

HIGHER AND TECHNICAL EDUCATION DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated 17th May 2017.

NOTIFICATION

MAHARASHTRA PUBLIC UNIVERSITIES ACT, 2016.

No. Misc-2016/C.R. 347/Desk-Vishi-3.—In exercise of the powers conferred by sub-section (10) of section 72 read with sub-section (13) of section 71 and section 67 of the Maharashtra Public Universities Act, 2016 (Mah. Act. No. VI of 2017), the Government of Maharashtra hereby, prescribes the uniform Statute relating to procedure for conduct of Elections to various authorities and bodies of the university, namely :—

UNIFORM STATUTE No. 1 OF 2017.

1. *Short title.*—This Statute may be called the Maharashtra Public Universities (Procedure for Conduct of Elections to Various Authorities and Bodies of the University) Uniform Statute, 2017.

2. *Definitions.*—(1) In these Statutes, unless the context otherwise requires,—

(a) “Act” means the Maharashtra Public Universities Act, 2016 (Mah. VI of 2017);

(b) “clear days” means all days in a schedule with exclusion of both the first and the last day (e.g. from Monday to Monday, there are six clear days);

(c) “continuing candidate” means any candidate not elected or not excluded from the poll at any given stage of counting of votes;

(d) “count” means all the operations involved in the counting of the first preferences recorded for candidates; or all the operations involved in the transfer of the surplus of an elected candidate; or all the operations involved in the transfer of the votes of an eliminated candidate or of two or more candidates eliminated together;

(e) “elector” means any person entitled to vote in the election of any authority or body of the University;

(f) “first preference” means the digit “1” standing alone opposite the name of a candidate; “second preference” means the digit “2” standing alone opposite the name of the candidate in succession to the digit “1”; “third preference” means the digit “3” standing alone opposite the name of a candidate in succession to the digits “1” and “2” and so on, on the voting paper;

(g) “next available preference” means a second or subsequent preference recorded in consecutive numerical order for a continuing candidate, the preferences, next in order on voting paper for candidates already elected or eliminated from the poll being ignored;

(h) “non-transferable paper” means a voting paper on which no second or subsequent preference is recorded for a continuing candidate or the names of two or more candidates (whether continuing or not) are marked with the same number and are next in order of preference; or the name of the candidate next in order of preference (whether continuing or not) is marked by a number not following consecutively after some other number on the voting paper; or by two or more numbers or for any other reason it cannot be determined for which of the continuing candidates the next available preference of the elector is recorded;

(i) “original vote” in regard to any candidate means a vote derived from a voting paper on which a first preference is recorded for that candidate;

(j) “quota” means the number of votes sufficient to secure the election of a candidate, determined at each election by dividing the total number of valid votes cast at an election by the number of vacancies to be filled plus one at that election and by adding one to the result so arrived at, any fractional remainder in doing so shall be disregarded;

e.g.—

$$\text{Quota} = \frac{(\text{Total number of valid votes})}{(\text{number of vacancies}+1)} + 1$$

Example : Number of vacancies = 5

Valid votes = 100

$$\begin{aligned} \text{Quota} &= \frac{100}{5+1} + 1 \\ &= 16.67 + 1 \\ &= 17.67 \\ &= 17 \end{aligned}$$

(17.67 shall not be rounded off to 18, because already '1' is added to the 16.67);

(k) "Registrar" means Registrar of the University;

(l) "surplus" means the number of votes by which the total number of original and transferred votes, credited to any candidate, exceeds the quota;

(m) "transferable paper" means a voting paper on which, following the first preference, a second or subsequent preference is recorded in consecutive numerical order in favour of a continuing candidate;

(n) "transferred vote" in regard to any candidate means a vote derived from a voting paper on which a second or subsequent preference is recorded for that candidate.

(2) Words and expressions used but not defined in these Statutes shall have the same meanings respectively assigned to them in the Act.

