, together with the letter of intimation stating the number of the vacancies to be filled by election, the date and hour fixed for the poll and the date and hour fixed for the scrutiny and counting of votes, and such guidance to the voters for exercising their franchise as may be deemed necessary. The papers shall be forwarded to each elector in his address as given in the electoral roll of the constituency. If in any case, an elector has since the publication of the roll changed his address, the papers shall be forwarded to him in the address so changed, provided the change of address has been intimated to the Returning Officer not less than 14 clear days before the date of posting of the ballot paper. The date fixed for the poll shall not be less than 14 clear days after the date of posting of the ballot paper.

37. With regard to the elections to the senate from the Manager's constituency, a voter shall be supplied with as many ballot papers as the number of votes to which he is entitled under Statute 22.

38. *Non-receipt or loss of ballot paper by an elector:* When any elector has not received or has lost the ballot paper sent to him, he may make and transmit a declaration to that effect and request the Returning Officer to send him duplicate papers in place of the ones not received or lost, and the Returning Officer, is satisfied as to the genuineness

of the declaration, shall issue duplicate papers through post. In every case where duplicate papers are issued, the fact shall be noted against the number of the elector in the electoral roll for use at the time of scrutiny and counting of votes, and the word "Duplicate" in block capital letters shall be written or stamped in red ink on the declaration paper and the envelope addressed to the Returning Officer.

39. *Defective ballot papers, etc.*: If the elector receives any ballot paper, ballot cover, or declaration form which is liable to be rejected for want of serial number, initial or for any reason arising from a clerical error or omission in the office of the Returning Officer, the electors shall, within two days of the receipt of the same but before the time fixed for the commencement of the election, bring the matter to the notice of the Returning Officer who shall, if satisfied, issue fresh ballot paper or ballot paper cover or declaration paper, as the case may be, in its place. The fact that a fresh ballot paper, ballot paper cover or declaration has been issued shall be noted against the number of the elector on the electoral roll for use at the time of scrutiny and counting.

40. *Procedure when election papers are spoiled.*—When an elector has inadvertently spoiled the ballot paper or any other connected papers sent to him, he shall make a declaration to that effect and transmit the same to the Returning Officer, together with the spoiled papers and the Returning Officer, on receipt of the spoiled papers, shall cancel them and issue through post fresh ones in place of the spoiled papers.

41. *Voting.*—The elector, in case he desires to vote at the election, shall after filling up the declaration paper and the ballot paper in accordance with the directions given in the letter of intimation and on the reverses side of the ballot paper, enclose the ballot paper in the cover marked "Ballot paper" and stick it and enclose the same and the declaration paper in the envelope addressed to the Returning Officer and send the envelope by Registered post to the Returning Officer so as to reach him before the hour and date fixed for the poll or deposit the envelope or cause it to be deposited in the box provided for the purpose in the office of the Returning Officer during office hours on any working day, before the last date and hour fixed for the poll.

42. *Recording of votes of electors physically incapacitated.*—(a) If an elector is incapacitated from blindness or other physical causes from recording his vote in the manner prescribed, it shall be competent for him to record his vote by the hand of any of the persons specified in clause (b) and such person shall on the declaration paper attest the incapacity and the fact of his having been requested by the elector to record his vote on his behalf and of its having been so marked by him in the presence of the elector.

99. The following persons are empowered to record the vote for an incapacitated person, namely:-

- (1) Magistrates,
- (2) Judicial Officers of and above the rank of District Munsiffs;
- (3) District Registrars;
- (4) Sub Registrars:

Provided that such person attesting the vote of an incapacitated elector shall not be a candidate or a near relation of a candidate contesting the election for which the vote is recorded.

43. *Closing of ballot box.*—The Returning Officer shall close the ballot box slit and seal the box immediately after the hour appointed on the last date fixed for the poll.

100. *Procedure on counting.*—The scrutiny and counting of votes shall be held by the Returning Officer from the hour appointed on the date fixed for the scrutiny and counting of votes. No person shall be present at the scrutiny and counting except the Vice Chancellor, the Returning Officer and such persons as the Vice Chancellor may appoint to assist the Returning Officer, the candidates and not more than one representative of each candidate appointed by him in writing and approved by the Returning Officer. The ballot box shall be opened at the hour fixed for the scrutiny, and the envelopes in the box shall be scrutinized by the Returning Officer.

