



रामलाल आनंद कॉलेज

दिल्ली विश्वविद्यालय
बेनिटो हुआरेज़ रोड, नई दिल्ली-110021 (इंडिया)

Ram Lal Anand College

University of Delhi

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Dated: 22.08.2019

NOTICE

Subject : Election of the Office-bearers of the College Students' Union and Delhi University Students' Union 2019-20.

All the students are informed that the Election of Ram Lal Anand College Students' Union and Delhi University Students' Union will be held on Thursday, the 12th September 2019 in the College premises from 8:30 a.m. to 1:00 p.m.

Following is the list of office bearers of RLA College Students' Union and DUSU to be elected:

RLA College:

1. PRESIDENT (Final year students only)
2. VICE-PRESIDENT (Reserved for female student)
3. SECRETARY
4. JOINT-SECRETARY (First year students only)
5. MEMBER OF THE CENTRAL COUNCIL, DUSU (two posts)
(Members of the Executive Committee of RLASU to be elected after the aforesaid elections).

DUSU:

1. PRESIDENT
2. VICE-PRESIDENT
3. SECRETARY
4. JOINT-SECRETARY

Schedule of Election of the office bearers of Ram Lal Anand College Students' Union and members of the Central Council, DUSU: 2019-2020.

| | | |
|----|---|---|
| 1. | Last date for receipt of Nominations Papers along with Demand Draft of ₹500/- and Affidavit | Wednesday, the 04 September, 2019 till 3.00 PM |
| 2. | Scrutiny of Nomination Papers | Wednesday, the 04 September, 2019 at 3.15 PM |
| 3. | Publication of list of duly nominated candidates | Wednesday, the 04 September, 2019 till 06:00 PM |
| 4. | Last date for withdrawal of nominations by the candidates | Thursday, the 05 September, 2019 till 12:00 Noon |
| 5. | Publication of final list of candidates | Thursday, the 05 September, 2019 till 5:00 PM |
| 6. | Date of Election | Thursday, the 12 th September, 2019 |
| 7. | Timings for voting | 8:30 AM to 01:00 PM |
| 8. | Counting of Votes (RLA Student's Union) | Thursday, the 12 th September, 2019 at 2:00 PM in the Seminar Room |

Nomination Papers for RLASU can be obtained from the College Cashier on payment of Rs.50/- each and duly filled in nominations should be submitted to Sh. Naresh Kumar, Senior Asstt. (Admn).

The Code of Conduct, Constitution of DUSU, Lyngdoh Committee Recommendation, Hon'ble Delhi High Court order dt. 29.05.2018 in W.P. (C) No. 7824/2017 titled Prashant Manchanda vs. Union of India & Ors. (Defacement Case), The Delhi Prevention of Defacement of Property Act, 2007 & NGT Order may be seen on the College website.


Election Officer


Chief Election Officer



UNIVERSITY OF DELHI

CODE OF CONDUCT

(For the candidates contesting DUSU

and

College Students' Union Elections 2019-
2020)

1. The union/representative body so elected shall only comprise of regular students enrolled in a full time course in the institutions of the University.
2. Undergraduate students between the ages of 17 and 22 years as on 16th August of the year of elections may contest elections. This age range may be appropriately relaxed in the case of professional colleges, where courses often range between 4 to 5 years (maximum relaxation of one year for the upper age limit for Professional Colleges).
3. For postgraduate Students, the maximum age-limit to contest an election would be 25 year as on 16th August of the year of elections.
4. The candidate should in no event have any academic arrears in the year of contesting the election. Any pending paper(s) will be construed as academic arrear(s). Candidates failed in the preceding academic year and/or re-admitted in the current academic year will not be eligible to contest the election.
5. The candidates should have attained the minimum percentage of attendance as prescribed by the University or 75% attendance, whichever is higher.
6. The candidate shall have one opportunity to contest for the post of office-bearer, and two opportunities to contest for the post of executive member. No candidate can contest simultaneously for more than one post.
7. Every candidate is required to furnish an affidavit, along with the Security Deposit, to the effect :
 - (i) that he/she does not have any previous criminal record and has not been subjected to any disciplinary action by the University/College.
 - (ii) that I have not failed in the preceding academic year and/or re-admitted in the current year.
8. The maximum permitted expenditure per candidate shall be Rs. 5000/-

9. Each candidate shall, within two weeks of the declaration of the result, submit complete and audited accounts to the College/University authorities.
10. The election of the candidate will be nullified in the event of non-compliance with any of the above rules/guidelines or in the event of any excessive expenditure.
11. No candidate shall indulge in, nor shall abet, any activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic, or between any group(s) of students.
12. All students shall be prohibited from indulging or abetting all activities which are considered to be 'corrupt practices' and offences, such as bribing of voters, intimidation of voters, impersonation of voters; canvassing or the use of propaganda with 100 meters of polling centers, holding public meetings, during the period of 24 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling centers shall also be prohibited.
13. Canvassing time for the DUSU Elections from 08:00 a.m. to 08:00 p.m. Each candidate will have not more than 04 (four) bonafide students while canvassing in the College/Campus.
14. No candidate shall be permitted to make use of printed posters, printed pamphlet, or any other printed material for the purpose of canvassing. Candidates may only utilize handmade posters for the purpose of canvassing, in accordance to NGT order (OA No. 402/2015 dated July 18, 2016)
15. Candidates may only utilize handmade posters at certain designated places in the Campus, which shall be notified in advance by the College/University authority.