3. *Display of Information Relating to Election.*—The University shall create a separate portal on the official web site of the University, namely 'Election Portal' and in addition to formal display on designated notice board, all notifications, notices, electoral roll and all other information and documents related to conduct of elections to various authorities and bodies of the University shall be published on the said Portal.

4. *Voting Paper.*—

A voting paper shall be in the following form :

VOTING PAPER

..... UNIVERSITY

Election for (name of Authority)

Election by(collegium/electoral roll)

(As per section..... of the Maharashtra Public Universities Act, 2016)

Name of Candidates	Order of Preference

5. *Transferable Vote.*—

(1) Each elector shall have one transferable vote.

(2) An elector in recording his vote,—

(a) shall place on his voting paper the digit 1 opposite the name of the candidate for whom he votes in the column of 'order of preference';

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

(c) shall place all preferences on his voting paper either in English or in Marathi;

(d) shall not indicate the preference/s in words or in roman numbers.

6. *Validity of Votes.*—

(1) A voting paper is invalid if,—

(a) the digit 1 standing alone, indicating a first preference, is not placed; or

(b) the digit 1 standing alone, indicating a first preference, is placed opposite the names of more than one candidate; or

(c) the digit 1 standing alone, indicating a first preference and some other digits are placed opposite the name of the same candidate; or

(d) the first preference or subsequent preferences are indicated in words or roman numbers or in digits of any other language except English or Marathi; or

(e) it cannot be determined for which candidate the first preference of the voter is recorded; or

(f) in an election by ballot any mark is placed by the voter by which he may afterwards be identified; or

(g) preference is indicated in any ink other than blue ink;

(h) there is any scratching, overwriting or alteration in the digits indicating the voter's preference.

(2) A valid ballot paper with next preference given to more than one candidate shall become invalid for such immediately subsequent preference.

7. *Powers of the Registrar to Prepare Schedule of Election, Validity of Votes and Result of Elections.*—

The Registrar shall have the power,—

(1) to prepare the Schedule of elections and get the same approved by the Vice-Chancellor;

(2) to decide, in case of doubt, the validity or invalidity of a vote recorded ;

(3) to declare the result of each election.

8. *Electoral Roll.*—

(1) The Registrar shall prepare separate electoral roll for collegiums entitled to vote, with the names in alphabetical order beginning with surname-first name-middle name and addresses.

(2) Except when an election is held at a meeting, the persons entitled to vote at an election to any of the authorities or bodies shall, respectively, be the persons whose names are entered on their respective electoral roll.

(3) The provisional electoral roll of persons, entitled to vote at an election to the authorities or bodies of the University shall be published on the Election Portal on the official web site of the University, at least forty-five clear days before the date of election.

(4) The Registrar shall have the power to correct the electoral roll, if any omission or wrong entries are brought to his notice within five days from the date of publication of the

electoral roll. In case of any dispute, an appeal against the electoral roll shall be preferred to the Vice-Chancellor within five days from the date of publication of the corrected electoral roll and the Vice Chancellor's decision shall be final.

(5) The final electoral roll after corrections, if any, shall be published on the Election Portal on the official web site of the University, at least thirty clear days before the date of election.

(6) The final electoral roll shall be published on the designated notice board and also on the Election Portal on the official web site of the University which can be downloaded free of costs.

(7) Printed copies of the electoral roll shall be delivered on application to any person on payment of such fees as may be prescribed by the University.

9. *Notice of Election.*—

(1) In case of elections to authorities and bodies of the University to be held at Polling Centres, the notice of election shall be given by the Registrar at least twenty-five clear days before the date of election. In the said notice, a detailed election programme including the last date and time fixed for receiving nominations, fees for nomination, the date of election and relevant details regarding the vacancy shall be precisely stated. All such notices shall be published by the University on the Election Portal of its official website and shall display on the designated notice board of the University.

(2) In the case where an election is to be held at a meeting of an authority or body, the notice of election shall be issued at least twenty clear days before the date of the meeting.