45. *Envelope when rejected.*—(1) An envelope shall be rejected before opening—

- (a) if it is not the one sent by the Returning Officer;
- (b) if it does not bear any serial number.

101. If two envelopes bearing the same serial numbers are received and one of them is super scribed as 'Duplicate' that alone shall be accepted.

46. *Ballot paper cover when rejected.*—(1) A ballot paper cover shall be rejected.

- (j) if it is not accompanied by the declaration paper sent by the Returning Officer; or
- (ii) if the envelope contains no declaration paper outside the ballot paper cover; or
- (iii) if the envelope contains anything other than the declaration paper cover; or
- (iv) if the declaration is not in accordance with the rules, or
- (v) if the ballot paper is placed outside the ballot paper cover, or
- (vi) if more than one declaration paper on ballot paper cover have been enclosed in one and the same envelope; or
- (vii) if the serial number in the declaration paper differs from the serial number of the envelope addressed to the Returning Officer.

2. In each case of rejection, the word “Rejected” shall be endorsed by the Returning Officer on the ballot paper cover or the declaration paper, as the case may be.
47. *Recording of vote.*—All persons entitled to vote at the election shall have one vote, but the vote shall be transferable. Each elector may indicate the order of his preference by placing the figures 1,2,3, etc, against the names of the candidates who represent respectively, his first, second, third, etc, choice.
48. *Ballot paper when rejected.*—(1) The ballot paper covers, other than those rejected shall be mixed together and then opened in the presence of the Returning Officer. The Returning Officer shall then proceed with the scrutiny of the ballot papers.
96. The Returning Officer shall reject a ballot paper as invalid, for the following reasons, namely:-
- (i) if the ballot paper cover contains any matter other than the ballot paper;
 - (ii) if it does not bear the initials of the Returning Officer;
 - (iii) if the voter signs his name or writes any word or makes any mark by which the identify of the voter becomes recognizable;
 - (iv) if the figure I is not marked; or
 - (v) if the figure I is set opposite the names of more than one candidate; or
 - (vi) if the figure I and some other figure are set opposite the name of the same candidate;
 - (vii) if the figures are set in an uncertain manner;
- (3) On every paper so rejected, the Returning Officer shall endorse the word “Rejected” stating the grounds of rejections, and keep such rejected papers in a separate packet.
97. *Fractions and preferences.*—In carrying out the provisions regarding the procedure for election hereinafter prescribed,--
- (1) all fractions shall be disregarded; and
 - (2) all preferences recorded for candidates already elected or excluded from the poll shall be ignored.
50. *Division into parcels according to first preference.*—After the invalid ballot papers, if any, have been rejected, the remaining papers shall be divided into parcels according to the first preferences recorded for each candidate, and the number of papers in each parcel noted and credited to the concerned candidates’ account.
51. *Quota.*—The number of papers in all the parcels shall then be added together and the total divided by a number exceeding by one the number of vacancies to be filled by

election and the quotient increased by one shall be the number sufficient to secure the return of a candidate hereinafter called the 'quota'.

52. *When persons who obtained quota are declared elected.*—(1) If at the end of any count a number of candidates equal to the number of vacancies to be filled by election has obtained the quota, such candidates shall be treated as elected and no further steps shall be taken.

(2) Any candidate, in whose parcel the number of vote on the first preference being counted is equal to or greater than the quota, shall be declared duly elected.

(3) If the number of papers in any such parcel is equal to the quota the papers shall be set as finally disposed of.

53. *Transfer of surplus.*—(1) If the number of the papers 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 hereinafter prescribed.

(2) If more than one candidate has a surplus, the largest surplus shall be dealt with first and the others in the 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, regard shall be had to the original votes of each candidate, and the date who is credited with the largest number of original votes shall have his surplus first distributed and if their original votes are equal, the Returning Officer shall decide by lot which candidate shall have his surplus first distributed.