16. No candidate shall, nor shall his/her supporters, deface or cause any destruction to any property of the University/College/Institute Campus including the Website and Facebook page of the University/College/Institute for any purpose whatsoever. All candidates shall be held jointly and severally liable for any destruction/defacing of any University/College property.
17. The use of loudspeaker, vehicle and animals for the purpose of canvassing shall be prohibited.
18. Excepting the voters, no one without a valid Identity Card/Pass/Letter of Authority, from the College Principal/University authorities shall enter the polling booths.
19. Contravention of any of the above provisions of Code of Conduct may make the candidate liable to be stripped of his candidature, or his elected post, as the case may be. The College/University authorities may also take appropriate disciplinary action against such a violator.
20. The Hon'ble Supreme Court has made the provisions contained in Section 153A and Chapter IX-A "Offences relating to election" applicable to Students election. Objectionable incidents, therefore, must be reported to the police, within 12 hours after the alleged commission of offence, for registering cases under relevant Sections of IPC.
21. There shall be Grievances Redressal Cell for DUSU elections with the Dean Students Welfare of the University/teacher in charge of student affairs for college students union elections as its Chairman. In addition, one senior faculty member, one senior administrative officer and two final year students – one boy and one girl will be the members as the case may be (till the election results are declared, students can be nominated on the basis of merit and/or participation in the co-curricular activities in the previous year).
22. Notwithstanding anything contained in the aforesaid code of conduct, the directives of the Supreme Court judgment dated 22.09.2006 shall prevail.



DELHI UNIVERSITY STUDENTS' UNION CONSTITUTION

DELHI UNIVERSITY STUDENTS' UNION

CONSTITUTION

CHAPTER – I

1. Name

The Union will be called “The Delhi University Students’ Union”, hereinafter referred to as the Union.

2. Office

The office of the Union will be located in the Union building in the main University Campus. It shall also be its official address.

3. Aims and Objects

The following will be the aims and objects of the Union :-

- (i) To promote mutual contact, a democratic outlook and a spirit of oneness among the students of the University of Delhi.
- (ii) To promote the social, cultural and intellectual development of the students of the University of Delhi.
- (iii) To promote consciousness among the students of the University of Delhi of the events taking place around them with a view to better equipping them as responsible and educated citizens and to build up a healthy students movement.
- (iv) To promote among the students of the University of Delhi a sense of service to the people and duty towards the State.

- (v) To promote harmonious relations among all sections of the University Community.
- (vi) To meet, discuss and make representations to the University authorities on matters concerning common interests of the students.

4. *Activities*

The Union may organize the following activities namely :-

- (i) Debates, lectures, discussions, study circles, essay competitions etc.
- (ii) Cultural performance and contests.
- (iii) Indoor games.
- (iv) Publication of magazine, bulletin and wall newspapers.
- (v) Trips and tours to places of historical and educational importance.
- (vi) Social Service and Social Relief Activities.
- (vii) Organizing and running co-operatives.
- (viii) Organize poor Boys Fund and Book Bank to help needy Students.
- (ix) Such other activities as will further the realization of the above aims and objects.

CHAPTER – II

5. *Patron*

The Vice-Chancellor of the University of Delhi shall be the Patron of the Union. The Patron shall take all necessary steps to ensure that the Union functions in accordance with this Constitution.

6. *Membership of the Union*

- (i) Students of Various Colleges/Institutions recognized by or admitted to the privileges of the University which are members of the Union at the commencement of this Constitution shall be the members of the Union.

- (ii) Students of a College/Institution may become members of the Union by a resolution passed by absolute majority of the total number of students on rolls of the College/Institution concerned on the last working day of July of that year.
- (iii) Those studying only Foreign Language Courses or Diploma/Certificate Courses of the University shall not be the members of the Union.
- (iv) Students who become members of the Union under sub clauses (i) or (ii) of this clause may withdraw from its membership by a resolution passed by absolute majority of the total number of students on rolls of the College/Institution concerned on the last working day of that year.
- (v) Resolutions passed by the students of a College/Institution under sub-clauses (ii) or (iv) will become effective from a date to be notified by the Patron. If a College withdraws from the membership of the Union after the 15th of October, it would not be entitled to the refund of its subscription of the Union funds.

7. Funds

Every member of Union shall pay Rupee 20/- (Ref. E.C. Resolution No. 178 Dated 21.03.2012) as annual subscription to Union funds which will be collected alongwith the fees collected at the time of admission by the respective College/Institutions.

CHAPTER – III

8. The Central Council

- 1) There shall be a Central Council of the Union which shall consist of the following :-

- (i) The Presidents of the Unions of Colleges/Institutions affiliated to the Union, provided that such a President does not suffer from any of the disqualifications laid down under Clause 9.
 - (ii) Two members directly elected by simple majority vote from each College/Institution, provided that a College/Institution with a total strength of 500 or less will send only one member to the Central Council.
 - (iii) All the office-bearers of the Union elected under this Constitution.
 - (iv) The Staff Advisor of the Union.
 - (v) The Treasurer of the Union and
 - (vi) The out-going President of the Union, provided he/she continues to be on the rolls of a College or Institution of the University.
- 2) The members of the Central Council mentioned in sub clause (iv), (v) and (vi) above will have no right to vote in the Meetings of the Central Council.
 - 3) The Central Council will be the supreme authority of the Union and shall carry on the activities of the Union in accordance with this Constitution.
 - 4) Subject to the provisions of the Constitution, the Central Council shall have the power to give such directions to the Executive Committee of the Union, or Sub-Committees appointed by it, and the Office-bearers of the Union as it may consider necessary.

9. *Disqualifications for students Members of the Central Council*

No students shall be entitled to be a member of the Central Council if,

- (i) He/she is not a member of the Union ; or

- (ii) He/she has completed the age of 26 years, if he/she is a student in day classes or 30 years, if he/she is a student in the evening classes, at the beginning of the first term of the year in which he/she is likely to become a member of the Central Council ; or
- (iii) He/she has completed 7 years in a University ; or
- (iv) He/she has been convicted of a criminal offence including moral turpitude ; or
- (v) He/she has been punished by the University/College for an act which is coercive in nature and constitutes a threat to life and property ; or
- (vi) He/she has been found guilty of and punished for the use of unfair means in any of the examination of a college, University or Board.