10. *Nominations.*—

(1) Candidates shall submit their nominations for elections to various authorities and bodies in the prescribed form along with the copies of the required documents, in person, or through a person authorized by him in writing, at the University office before 5-00 p.m. on the last day fixed for receiving nominations.

(2) The last date for the receipt of nominations shall be—

(a) ten clear days before the date of election in case of an election to be held at the meeting of any authority or body of the University;

(b) sixteen clear days before the date of election in case of elections at the polling centres.

(3) Nomination papers shall be dated and signed by two electors entitled to vote, and shall contain dates, names in full, addresses and designations, if any, and voter numbers of signatories and of the candidate nominated. No person shall be nominated as a candidate for election unless he signifies his consent under his signature and date on the nomination paper. No person shall either propose or second his own nomination:

Provided that, in case there are less than three voters, the candidate himself may propose and second his own nomination.

(4) A nomination paper which does not comply with all the requirements herein mentioned shall be invalid and it shall be rejected.

(5) It shall be open to a candidate to withdraw from an election : provided he submits an application for withdrawal signed by the candidate, in person, or through a person authorized by him in writing, at the University office, before 5-00 p.m. on the date prescribed in the election schedule.

(6) As soon as possible after the last day fixed for the receipt of nominations, at a time and place fixed by the Registrar, and mentioned in the notice of election, any person or persons nominated by the Registrar shall scrutinize the nominations. The candidate or his agent, whose name has been included in the final electoral roll duly authorized by the candidate in writing in this behalf, shall be entitled to be present at such scrutiny.

(7) In the case of dispute or doubt regarding the validity of a nomination paper, an appeal may be made to the Vice-Chancellor and his decision shall be final.

(8) If the number of valid nominations does not exceed the number of vacancies to be filled, the candidates nominated shall be declared to have been elected on the date of declaration of result of election.

11. *Procedure for election by Ballot at a Meeting.—*

(1) In the agenda for the meeting of an authority or body, an item of election by ballot shall be included and the duration for voting, shall be precisely notified.

(2) Voting papers with the names of persons nominated, printed or typed thereon shall be furnished at the meeting held for the purpose of the election. All the eligible members present at the meeting shall be entitled to vote at the election. When two or more authorities or bodies are jointly entitled to elect a representative and the election takes place at a meeting, a member who is common to two or more authorities or bodies shall be entitled to only one vote. The scrutiny shall be conducted by the Registrar or the person nominated by him and not less than two scrutinizers to be selected by the Chairperson of the meeting from amongst those present at the meeting.

12. *Procedure for Election at Polling Centres.—*

In all cases when an election is held wherein votes are to be recorded at polling centres, the procedure for the recording of votes by ballot shall be as under :—

(1) The polling centres shall be decided by the Registrar. The Registrar shall appoint as many Polling Officers as are necessary at the polling centres.

(2) The hours of voting at the respective polling centres shall be determined in advance and stated in the notice of election.

(3) It shall be responsibility of the Principals of affiliated or conducted colleges and Heads of the recognized institutions to provide all necessary infrastructure, support facilities and man power for the smooth and timely conduct of elections.

(4) Names of contesting candidates shall be notified to voters within three days after the last date of withdrawal of nominations.

(5) The Polling Officer shall ensure that the law and order is maintained at the polling centre. No person other than a voter shall be permitted to enter the polling compartment.

(6) No voter shall be allowed to enter the polling compartment for recording his vote before the commencement or after the expiry of the period fixed for the purpose.

(7) Immediately before the polling commences, the Polling Officer shall show to the candidate or his authorized agents present at the Polling Centre that the ballot box is empty and shall then lock and seal it for the use.

(8) Immediately before the ballot paper is issued to a voter, the number of the voter shall be entered on the counterfoil, and the same shall be signed by the voter and a mark shall be placed by the issuing officer in his copy of the electoral roll against the number of the voter to whom the voting paper is issued.