(4) (i) If the surplus of any candidate to be transferred arises from original votes only, the Returning Officer shall examine all the papers in the parcel belonging to the candidate, divide the unexhausted papers into sub-parcels according to the next preference recorded thereon and make a separate sub-parcel of the exhausted papers.

(ii) The number of papers in each sub-parcel and the total of all the unexhausted papers shall then be ascertained.

(iii) If the total number of the unexhausted paper is equal to or less than the surplus to be transferred, all the sub-parcels shall be transferred to the continuing candidates, the value of each papers so transferred being one.

(iv) If the total number of unexhausted papers is greater than the surplus, the sub-parcels shall be transferred to the continuing candidates 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, in ascertaining the number of papers to be transferred from a sub-parcel, fractional parts are found to exist, and if, owing to the existence of such fractional parts, the number of papers to be transferred is less than the surplus, as many of these fractional parts taken in the order of their magnitude, beginning with the largest, as are necessary to make the total number of papers to be transferred equal to the surplus shall be reckoned as of the value of unity, and the remaining fractional parts shall be ignored.

If two or more fractional parts are of equal magnitude, that fractional part shall be deemed to be the larger which arises from the largest sub-parcel, and if the sub-parcels in question are equal in size, preference shall be given to the candidate who obtained the larger number of original votes.

(6) If the surplus of any candidate to be transferred arises from transferred as well as original votes, all the papers in the sub-parcel last transferred to the candidate shall be examined and the unexhausted papers divided into sub-parcels according to the next preference recorded thereon. The sub-parcels shall be dealt with in the same manner as is provided in the case of the sub-parcels referred to in clause (4).

(7) The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already belonging to such candidate, and the value of such transferred votes credited to his account.

(8) All the papers in the parcel or sub-parcel of an elected candidate not transferred to any continuing candidate under this statute shall be set aside as finally disposed of.

54. *Exclusion of candidate lowest in poll:* (1) If after all the surpluses have been transferred as hereinafter provided, the number of candidates elected is less than the required number, the Returning Officer 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 preferences marked thereon and any exhausted papers shall be set apart as finally disposed of.

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

(3) The papers containing the 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 transfers shall be deemed to be a separate transfer, but not separate count.

(5) If the total of the votes of two or more candidates lowest on the poll together with any surplus votes transferred, is less than the votes credited to the next highest candidate, those candidates may in one operation be excluded from the poll and their votes transferred in accordance with the provisions in clauses (1) to (4)

(6) The above process shall be repeated on the successive exclusions one after another of the candidate lowest on the poll until the last vacancy is filled, either by the election of a candidate with the quota or as hereinafter provided.

55. *Completion of transfer when quota obtained:* If, as a result of a transfer of papers under these statutes, the number of 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.

56. *Procedure in the case of candidate obtaining votes equal to or greater than the quota:*

(1) After the completion of any transfer under these statutes, the number of the votes on any candidate is equal to or greater than the quota, he shall be deemed elected.

(2) If the number of the votes of any candidate is equal to the quota, the whole of the papers on which such votes are recorded shall be set aside as finally disposed of.

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

57. *When continuing candidates are declared elected:* When at the end of any count, the number of continuing candidates is reduced to the number of vacancies remaining unfilled, the continuing candidates, shall be declared elected.

58. *When number of votes of one candidates exceeds the total votes of the other candidates.—*

When at the end of any count only one vacancy remains unfilled and the number of votes of any one candidate exceeds the total of all the votes of the other continuing candidates together with any surplus not transferred, the candidate shall be declared elected.

59. *When continuing candidates have equal number of votes.—*When at the end of any count only one vacancy remains unfilled and there are only two continuing candidates and each of them has the same value of votes and no surplus remains capable of transfer, the Returning Officer shall decide by lot which of them shall be excluded and after the exclusion of one of the candidates by drawing lots, the other candidate shall be declared elected.

60. *Exclusion of candidate when two or more candidates have equal number of votes.—*If at any time it becomes necessary to exclude a candidate and two or more candidates have the same number of votes and are lowest on the poll, regard shall be had to the original votes of each candidate, and the candidate for whom the lowest original votes are recorded shall be first excluded; and if their original votes are equal, the Returning Officer shall decide by lot which candidate shall be excluded.