Explanation :

A mere warning issued against a student will not be deemed to be a punishment for the purpose of this clause.

10. *The Executive Committee of the Union.*

- 1) There shall be an Executive Committee of the Union which shall consist of the following : -
 - (i) All the office-bearers of the Union elected under this Constitution ;
 - (ii) Eleven members of the Central Council elected by its members in accordance with the system or proportional representation by means of a single transferrable vote from among themselves provided that not less than two out of these eleven members will be girls.
 - (iii) The staff Advisor of the Union.

- (iv) The Treasurer of the Union ; and
- (v) The out-going President of the Union, provided he/she continues to be on the rolls of a College or Institution of the University of Delhi.
- 2) The members of the Executive Committee mentioned in sub clause (iii), (iv) and (v) above will have no right to vote in the Meetings of the Executive Committee.
- 3) The Executive Committee will function within the framework of the policies laid down by the Central Council and in accordance with this Constitution.
- 4) The Executive Committee may appoint such sub-committees as may be necessary for the conduct of its business. A sub-committee, if appointed, will be subordinate and responsible to the Executive Committee.
- 5) Subject to the provisions of this Constitution the Executive Committee may give such directions to the Office-bearers of the Union as it may deem necessary in the discharge of their duties.
- 6) The Executive Committee will be responsible to the Central Council.

11. *The office bearers of the Union*

- 1) There shall be the following office-bearers of the union:-
 - (i) President
 - (ii) Vice-President
 - (iii) Secretary, and
 - (iv) Joint-Secretary
- 2) All the office-bearers of the Union will be directly elected by and from amongst the members of the Union by a simple majority vote in accordance with this Constitution and the rules framed thereunder; provided that the Vice-President and the Joint-

Secretary will be elected by the members of the Union from among such of the members of the Union as will not be taking a final year examination of the University during the year in which they seek election to the office of the Vice-President or Joint Secretary.

- 3) The Executive Committee may elect a Cultural Secretary from among its own members.
- 4) All the office-bearers of the Union will function within the framework of the policies laid down by the Central Council and under the general supervision and direction of the Executive Committee in the performance of their day-to-day work. Delegation of powers, if any, to the office bearers will have to be specifically provided for by a resolution of the appropriate council or committee for a specific duration of time but not exceeding one month.
- 5) All the office-bearers of the Union shall be responsible to the Executive Committee and to the Central Council and will function strictly in accordance with the provisions of this Constitution.
- 6) The office-bearers of the Union shall be responsible for the smooth and orderly functioning of the Union.

12. Disqualifications for Office-Bearers

1. No member of the Union shall be entitled to hold any post of office-bearer, if,
 - (i) He/she has exceeded the age of 25 year on the 16th August of the year in which he/she wishes to seek election; or
 - (ii) He/she completed more than 7 year from the 1st July of the calendar year of passing +2 examination to the 30th June immediately preceding the election.
 - (iii) He/she has been convicted of a criminal offence including moral turpitude, or he/she has been punished by the University/College

for an act which is coercive in nature and constitutes a threat to life and property; or

- (iv) He/she has been found guilty of and punished for the use of unfair means in any examination of a University or Board.

Explanation :

A mere warning issued against a student will not be deemed to be a punishment for the purpose of this clause.

- 2) No elected office-bearers shall be entitled to hold the same office twice.

13. Staff Advisor of the Union :

There shall be a Staff Advisor of the Union who shall be appointed by the Patron.

14. Treasurer of the Union :

There shall be a Treasurer of the Union who shall be appointed by the Patron.

CHAPTER – IV

15. Official Year and Tenure

- (i) The official year of the Union will be from 16th of August of every year to the 15th of August, of the following year.
- (ii) The election of the office-bearer should be completed at the latest by the 16th of August each year.

- (iii) The election of the eleven members of the Executive Committee from among the members of the Central Council should be completed latest by the 31st August each year;
- (iv) The Central Council, the Executive Committee, the sub-committees, if any, and the office-bearers of the Union will not remain in office beyond one year as defined in sub-clause (i) of this clause.
- (v) An office-bearer of the Union or a member of the Executive Committee or the Central Council may in writing, addressed and delivered to the Patron resign his office before the expiry of the term.
- (vi) A student shall cease to be a member of the Union when he/she ceases to be a student; he/she shall also cease to be a member of the Central Council, the Executive Committee or a sub-committee thereof, and shall cease to be the office-bearer of the Union if he/she was such a member or an office-bearer.

16. Election

- (i) The Patron will appoint every year a Chief Election Officer and other Election Officers who shall arrange to conduct the elections of the office-bearers and the members of the Central Council of the Union for that year in various Colleges and Institutions of the University.
- (ii) The Staff-Advisor of the Union conduct the elections of the members of the Executive Committee of the union.

CHAPTER – V

17. Functions of the Officer Bearers of the Union

- 1) (i) The President of the Union will be the Chief Executive Head of the Union and will function in all matters relating to the Union in accordance with this Constitution.

(ii) The Secretary of the Union will act in consultation with the President and will function in all matters relating to the Union in accordance with this Constitution;

(iii) In the absence of the President, the Vice-President of the Union will perform all the function of the President in accordance with this Constitution;

(iv) In the absence of the President and the Vice-President, the Secretary will discharge the functions of the President in addition to his duties as the Secretary of the Union.

(v) In the absence of the Secretary, the Join-Secretary of the Union will perform all the functions of the Secretary in accordance with this Constitution.

2) (i) The President of the Union shall preside at the meetings of the Central Council and the Executive Committee and it shall be his duty to conduct these meetings in an orderly and peaceful manner in accordance with this Constitution.

(ii) It shall be the duty of the Secretary of the Union to prepare the minutes of all the meetings of the Central Council and Executive Committee and to keep the records of these meetings properly and in safe custody.