(9) Before the ballot paper is issued to a voter, a mark of indelible ink shall be made on the forefinger of the right hand of the voter. In the case where the voter has his forefinger missing, a mark of indelible ink shall be made on any other finger of his right hand, and in the case where all the fingers of his right hand are missing, a mark of indelible ink shall be made on the forefinger or any other finger of his left hand, and in the case where all his fingers of both the hands are missing, a mark of indelible ink shall be made on his right or left arm as he possesses.

(10) The voter on receiving the ballot paper shall forthwith proceed to one of the polling compartments, where he shall mark his preference/s and put his paper into the ballot box.

(11) If the polling officer is satisfied that owing to blindness or other physical infirmity, a voter is unable to make a mark on the ballot paper without assistance, he shall permit the voter to take with him a companion of not less than eighteen years of age to the polling compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and, if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box :

Provided that, no person shall be permitted to act as the companion of more than one voter at any polling centre on the same day :

Provided further that, before any person is permitted to act as the companion of a voter on any day, he shall be required to declare that he will keep secret the vote recorded by him on behalf of the voter and that he has not already acted as the companion of any other voter at any polling centre on that day. The polling officer shall keep a record of such declaration and submit the same to the Registrar.

(12) Every voter shall vote without undue delay, and shall leave the polling centre, as soon as, he has put his ballot paper into the ballot box.

(13) After the voting hours are over, the ballot box shall be sealed and handed over to the University.

(14) If a voter spoils his ballot paper inadvertently, he may be given another and the spoiled paper and its counterfoil shall be cancelled by the Polling Officer. All spoiled papers and counterfoils shall be sent to the Registrar by the Polling Officer.

(15) The voters shall not be allowed to carry mobile phones, tablets or any other electronic communication gadgets in the polling compartment.

13. *Voting by Persons on Election Duty.*—

All persons assigned with election duty and not able to cast their votes at the polling centres where they are enrolled as voters, shall be facilitated to tender their votes at the place of election duty. Names and voter numbers of such persons shall be included in the voters' list of the polling centre concerned.

14. *Scrutiny of Voting Papers.*—

(1) All voting papers shall be scrutinized by the Registrar or by such other person or persons as may be authorized by the Registrar. The Registrar may delegate his power in relation to scrutiny and counting of voting papers to any other person or persons under his control.

(2) The candidate or his agent, who shall be a voter of a particular constituency, duly authorized by him in writing on his behalf shall be entitled to be present at such scrutiny.

(3) When there are more polling centres than one, voting papers of all the polling centres shall be first mixed up and then scrutinized by the Registrar or such other person or persons as may be authorized by the Registrar.

15. *Counting of Voting Papers.*—

(1) After the voting papers for an electoral body have been scrutinized and counted, the Registrar or the person or persons authorized by him, shall examine the voting papers and shall sort them into parcels according to the first preference recorded for each candidate, rejecting voting papers that are invalid.

(2) The Registrar or the person or persons authorized by him, shall then count the number of voting papers in each parcel and shall credit each candidate with a number of votes equal to the number of valid papers on which a first preference has been recorded for such candidate. The Registrar shall then compile the data regarding the total number of valid voting papers and determine the quota.

(3) The candidate or his agent who shall be a voter of the particular constituency, duly authorized by him in writing on his behalf shall only be permitted to be present during counting of votes. No person other than the candidate or his authorized agent and the person involved in election process shall be allowed within a radius of reasonable distance from the place of counting.

(4) If at the end of any count, the number of votes credited to a candidate is equal to or greater than the quota, the candidate shall thereupon be declared as elected.

(5) If at the end of any count, the number of votes credited to a candidate is greater than the quota, the surplus shall be transferred, as provided in this Statute, to the continuing candidates for whom the next available preferences have been recorded on the voting papers in the parcel or sub-parcel last received by the elected candidate.