61. *Recounting.—*(1) Any candidate or his agent may at any time during the counting of votes, either before the commencement or after the completion of any transfer of votes, request the Returning Officer to re-examine or recount the papers of all or any candidates (not being papers set aside at any previous transfer as finally disposed of) and the Returning Officer shall forthwith re-examine or recount the same accordingly.

(2) The Returning Officer may at his discretion recount 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 statute shall make it obligatory on the Returning Officer to recount the same votes more than once.

62. *Declaration of results.—*The Returning Officer shall at the end of the counting declare the names of the candidates who have been duly elected.

98. *Record of election.—*(1) The Returning Officer shall prepare a record in the prescribed form showing—

- (a) the number of voters who voted;
- (b) the number of ballot papers rejected-
 - (i) as being received late;
 - (ii) for irregularities connected with the declaration;
 - (iii) as invalid;
- (c) the number of valid ballot papers;
- (d) the number of votes obtained by each candidate at each stage of the transfer;
- (e) the stage at which each candidate was declared elected.

99. The Returning Officer shall also prepare a result sheet showing the result at various stages of the counting.

PART III

Procedure for Elections without Postal Ballot

64. *Application of provisions in Part II.*—(1) Subject to the following provisions, the statutes 28 to 35 and 43 to 63 in Part II shall also mutatis mutandis apply to election without postal ballot under this Part.

(2) The notification shall, among other particulars, contain information on the places where polling station will be provided and the date on which and the time during which the poll shall be taken and the election who shall exercise voting in the respective polling stations.

100. *Method of Election.*—The election of members to the Senate under clauses (6), (11), (12) and (14) under “Elected members” in section 15 shall be held in accordance with the provisions under Group A, Group B, Group C, and Group D respectively and election of members to the Board of Graduate and Undergraduate studies under clause (vi) of sub-section (1) of section 22 and election of members to the Academic Council under clauses (i) and (m) of sub-section (2) of section 23 shall be in accordance with the provision under Group ‘E’.

GROUP A

Election by teaching staff other than principals of Constituent Colleges, University Departments And recognized institutions

66. *Place and manner of voting.*—In the case of election by teaching staff other than Principals of constituent colleges, University Departments, and recognized Institutions, Polling Stations shall be provided for in the constituent colleges, in the University Campus, University Departments outside the campus and in the recognized institutions. An elector shall be entitled to exercise his vote in the polling station provided for at the institution where he is employed.

67. *Polling agents.*—A candidate may appoint any number of polling agents with the approval of the Returning Officer, so however that there shall not be more than two agents for a particular polling station, for a particular candidate.

68. *Presiding Officers and Polling Officers.*—(1) The Returning Officer shall appoint a Presiding Officer and such Polling Officer or Officers as he thinks necessary for each Polling Station but shall not appoint any person who has been employed by or on behalf of or has been otherwise working for a candidate in or about the election or a person who is a teacher.

(2) If a Polling Officer is absent from a Polling Station, the Presiding Officer may appoint any person who is present at the Polling Station who is not disqualified to be a Polling Officer under clause (1) during the absence of the former Officer and inform the Returning Officer of the same.

(3) A Polling Officer shall perform all or any of the functions of the Presiding Officer if so directed by the Presiding Officer.

(4) If the Presiding Officer is absent owing to illness or other cause his functions shall be performed by such Polling Officer as has been previously authorized by the Returning Officer to perform such functions.

69. *Duties of Presiding Officer and Polling Officer.*-- (1) The Presiding Officer shall keep order at the Polling Station and see that poll is fairly taken.

(2) The Polling Officer shall assist the Presiding Officer in the performance of his functions.

70. *Arrangement of Polling Stations.*—(1) The Returning Officer shall provide at each Polling Station sufficient number of ballot boxes, copies of the relevant part of the electoral roll, ballot papers, instruments for stamping the distinguishing marks on ballot papers, and articles necessary for the electors to mark their votes.