(iii) The Secretary of the Union will also carry on correspondence on behalf of the Union and will keep and maintain all records.

18. Meetings

(i) The Central Council will meet at least thrice a year;

(ii) The Executive Committee will meet as often as may be necessary, but at least in a month.

- (iii) The meetings of the Central Council or the Executive Committee will be convened by the Secretary of the Union by giving at least 7 days' notice. An emergency meeting of the Executive Committee may, however, be convened in consultation with the Staff Advisor by giving at least 24 hours notice.
- (iv) All the meetings of the Central Council and the Executive Committee shall be held at the Union office.
- (v) An agenda of the meeting will be issued alongwith the notice of the meeting except for an emergency meeting.
- (vi) The notice of a meeting and a copy of the agenda (except for an emergency meeting) for the meeting will be duly served on all the members; the notice of the meeting would be served as under:
 - 1) For Central Council under certificate of Posting.
 - 2) For Executive Committee by registered Post.
 - 3) For an emergency meeting by telegram.
- (vii) The attendance and the minutes of the meetings of the Central Council and the Executive Committee shall be confirmed in the subsequent meeting. A copy of the confirmed minutes shall be furnished to the Staff Advisor immediately thereafter.
- (viii) A register of attendance of the members at the meeting of the Central Council and the Executive Committee shall be maintained by the Secretary and signed by the Staff Advisor or in his absence by the Treasurer at each meeting.
- (ix) A meeting of the Central Council or the Executive Committee may be requisitioned, by not less than 25% of the members thereof, excluding those who have right to vote, submit such a requisition in writing to the Secretary, who shall thereupon call such a meeting within a period of one week from the date of receipt of the requisition. The Staff Advisor may call the meeting on the failure of the Secretary to do so.

19. Quorum

In all ordinary as well as emergency meetings of the Central Council or the Executive Committee one-third of the total membership of the body will constitute the quorum.

20. Vote of No-Confidence

- (i) Not less than one-third members of the Central Council of the Union may move a resolution of no-confidence against any of the elected office bearers ;
- (ii) Such a resolution cannot be moved before the First of December of the year.
- (iii) A notice of a minimum of 15 days will be required for such a resolution to be moved.
- (iv) Such a resolution in order to be effective will be required to have been passed by a majority of not less than two-thirds of the total membership of the Central Council.
- (v) In case no-confidence motion is directed against the President, the Staff Advisor shall preside at the meeting.

CHAPTER – VI

21. Budget and Accounts

A meeting of the Central Council shall be convened within two weeks of the formation of the Executive Committee and the budget estimates proposed

by the Executive Committee shall be placed before the Central Council for Consideration.

A copy of the budget as approved by the Central Council shall be filed with the Patron within 2 days after its approval.

22. Funds

- (i) Funds of the Union will be utilized for the welfare of the students in accordance with the approved budget.
- (ii) No expense out of the Union funds will be incurred unless provision with regard to them is made under a specific head of the duly approved budget.
- (iii) Each item of expenses of more than Rs. 500/- will be made by the Union only after it is duly authorized by a specific resolution of the Executive Committee of the Union. A sum of Rs. 500/- however will be advanced to the Union as imprest money. Ordinarily no other cash advance will be permitted. Should it be necessary to advance cash to the Union the total amount thus advanced at a time shall not exceed Rs. 2000/-.
- (iv) All expenses out of the Union fund will be incurred in accordance with the rules made in this regard.
- (v) The Treasurer will regulate the disbursement of Union funds in accordance with the rules framed in this regard from time to time.
- (vi) The Accounts of the Union shall be subject to audit by the Internal Auditor of the University as well as the Chartered Accountant approved by the University. The Accounts of Union will be audited twice in a year at half yearly intervals.
- (vii) Unspent balance of the Union funds of a year, if any, will be credited to a special fund of the Union. The money under this fund may be

spent for student welfare purposes in accordance with the rules framed by the University in this behalf

CHAPTER – VII

23. *Amendment of the Constitution*

A provision of this Constitution may also be amended if such amendment is agreed to and passed by a majority of the total membership of the Central Council at the beginning of the year and by a majority of not less than two-thirds of the members of the Central Council present and voting in meeting specially called for this purpose by giving at least one month notice in advance, provided that no such amendment shall come into force unless it has been approved by the Executive Council of the University.

CHAPTER – VIII

24. *Rule Making*

The Patron may appoint a Committee for framing such rules as may be necessary for the working of the Constitution. The rules so framed will come into effect from a date to be notified by the Patron.

25. *Interpretation of the Constitution, Removal of Doubts and Difficulties.*

If any question arises relating to the interpretation of this Constitution or any rules framed thereunder, it shall be referred to the Patron whose decision thereon shall be final.

26. *Appointment of a Tribunal*

The Patron may, if he considers it necessary, refer any matter concerning the Union to a Tribunal consisting of one or more persons to be appointed

by the Executive Council of the University. The decision of the Tribunal shall be final.

27. *Emergency Power*

Notwithstanding anything contained in the Constitution, the Patron in any emergency may take any action as he deems fit and report the same to the Executive Council of the University.

28. *Commencement of the Constitution*

This Constitution, or any amendment thereof, shall come into force with effect from a date to be notified by the Patron.



(MRS.) ANUPAMA BHATNAGAR
DIRECTOR (HE)
ROOM No. 522 (C-Wing)
TELE#23388641 (O)
Email # anupamab@nic.in

भारत सरकार
मानव संसाधन विकास मंत्रालय
उच्चतर शिक्षा विभाग
शास्त्री भवन
नई दिल्ली - 110 001
GOVERNMENT OF INDIA
MINISTRY OF HUMAN RESOURCE DEVELOPMENT
DEPARTMENT OF HIGHER EDUCATION
SHASTRI BHAVAN
NEW DELHI-110 001

D.O.No. F 9-6/2005-U-5

Dear Dr. Kem...