(6) If more than one candidate has surplus, the largest surplus shall be first dealt with. If two or more candidates have equal surplus, the surplus of the candidate with the greatest number of votes at the first count at which the candidates in question have an unequal number of votes shall be first dealt with. When the number of votes credited to such candidates is equal at all counts, the Registrar shall determine by lot which surplus he will first deal with.

(7) The Registrar or the person or persons authorized by him, shall not transfer a surplus when that surplus, together with any other surplus not transferred, is less than the difference—

(a) between the votes of the candidates lowest on the poll and the votes of the next highest candidate; or

(b) between the total of the votes of the two or more candidates lowest on the poll and the votes of the next highest candidate :

Provided that, the exclusion from the poll of the aforesaid two or more candidates lowest on the poll shall not reduce the number of continuing candidates below the number of vacancies remaining to be filled.

(8) (a) If the votes credited to an elected candidate consist of original votes only, the Registrar or the person or persons authorized by him, shall examine all the papers contained in the parcel of the elected candidate whose surplus is to be transferred.

(b) If the votes credited to an elected candidate consist of original and transferred votes, or transferred votes only, the Registrar or the person or persons authorized by him, shall examine the papers contained in the sub-parcel last received by the elected candidate whose surplus is to be transferred.

(c) In either case, the Registrar or the person or persons authorized by him, shall sort the transferable papers into sub-parcels according to the next available preference recorded thereon, shall make a separate sub-parcel of the non-transferable papers and shall ascertain the number of papers in each sub-parcel of transferable papers.

(9) If the total number of papers in the sub-parcels of transferable papers is equal to or less than the surplus, the Registrar or the person or persons authorized by him, shall transfer the whole of each sub-parcel of transferable papers to the continuing candidates as per the next available preferences indicated thereon and shall set aside as a separate parcel so many of the non-transferable papers as are not required for the quota of the elected candidate. The particular papers set aside shall be those last filed in the parcel of non-transferable papers.

(10) If the total number of transferable papers is greater than the surplus, the Registrar or the person or persons authorized by him, shall transfer from each sub-parcel of transferable papers to the continuing candidate indicated thereon as the elector's next available preference, the number of papers which bears the same proportion to the number of papers in the sub-parcels as the surplus bears to the total number of transferable papers.

(11) The number of papers to be transferred from each sub-parcel shall be ascertained by multiplying the number of papers in the sub-parcel by the surplus and dividing the result by the total number of valid transferable papers.

Equation:

$$\text{Value of Votes} = \frac{\text{Total No. of surplus votes x Actual No. of Voting Papers transferred to the particular candidate}}{\text{Total No. of valid transferable Voting Papers}}$$

A note shall be made of the fractional part, if any, of each number so ascertained. If owing to the existence of such fractional parts, the number of papers to be transferred is less than the surplus, so 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 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 largest which arises from the largest sub-parcel, and if the sub-parcels in question are equal in size, the fractional part credited to the candidate with the greatest number of votes at the first count at which the candidates in question have an equal number of votes shall be deemed to be the largest. When the number of votes credited to such candidates are equal at all counts, the Registrar shall determine by lot which fractional part shall be deemed to be the largest.

(12) The particular papers transferred from each sub-parcel shall be those last filed in the sub-parcel and each paper so transferred shall be marked in such a manner as to indicate the count at which the transfer took place.

(13) If at the end of any count, no candidate has a surplus or if any existing surplus need not be and is not transferred and one or more vacancies remain to be filled, the Registrar shall exclude from the poll the candidate lowest on the poll.

(14) If the total of the votes of the two or more candidates lowest on the poll, together with any surplus not transferred, is less than the number of votes credited to the next highest candidates the Registrar may at the same count exclude the aforesaid two or more candidates lowest on the poll :

Provided that, the exclusion of these candidates shall not reduce the number of continuing candidates, below the number of vacancies remaining to be filled.