(2) At each polling station there shall be set a separate compartment in which electors can record their votes screened from observation.

(3) The Presiding Officer shall regulate the number of electors to be admitted at one time inside the Polling Station and shall exclude there from all persons other than—

- (a) Polling Officers;
- (b) candidates and their agents;
- (c) a person accompanying a blind or infirm elector who cannot move without help; and

- (d) such other persons as the Returning Officer or the Presiding Officer may employ for the purpose of the conduct of elections.

71. *Ballot Boxes.*—(1) Where a paper seal is used for securing a ballot box, the Presiding Officer shall affix his own signature on the paper seal and shall obtain thereon the signature of such other polling agents as are present and desirous of affixing the same.

(2) The Presiding Officer shall thereafter affix the paper seal so signed in the space meant therefore in the ballot box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper there into remains open.

(3) Where it is not necessary to use paper seals for securing the ballot box, the Presiding Officer shall secure by seal the ballot box in such manner that the slit for the insertion of the ballot papers remains open and shall allow the polling agents present to affix, if they so desire, their seals.

(4) Immediately before the commencement of the poll, the Presiding Officer shall demonstrate to the polling agents and other person present that the box is empty. The ballot box shall then be closed, sealed and secured and placed in full view of the Presiding Officer and Polling Agents.

72. *Identification of electors:* (1) The Presiding Officer may employ at the Polling Station such persons as he thinks fit to help in the identification of electors or to assist him otherwise, in taking the poll.

(2) As each elector enters the polling station, the Presiding Officer or the Polling Officer authorized in this behalf shall check the elector's name and other particulars with the relevant entry in the electoral roll and then call out the serial number, name and other particulars of the elector.

73. *Challenging of identity.*—(1) Any polling agent may challenge the identity of a person claiming to be a particular elector by first depositing a sum of two rupees in cash with the Presiding Officer for each such challenge.

(2) On such deposit being made, the Presiding Officer shall—

101. warn the person challenged of the penalty for personation;

(3) ask whether he is the person referred to;

(4) enter his name and address in the list of challenged votes; and

(5) require him to affix his signature in the said list.

(3) If the Presiding Officer, after an enquiry which he may make, is satisfied that the challenge has not been established, he may allow the person to vote, and if he is satisfied that the challenge has been established he shall debar the person challenged from voting.

74. *Safeguards against personation-* (1) Every elector about whose identity the Presiding Officer or the Polling Officer, as the case may be, is satisfied shall allow his

left forefinger to be inspected by the Presiding Officer or Polling Officer and an indelible ink mark to be put on it.

(2) If any elector refuses to allow his left forefinger to be inspected or marked in accordance with clause (1) or has already such a mark on his left forefinger or does any act with a view to removing the ink mark, he shall not be supplied with ballot paper for voting.

Explanation - Reference to the left forefinger of an elector shall in the case where the elector has his left forefinger missing be construed as a reference to any other finger of his left hand and shall in the case where all the fingers of his left hand are missing be construed as a reference to the forefinger or any other of his right hand and shall in the case where all his fingers of both the hands are missing be construed as a reference to such extremity of his left or right arm as he possesses.

75. *Issue of ballot papers to electors* - Every ballot paper shall before issue to an elector be marked with such distinguishing mark as the Returning Officer may direct and the Polling Officer shall record the serial number thereof against the entry relating to the elector in the electoral roll.

76. *Voting Procedure* - The elector on receiving the ballot paper shall forthwith proceed to the voting compartment, mark his preference, fold the ballot paper so as to conceal his markings, insert the same into the ballot box and quit the polling station.

77. *Recording of votes by physically incapacitated persons* - (1) If the Presiding Officer is satisfied that owing to blindness or other physical incapacity an elector is unable to mark his vote on the ballot paper without assistance, the Presiding Officer shall assist him in the matter of recording his preference.

(2) The Presiding Officer shall keep a record of all such cases.

78. *Tendered votes* - (1) If a person representing himself to be a particular elector applies for a ballot paper after any person has already voted as such elector, he shall, on satisfying the Presiding Officer as to his identity be entitled to mark a ballot paper in the same manner as any other elector.