Pursuant to an order of the Hon'ble Supreme Court dated 2nd December 2005, the Ministry of Human Resource Development has constituted a Committee under Shri J.M. Lyngdoh, (former Chief Election Commissioner) to examine and recommend upon certain aspects of student body and student union election conducted in universities, colleges and other institutions of higher education across India. The Committee submitted its report on 26th May 2006. The Hon'ble Supreme Court in its order dated 22nd Sept. 2006 directed the recommendations of the Committee to be implemented (enclosed as annex.A) and shall be followed in all College/University Elections, to be held hereinafter.

I would like to request you that necessary steps may be taken to ensure compliance of Hon'ble Supreme Court's direction *and also to give it widest publicity and put it on UGC's website.*

With regards,

Yours sincerely,

J.S.(PS/AC)
Distt No. 1765
Date: 28/11/06

for n.a. on print
1/11/12

(Anupama Bhatnagar)
Director(HE)

Dr. T.R.Kem.
Secretary,
U.G.C.

Secretary Secretary
No. 277
Date: 23/11/06

J.S.(2)

USP/Am

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28/11/2006

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US (CAP-II)

P.O (Website)



सर्व शिक्षा अभियान

सब पढ़ें सब बढ़ें

The recommendation of the Committee accepted by the Hon'ble Supreme Court for implementation:

- 6.1.1** **Universities and colleges across the country must ordinarily conduct elections for the appointment of students to student representative bodies. These elections may be conducted in the manner prescribed herein, or in a manner that conforms to the standards prescribed herein.**

- 6.1.2** **Where the atmosphere of the university campus is adverse to the conduct of peaceful, free and fair elections, the university, its constituent colleges and departments must initiate a system of student representation based on nominations, especially where elections are being held at present. It would be advisable, however, not to base such nomination system on purely academic merit, as is being practiced throughout the country.**

- 6.1.3** **In cases where elections are not being held, or where the nomination model prevails, the nomination model should be allowed to continue for a limited period of time. It is to be noted that the nomination system suffers from several flaws, and must only be resorted to as an INTERIM MEASURE.**

- 6.1.4** **Subject to the recommendations in respect of the possible models of elections, all institutions must, over a period of 5 years, convert from the nomination model to a structured election model, that may be based on a system of parliamentary (indirect) elections, or on the presidential (direct) system, or a hybrid of both. It is highly desirable that all institutions follow this mechanism of gradual conversion, especially for privately funded institutions that prefer a status quo situation.**

- 6.1.5** **All institutions must conduct a review of the student representation mechanism. The first review may be conducted after a period of 2 years of the implementation of the mechanism detailed above, and the second review may be conducted after the 3rd or the 4th year of implementation. The primary objective of these reviews will be to ascertain the success of the representation and election mechanism in each individual institution, so as to decide whether or not to implement a full-fledged election structure. Needless to say these reviews will be based on a consideration of the views and suggestions of all stakeholders, such as students, faculty, administration, student bodies, and parents.**

6.1.6 Institutions must, as a primary objective, subject to the pertinent issue of discipline on campus, seek to implement a structured system of student elections by the conclusion of a period of 5 years from the date of the implementation of these recommendations.

6.1.7 Subject to the autonomy of the universities in respect of the choice of the mode of election, all universities must institute an apex student representative body that represents all students, colleges, and departments coming under the particular university. In the event that the university is geographically widespread, individual colleges may constitute their own representative bodies, which would further elect representatives for the apex university body.

6.1.8 The union/representative body so elected shall only comprise of regular students on the rolls of the institution. No faculty member, nor any member of the administration shall be permitted to hold any post on the executive of such representative body, nor shall be allowed to be a member of any such representative body.

6.2 Modes of Elections

6.2.1 A system of direct election of the office bearers of the student body whereby all students of all constituent colleges, as well as all students of the university departments vote directly for the office bearers. This model may be followed in smaller universities with well-defined single campuses (for e.g. JNU/University of Hyderabad), and with a relatively smaller student population. A graphic representation of this model is annexed herewith at Annexure IV-A.

In respect of universities with large, widespread campuses and large student bodies, either of the following models may be adopted:

6.2.2 A system of elections, where colleges and campuses directly elect college and campus office bearers, as well as university representatives. The university representatives form an electoral college, which shall elect the university student union office bearers. A graphic representation of this model is annexed herewith at Annexure IV-B.

6.2.3 A system of elections where on one hand, directly elected class representatives elect the office bearers of the college as well as the university representatives, and the campus itself directly elects the campus office bearers and the university representatives. The university representatives shall form an electoral college, which shall

elect the office bearer of the university student union. A graphic representation of this model is annexed herewith at Annexure IV-C.

6.2.4 A system of election wherein class representatives shall be directly elected in the colleges and universities campus and they in turn shall elect the office bearers for the college unions and the university campus union. Also they shall elect their representatives for university student union. These elected representatives from colleges and university campus shall form the Electoral College, which shall elect the office bearers of the university student union. This model shall be applicable to large university with large number of affiliated colleges. A graphic representation of this model is annexed herewith at Annexure IV-D.

6.3 **Disassociation of Student Elections and Student Representation from Political Parties**

6.3.1 During the period of the elections no person, who is not a student on the rolls of the college/university, shall be permitted to take part in the election process in any capacity. Any person, candidate, or member of the student organisation, violating this rule shall be subject to disciplinary proceedings, in addition to the candidature, as the case may be, being revoked.

6.4 **Frequency and Duration of the Election Process**

6.4.1 It is recommended that the entire process of elections, commencing from the date of filing of nomination papers to the date of declaration of results, including the campaign period, should not exceed 10 days.
6.4.2 It is further recommended that elections be held on a yearly basis and that the same should be held between 6 to 8 weeks from the date of commencement of the academic session.