(15) When two or more candidates each have the same number of votes and lowest on the poll, the candidates with the lowest number of votes at the first count at which the candidates in question have an unequal number of votes shall be excluded and when the number of votes credited to these candidates are equal at all counts, the Registrar shall draw lots and the candidate in whose name lot is drawn would stand excluded.

(16) Upon the exclusion of any candidates, the Registrar, save as hereinafter provided, shall examine all the papers credited to that candidate, shall,—

(a) sort the transferable papers into sub-parcels according to the next available preference recorded thereon for continuing candidates ;

(b) transfer each sub-parcel to the candidate for whom that preference is recorded; and

(c) set aside as a separate sub-parcel the non-transferable papers.

(17) If at the end of any count, the number of elected candidates is equal to the number of vacancies to be filled, no further transfer of votes shall be made.

(18) If on the exclusion of a candidate or candidates, the number of the then continuing candidates is equal to the number of vacancies unfilled, the continuing candidates shall thereon be elected and no further transfer of votes shall be made.

(19) The order of priority of election of elected candidates shall be the order in which they are severally elected. If, at the end of any count two or more candidates are elected, the order of priority shall be according to the number of votes credited to such candidates beginning with the greatest. When the number of votes credited to two or more candidates are equal or when the candidates are elected unopposed, the order of priority of election shall be in alphabetical order.

(20) Whenever any transfer is made, each sub-parcel of paper transferred shall be placed on the top of the parcel, if any, of papers of the candidate, to whom the transfer is made and that candidate shall be credited with a number of votes equal to the number of papers transferred to him.

(21) Non-transferable papers, except such as in the transfer of a surplus may be required for the quota of the elected candidates, shall be set aside as a separate parcel together with any parcel of non-transferable papers already set aside.

(22) On the transfer of the surplus of an elected candidate, all papers not transferred to continuing candidates and not set aside as provided in the preceding clause, shall be placed together in one parcel as the quota of the elected candidate and the parcel shall be marked with the name of the elected candidate.

16. *Result of Scrutiny and Counting.*—

(1) After the scrutiny and counting is completed, the result thereof shall be reported forthwith to the Vice-Chancellor by the Registrar.

(2) On the result of the election being reported as aforesaid, the result of the counting showing for each candidate, the number of first votes obtained and the successive additions, or subtractions from the number till the candidate was excluded or elected, shall be declared by the Registrar. Immediately after the final result is prepared, the voting papers shall be sealed in a packet with the seal of one or more of the scrutinizers and then handed over to the Registrar for safe custody until the destruction of the voting papers.

17. *Appeal.*—

(1) No demand of recounting shall be entertained after the final rounds are over. The candidate or the representative of the candidate may raise objection at the end of a particular count, if he desires. He cannot raise any objection if the process of counting is entered into the next round.

(2) An Appeal against the result of the election shall be preferred to the Vice-Chancellor within thirty days from the date of declaration of the result.

(3) The voting papers and all other papers or records relating to election shall be destroyed after six months from the date of declaration of the election result or in the event of an appeal being preferred against the result to the Vice-Chancellor, after thirty days from the date of receipt of the Vice-Chancellor's order, whichever is later.

18. *Election of a Candidate from More than One Constituency.*—

(1) If any candidate is elected, nominated or co-opted to any authority or body in more than one capacity, he shall by notice in writing signed by him and delivered to the Registrar of the University within seven days of the declaration of the result of the last date of such election, nomination or co-option, as the case may, choose which of the capacities he shall hold, and such choice shall be conclusive.

(2) If the candidate does not make the choice referred to herein within the specified period of time, the Vice-Chancellor shall decide the capacity which he would hold and his decision shall be final.

(3) When any such choice has been made by the candidate or a decision given by the Vice-Chancellor, the Vice-Chancellor shall direct the Registrar to take steps for holding an election or carrying out the process of nomination or co-option , as the case may be, in which office of a member such vacancy has occurred by reason of such choice.

By order and in the name of the Governor of Maharashtra,

SIDHHARTH KHARAT,
Joint Secretary to Government.