(2) Every such person shall before being supplied with such a ballot paper, hereinafter referred to as tendered ballot paper, sign his name against the entry relating to him in the electoral roll and shall be required to give a declaration in writing signed by him as to his identity.

(3) The tendered ballot paper shall be endorsed on the back with the words "tendered ballot paper" by the Presiding Officer in his own hand and signed by him.

(4) The tendered ballot paper shall not be inserted in the ballot box but shall be entrusted to the Presiding Officer who shall place it in a cover specially kept for the purpose.

79. *Closing of poll* - The Presiding Officer shall close the poll at the hour fixed in that behalf and shall not thereafter admit any elector into the polling station:

Provided that all electors present at the polling station before it is closed shall be allowed to mark their votes.

80. *Sealing of ballot box after poll* - (1) After the closing of the poll the Presiding Officer shall close the slit of the ballot box and where the box does not contain any mechanical device for closing the slit, he shall seal the slit and allow any polling agents to fix his seal also.

(2) The ballot box shall I thereafter be sealed and secured in a cover,.

(3) Where it becomes necessary to use more than one ballot box, the first ballot box shall be closed and sealed as provided in clauses (1) and (2) before another ballot box is put into use.

81. *Account of ballot papers* - The Presiding Officer shall at the close of the poll prepare a ballot paper account in the form prescribed for the purpose and enclose it in a separate cover with the words "ballot paper account" super scribed thereon.

82. *Sealing of other packets* - (1) The Presiding Officer shall then make into separate packets –

(a) the marked copy of the electoral roll;

(b) the unused ballot papers;

(c) the cover containing tendered ballot papers;

(d) list of challenged votes ; and

(e) any other paper directed by the Returning Officer to be kept in a sealed packet.

(2) Each such packet shall be sealed and the polling agents present, if they so desire may be permitted to affix their seals thereon.

83. *Adjournment of poll* - If for any reason it becomes impossible to continue the poll at any polling station till the time fixed or the closing of the poll before any of the electors who are to exercise their votes at that polling station have not voted, the Presiding Officer may adjourn the poll and close the polling at that station and report the mater to the Returning Officer. Thereafter the Presiding Officer shall seal the box and the records connected with the election and proceed as in the case of closing the poll in the ordinary course. The Returning Officer shall fix a date on which the poll so adjourned shall take effect. The elector who had exercised his vote shall not be entitled to vote again at the adjourned poll.

84. *Transmission of ballot paper box, etc. to the Returning Officer* – (1) The Returning Officer shall make adequate arrangements for the sale transport of all ballot boxes and other connected papers for the safe custody until the commencement of the counting of votes.

(2) The Presiding Officer shall deliver the ballot boxes, ballot paper account, the sealed packets and other connected records to the Returning Officer at such place as the Returning Officer may direct.

85. *Opening of ballot boxes* - The ballot boxes shall be opened in the presence of the candidate or candidates or their authorized agents and votes shall be counted in accordance with the procedure prescribed.

GROUP B

Election of one member by the employees other than teachers of the university

86. *Place and manner of voting* - In the case of election of one member by the employees other than teachers of the University from among themselves, polling stations shall be provided for in the University Office, in the University campus and in the University Departments outside the campus. The employees working in each institution shall be entitled to vote at the polling station provided for at that institution.

87. *Application of provisions in Group A* - The provisions in Statutes 67-85 shall apply to the election under this group also.

GROUP C

Election of one member by the non-teaching staff of Constituent Colleges.

88. *Place and manner of voting* - In the case of election of one member by the non-teaching staff of the constituent colleges from among themselves, polling station shall be provided for in each of the constituent colleges. The non-teaching staff of each of the colleges shall be entitled to vote at the polling station provided for in the respective colleges.

89. *Application of provisions in Group A* - The provisions in Statutes 67-85 shall apply to the election under this Group also.

GROUP D

Election of five members by the students of the University and of the Constituent Colleges

90. *Place and manner of voting* - In the case of election of five members by the students of the University and the constituent colleges polling stations shall be provided

for in the University campus, University departments outside the campus and in the constituent colleges. The students of the University shall be entitled to vote at the polling station provided for them. The students of each college shall be entitled to vote at the polling station provided for in that college. If the number of students on the rolls in a college exceeds one thousand, the Returning Officer may in his discretion, provide one additional booth.