6.5 **Eligibility Criteria for Candidates**

6.5.1 Under graduate students between the ages of 17 and 22 may contest elections. This age range may be appropriately relaxed in the case of professional colleges, where courses often range between 4 to 5 years.

6.5.2 For Post Graduate Students the maximum age limit to legitimately contest and election would be 24 – 25 years.

6.5.3 For research Students the maximum age limit to legitimately contest an election would be 28 years.

- 6.5.4** Although, the Committee would refrain from prescribing any particular minimum marks to be attained by the candidate, the candidate should in no event have any academic arrears in the year of contesting the election.
- 6.5.5** The candidate should have attained the minimum percentage of attendance as prescribed by the university or 75% attendance, whichever is higher.
- 6.5.6** The candidate shall have one opportunity to contest for the post of office bearer, and two opportunities to contest for the post of an executive member.
- 6.5.7** The candidate shall not have a previous criminal record, that is to say he should not have been tried and/or convicted of any criminal offence or misdemeanor. The candidate shall also not have been subject to any disciplinary action by the University authorities.
- 6.5.8** The candidate must be a regular, full time student of the college / university and should not be a distance/proximate education student. That is to say that all eligible candidates must be enrolled in a full time course, the course duration being at least one year.
- 6.6** Election - Related Expenditure and Financial Accountability
- 6.6.1** The maximum permitted expenditure per candidate shall be Rs. 5000/-
- 6.6.2** Each candidate shall, within two weeks of the declaration of the result, submit complete and audited accounts to the college / university authorities. The college/university shall publish such audited accounts, within 2 days of the submission of such accounts, through a suitable medium so that any member of the student body may freely examine the same.
- 6.6.3** The election of the candidate will be nullified in the event of any noncompliance or in the event of any excessive expenditure.
- 6.6.4** With the view to prevent the inflow of funds from political parties into the student election process, the candidates are specially barred from utilizing funds from any other sources than voluntary contributions from the student body.
- 6.7** Code of Conduct for Candidates and Elections Administrators

- 6.7.1** No candidate shall indulge in, nor shall abet, any activity, which may aggravate existing differences or create mutual hatred or cause tension between different castes and communities, religious or linguistic, or between any group(s) of students.
- 6.7.2** Criticism of other candidates, when made, shall be confined to their policies and programs, past record and work. Candidates shall refrain from criticism of all aspects of private life, not connected with the public activities of the other candidates or supporters of such other candidates. Criticism of other candidates, or their supporters based on unverified allegations or distortion shall be avoided.
- 6.7.3** There shall be no appeal to caste or communal feelings for securing votes. Places of worship, within or without the campus shall not be used for election propaganda.
- 6.7.4** All candidates shall be prohibited from indulging or abetting, all activities which are considered to be “corrupt practices” and offences, such as bribing of voters, intimidation of voters, impersonation of voters, canvassing or the use of propaganda within 100 meters of polling stations, holding public meetings during the period of 24 hours ending with the hour fixed for the close of the poll, and the transport and conveyance of voters to and from polling station.
- 6.7.5** No candidate shall be permitted to make use of printed posters, printed pamphlets, or any other printed material for the purpose of canvassing. Candidates may only utilize hand-made posters for the purpose of canvassing, provided that such hand-made posters are procured within the expenditure limit set out herein above.
- 6.7.6** Candidates may only utilize hand-made posters at certain places in the campus, which shall be notified in advance by the election commission / university authority.
- 6.7.7** No candidate shall be permitted to carry out processions, or public meetings, or in any way canvass or distribute propaganda outside the university/college campus.
- 6.7.8** No candidate shall, nor shall his/her supporters, deface or cause any destruction to any property of the university / college campus, for any purpose whatsoever, without the prior written permission of the college / university authorities. All candidates shall be held jointly and severally liable for any destruction / defacing of any university / college property.

- 6.7.9** During the election period the candidates may hold processions and / or public meetings, provided that such processions and / or public meetings do not, in any manner, disturb the classes and other academic and co curricular activities of the college / university. Further, such procession / public meeting may not be held without the prior written permission of the college / university authority.
- 6.7.10** The use of loudspeakers, vehicles and animals for the purpose of canvassing shall be prohibited.
- 6.7.11** On the day of polling, student organizations and candidates shall -:
- (i)** co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction;
 - (ii)** not serve or distribute any eatables, or other solid and liquid consumables, except water on polling day;
 - (iii)** not hand out any propaganda on the polling day.
- 6.7.12** Excepting the voters, no one without a valid pass / letter of authority from the election commission or from the college / university authorities shall enter the polling booths.
- 6.7.13** The election commission / college/ university authorities shall appoint impartial observers. In the case of deemed universities and self-financed institutions, government servants may be appointed as observers. If the candidates have any specific complaint or problem regarding the conduct of the elections they may bring the same to the notice of the observer. Observers shall also be appointed to oversee the process of nomination of students in institutions that are following the nomination model of student representation.
- 6.7.14** All candidates shall be jointly responsible for ensuring the cleaning up of the polling area within 48 hours of the conclusion of polling.
- 6.7.15** Any contravention of any of the above recommendations may make the candidate liable to be stripped of his candidature, or his elected post, as the case may be. The election commission / college / university authorities may also take appropriate disciplinary action against such a violator.
- 6.7.16** In addition to the above-mentioned code of conduct, it is also recommended that certain provisions of the Indian Penal Code, 1860

(Section 153A and Chapter IXA – “Offences Relating to Election”), may also be made applicable to student elections.

6.8 Grievance Redressal Mechanism

6.8.1 There should be a Grievances Redressal Cell with the Dean (Student Welfare) / teacher in charge of student affairs as its chairman. In addition, one senior faculty member, one senior administrative officer and two final year students – one boy and one girl (till the election results declared, students can be nominated on the basis of merit and/or participation in the co-curricular activities in the previous year). The grievance cell shall be mandated with the redressal of election-related grievances, including, but not limited to breaches of the code of conduct of elections and complaints relating to election-related expenditure. This cell would be the regular unit of the institution.