91. *Application of provisions in Group A* - The provisions in Statutes 67-85 shall apply to the election of members under this group also.

GROUP E

Election of members to the Academic Council

92. *Place and manner of voting* - (1) In the case of election of three members who are post-graduates or research students to be elected by the students of the University to the Academic Council, polling stations shall be provided for in the University campus and in places where University Departments are situated.

(2) In the case of election of five members being teachers other than Heads of Departments to be elected by the teacher of the University and the teachers of constituent colleges, polling stations shall be provided for in the University campus, University Departments outside the campus and in the constituent colleges.

93. *Application of provisions in Group A* - The provisions in statutes 67-85 shall apply to the election under this group also.

PART IV

Election at meetings

94. *Application of provisions in Part II and Part III* - Subject to the following provisions, the Statutes 28-35, 43-44 and 47-63 in Part II and Statutes 71,75,76 and 80 of Part III shall also *mutatis mutandis* apply to election under this Part.

95. *Place and manner of voting* - The elections under this part shall be held at the meeting of the authority or body concerned.

96. *Ballot boxes* - The Ballot Box shall be placed in a convenient place with arrangement for exercising the franchise by the electors screened from observation from any other person.

By Order of the Governor
P.K.UMASHANKAR
Secretary

**UNIVERSITY OF COCHIN
NOTIFICATION**

No.EL.1/73

30th April, 1975

It is hereby notified that under Section 31 (8) of the Cochin University Act 1971, the Chancellor has been pleased to assent to the following amendments and additions to the Statutes on Election made by the Senate, with effect from 28.03.1974 and 22.03.1975 respectively.

I. Amendment to the Statute 15 of the Statutes on Elections passed by the Senate on 28.03.1974.

The word "constituent colleges" under Statute 15 of the Cochin University Statutes on Elections shall be substituted with "All Colleges within the territorial limits of the University". As amended the Statute will read as follows:-

15. Electoral roll of Principals of all Colleges within the territorial limits of the University, Heads of University Departments etc.

The electoral roll of Principals of all Colleges within the territorial limits of the University, Heads of University Departments and Heads of Branches of Studies in the University shall contain the names and official addresses of the persons of all such categories.

II. Amendments to the Statute 2(4) of the Cochin University Statutes on Elections and addition of Statute 2(5) thereto passed by the Senate on 22.03.1975.

In the said Statutes:-

1. In Part I, in clause (4) of Statute 2(1) in the first sentence, for words, brackets and figures 'Clauses (4) and (8)' the word, bracket and figure 'Clause (8)' shall be substituted;
2. for the words, 'those elections' the words 'this election' shall be substituted;
3. the words 'the Secretary to the Legislative Assembly and' wherever it occurs, shall be omitted;
4. the word 'respectively' wherever it occurs shall be omitted;
5. for the word 'elections' wherever it occurs, the word 'election' shall be substituted;
6. for the word 'dates' wherever it occurs, the word 'date' shall be substituted;
7. for the word 'results' wherever it occurs, the word 'result' shall be substituted;
8. for the words 'names and addresses' the words 'name and address' shall be substituted;

9. for the word 'members' wherever it occurs, the word 'member' shall be substituted.

The Statute 2(4) as amended will read as follows: "(4) The provisions of this Chapter shall not apply to election of member to the Senate under clause (8) under 'Elected Members' in Section 15. In the case of this election, the Returning Officer shall notify to the Commissioner of the Cochin Corporation of the election and the date by which the result of such election shall be communicated to him. On receipt of such intimation, the commissioner of the Cochin Corporation shall make arrangements to hold the election and the result thereof with the name and address of the member elected shall be communicated to the Returning Officer by the said date"

(2) After clause (4), the following shall be inserted as clause (5), namely:

"(5) In the case of election of two members from among the members of the Legislative Assembly of Kerala under item (4) under the heading "Elected Members" in Section 15 of the Act, the procedure laid down in Part V shall be followed"

(3) The existing clause (5) shall be renumbered as (6)

(4) After Part IV the following shall be inserted as Part V namely:-

PART V

Procedure for the Election of two Members from among the Members of the Legislative Assembly of Kerala

97. *Definitions:* In this part,

- (a) "Legislative Assembly" means the Legislative Assembly of Kerala;
- (b) "Registrar" means the Registrar of the University of Cochin;
- (c) "The Senate" means the Senate of the University of Cochin.

98. *Mode of election;*

(1) The election under this Part shall be held in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.

(2) Separate nomination papers and ballot papers shall be used for the election of two members, if necessary.

99. Returning Officer

The Secretary of the Legislative Assembly shall be the Returning Officer for the Conduct of election under this part. He shall have power

- (a) Subject to the provisions of statute 100, to fix the date, place and time of election;
- (b) to prescribe the form of notice, nomination, letter of intimation, declaration paper, ballot paper the form of any other record to be prepared or maintained relating to the election and the instructions to be contained in the notifications;
- (c) to decide, in cases of doubt, the validity or invalidity of each ballot paper or of each vote recorded thereon;
- (d) to declare the result of the election;
- (e) to fix—
 - i the date of notification;
 - ii the last date for receipt of nomination;
 - iii the date of scrutiny of nominations and publication of list of candidates validly nominated;
 - iv the last date and hour for withdrawal of candidature;
 - v the date of publication of the final list;
 - vi the date of issue of ballot paper;
 - vii the date and hour for the poll
 - viii the date and hour of scrutiny and counting of votes;

100. Election when to be held:

Election shall be held as and when required by the University. The Registrar shall send necessary requisition to the Secretary of the Legislative Assembly for the conduct of the election. The date of such election shall be fixed in consultation with the Secretary of the Legislative Assembly.

101. Procedure for the conduct of election:

Save as otherwise provided in this part, the provisions of Part II of the First Statutes regarding the procedure for the conduct of elections to the various authorities of the Cochin University, shall, mutatis mutandis apply to the election held under this part.

102. Election not invalid by reason of vacancies in the Electorate:

No election shall be invalid by reason of any vacancy among the persons entitled to vote at such election or on account of the non-receipt or loss during transmission of any notice, ballot paper, or any other paper connected with the election.

103. Electoral roll:

The Secretary, Legislative Assembly shall maintain an electoral roll of the electoral body entitled to elect members at the election held under this part.

104. Date of Publication of electoral roll:

Electoral roll shall be published in the Legislative Secretariat not less than 30 clear days before the date of notification of the election. The Returning Officer shall notify the date of publication of the electoral roll, not less than 15 clear days before the date of publication of the roll, in newspapers to be decided by him.

105. Eligibility to take part in election:

The names of persons who are on the electoral body 30 days before the date of publication of the roll alone shall be included in the electoral roll, and such persons alone shall be entitled to participate in the election, provided that any person who ceases to be a member of the electoral body before the date of issue of the ballot paper shall not be entitled to participate in the election.

106. Corrections, alterations, etc. in electoral roll:

It shall be competent for the Secretary, Legislative Assembly to make any addition, correction, alteration or deletion in the electoral roll, provided that the fact necessitating such correction or alteration or deletion is brought to his notice within 15 days after the publication of the electoral roll and that he is satisfied that such correction, alteration or deletion is necessary.

107. Election disputes:

An election petition calling in question any election held under this part shall be made in writing to the Secretary, Legislative Assembly, so as to reach him within seven days of the declaration of the result of the election. The Secretary, Kerala Legislative Assembly shall forward such election petitions to the Chancellor for decision.

108. Communication of result of the election to the University:

The Secretary of the Legislative Assembly, shall, after the date referred to in statute 100, communicate to the Registrar, the result of the election and the names and addresses of the members elected.

109. Date of effect of result of election:

The Registrar shall arrange to publish the result of election in the gazette. The date of notification in the Gazette shall be the date of effect of the result of the election.

University Buildings
Hill Palace,
Tripunithura

Sd/
REGISTRAR