6.8.2 In pursuit of its duties, the grievance cell may prosecute violators of any aspect of the code of conduct or the rulings of the grievance cell. The grievance cell shall serve as the court of original jurisdiction. The institutional head shall have appellate jurisdiction over issues of law and fact in all cases or controversies arising out of the conduct of the elections in which the grievance cell has issued a final decision. Upon review, the institutional head may revoke or modify the sanctions imposed by the grievance cell

6.8.3 In carrying out the duties of the office, the Grievance cell shall conduct proceedings and hearings necessary to fulfill those duties. In executing those duties they shall have the authority:

- (i)** to issue a writ of subpoena to compel candidates, agents, and workers, and to request students to appear and give testimony, as well as produce necessary records; and
- (ii)** to inspect the financial reports of any candidate and make these records available for public scrutiny upon request.

6.8.4 Members of the Grievance cell are prohibited from filing complaints. Any other student may file a complaint with the Grievance cell, within a period of 3 weeks from the date of declaration of results. All complaints must be filed under the name of the student filing the complaint. The Grievance cell shall act on all complaints within 24

hours after they are received by either dismissing them or calling a hearing.

- 6.8.5** The Grievance cell may dismiss a complaint if:
- (i)** the complaint was not filed within the time frame prescribed in Recommendation 8.4 above;
 - (ii)** the complaint fails to state a cause of action for which relief may be granted;
 - (iii)** the complainant has not and / or likely will not suffer injury or damage.
- 6.8.6** If a complaint is not dismissed, then a hearing must be held. The Grievance cell shall inform, in writing, or via e-mail, the complaining party and all individuals or groups named in the complaint of the time and place of the hearing. The parties are not considered notified until they have received a copy of the complaint.
- 6.8.7** The hearing shall be held at the earliest possible time, but not within twenty-four (24) hours after receipt of the notice described above, unless all parties agree to waive the 24-hour time constraint.
- 6.8.8** At the time notice of a hearing is issued, the Grievance cell, by majority vote, may issue a temporary restraining order, if it determines that such action is necessary to prevent undue or adverse effects on any individual or entity. Any restraining order, once issued, will remain in effect until a decision of the Grievance cell is announced after the hearing or until rescinded by the Grievance cell.
- 6.8.9** All Grievance cell hearings, proceedings, and meetings must be open to the public.
- 6.8.10** All Parties of the Grievance cell hearing shall present themselves at the hearing, may be accompanied by any other student from which they can receive counsel, and have the option to be represented by that counsel.
- 6.8.11** For any hearing, a majority of sitting Grievance cell members must be in attendance with the Chair of the Grievance cell presiding. In the

absence of the Chair, the responsibility to preside shall fall to an Grievance cell member designated by the Chair.

6.8.12

The Grievance cell shall determine the format for the hearing, but must require that both the complaining and responding parties appear physically before the board to discuss the issues through a complaint, answered, rebuttal, and rejoinder format. The purpose of the hearing is to gather the information necessary to make a decision, order, or ruling that will resolve an election dispute. To effectuate this purpose, the following rules should prevail at all hearings:

- **Complaining parties shall be allowed no more than two witnesses, however the Grievance cell may call witnesses as required. If said witnesses are unable to appear at the hearing, signed affidavits may be submitted to the Grievance cell Chair for the purpose of testifying by proxy.**
- **All questions and discussions by the parties in dispute shall be directed to the Grievance cell.**
- **There shall be no direct or cross-examination of any party or witness by complaining or responding parties during hearings.**
- **Reasonable time limits may be set by the Grievance cell, provided they give fair and equal treatment to both sides.**
- **The complaining party shall bear the burden of proof.**
- **Decisions, orders, and rulings of the Grievance cell must be concurred to by a majority of the Grievance cell present and shall be announced as soon as possible after the hearing. The Grievance cell shall issue a written opinion of the ruling within 12 hours of announcement of the decision. The written opinion must set forth the findings of fact by the Grievance cell and the conclusions of law in support of it. Written opinions shall set a precedent for a time period of three election cycles for Grievance cell rulings, and shall guide the Grievance cell in its proceedings. Upon consideration of prior written opinions, the grievance cell may negate the decision, but must provide written documentation of reasons for doing so.**
- **If the decision of the Grievance cell is appealed to the institutional head, the Grievance cell must immediately submit its ruling to the commission.**

- **The Grievance cell shall select the remedy or sanction most appropriate to both the type and severity of the infraction, as well as the state of mind or intent of the violator as determined by the Grievance cell. Possible remedies and sanctions include, but are not limited to, fines, suspension of campaigning privileges, and disqualification from the election.**
- **Any fine or total amount of fines against a candidate in an election cycle may not exceed the spending limit as defined herein above.**
- **If, after a hearing, the Grievance cell finds that provisions of this Code were violated by a candidate, or a candidate's agents or workers, the Grievance cell may restrict the candidate, or the candidates agents or workers, from engaging in some or all campaign activities for some or all of the remainder of the campaign. If an order is issued covering only part of the remaining campaign period, it shall take effect immediately so that after its termination, the candidate will have an opportunity to resume campaigning during the days immediately prior to and including the election days.**
- **If, after a hearing, the Grievance cell finds that provisions of either this Code or decisions, opinions, orders, or rulings of the Grievance cell have been willfully and blatantly violated by a candidate, or a candidate's agents or workers, the Grievance cell may disqualify the candidate.**
- **Any party adversely affected by a decision of the Grievance cell may file an appeal with the institutional head within twenty-four (24) hours after the adverse decision is announced. The institutional head shall have discretionary appellate jurisdiction over the Grievance cell in all cases in which error on the part of the Grievance cell is charged.**
- **The decision of the Grievance cell shall stand and shall have full effect until the appeal is heard and decided by the institutional head.**
- **The institutional head shall hear appeals of Grievance cell rulings as soon as possible, but not within twenty-four (24) hours after the Grievance cell delivers to the Appellant and the institutional head a copy of its written opinion in the case. Appeal may be heard prior to this time, but only if the Appellant waives the right to a written opinion and the institutional head agrees to accept the waiver.**

- **The institutional head can issue suitable orders to suspend or halt the operation of the ruling issued by the Grievance cell until the appeals are decided.**
- **The institutional head shall review findings of the Grievance cell when appealed. The institutional head may affirm or overturn the decision of the Grievance cell, or modify the sanctions imposed.**

6.9 Maintaining Law and Order on the Campus during the Election Process

6.9.1 Any instance of acute lawlessness or the commission of a criminal offence shall be reported to the police by the university / college authorities as soon as possible, but not later than 12 hours after the alleged commission of the offence.

6.10 Miscellaneous Recommendations

6.10.1 Student representation is essential to the overall development of students, and, therefore, it is recommended that university statutes should expressly provide for student representation.

6.10.2 Student representation should be regulated by statute (either a Central Statute, State Statute or individual university statutes), incorporating the recommendations prescribed herein.

6.10.3 The institution should organize leadership-training programs with the help of professional organizations so as to groom and instill in students leadership qualities.

6.10.4 In the event of the office of any major post of office bearer falling vacant within two months of elections, re-elections should be conducted; otherwise the Vice President may be promoted to the post of President and Joint Secretary to the post of Secretary, as the case may be.



दिल्ली विश्वविद्यालय
दिल्ली - 110007
UNIVERSITY OF DELHI
DELHI 110 007

Sudhir Sharma, Joint Registrar (Legal)

DU/124/Legal/HC-6272/2018 11058

June, 2018

To,

The Dean,
Student Welfare,
University of Delhi

**Sub:- FORWARDING OF THE HON'BLE COURT ORDER DATED. 29.05.2018
IN W.P (c) NO. 7824/2017 TITLED PRASHANT MANCHANDA VS UNION OF
INDIA & Ors.**

Dear Sir,

1. This has reference to the above mention subject matter.
2. Please find enclosed herewith the copy of Hon'ble High Court order dated 17.05.2018 in the subject matter. This is for your kind perusal and for further necessary action at your end under intimation to this office please.
3. Kindly accord priority and acknowledge the receipt

Encl:- As Stated above

Sudhir Sharma
Joint Registrar (Legal)

Copy to:-

The Staff Advisor (DUSU):- for further necessary action at your end under intimation to this office

D. K. Singh
27.6.2018

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***IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 7824/2017, CM APPLs. 34607/2017, 34619/2017,
34687/2017, 37129/2017, 43248-43249/2017, 45149/2017,
45178-45179/2017, 45294/2017 & 47209/2017

PRASHANT MANCHANDA Petitioner

Through Prashant Manchanda, Adv.
Petitioner in person

versus

UNION OF INDIA & ORS Respondents

Through Mr. Sanjeev Sabharwal,
Standing Counsel, North
DMC, Mr. Hem Kumar,
Adv. for R-North Zone
Ms. Bharti Raju (CGSC)
for R-1
Mr. Aman Panwar,
Mr. Sangam Kumar, Adv.
Mr. Anil Grover, Standing
Counsel with Mr. Jitender
Kumar Tripathi, ASC and
Ms. Noopur Singhal, Adv.
for New Delhi Municipal
Council
Mr. Mohinder JS Rupal and
Mr. Prang Newmai, Adv.
for University of Delhi
Mr. Pushkar Sood, Adv. for
DMRC

+ W.P.(C) 8251/2017 & CM APPLs. 33975/2017 &
34686/2017

SAHIL SHARMA Petitioner

Through

versus

GOVT. OF NCT - DELHI AND ORS. Respondents

Through Mr. Mohinder JS Rupal and
Mr. Prang Newmai, Advs.
for University of Delhi
Mr. Pushkar Sood, Adv. for
DMRC
Mr. Rajeshwar Dagar, Sr.
Standing Counsel for SDMC
Mr. Sanjay Ghose and
Mr. Rhishabh Jetley, Advs.
for GNCTD
Mr. Kanwar Kochar, Adv.
for R-10

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER
29.05.2018

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1. W.P.(C) No.7824/2017 was filed by Mr. Prashant Manchanda, petitioner in person, a practising advocate about the extensive defacement of public property including property of the Delhi University; College Campuses; Delhi Metro Rail Corporation; Municipal properties; flyovers; boundary walls of public buildings, public streets, etc. The writ petition highlights also the extensive defacement of University Campuses and colleges which goes to the extent of the offending publicity material being posted and pasted even in classrooms by student leaders and student political outfits.



2. The writ petition has been pending before us since September, 2017. Notices were issued to various candidates who participated in the 2017 elections to the Delhi University Students' Union (DUSU).

3. So far as the statutory provisions which penalise defacement and destruction of property are concerned, our attention was drawn to Metro Rail (Operation and Maintenance) Act, 2002, a Central enactment, which empowers police officers to register cases and take action against the offenders who intend or are likely to cause damage or destruction of any of the metro properties.

4. More specifically, our attention was drawn to Sections 78 and 82 of this Enactment which read as follows:-

"78. Damage to or destruction of certain metro railway properties.- (1) Whoever, with intent to cause or knowing that he is likely to cause damage to or destruction of any of the properties of the metro railway referred to in sub-section (2), causes by fire, explosive substance or otherwise causes damage to such property, he shall be punishable with imprisonment for a term which may extend to ten years.

(2) The properties of the metro railway referred to in sub-section (1) are the metro railway track, tunnels, sub-way, box-structures, station buildings and installations, carriage and wagons, rolling stock, signaling, telecommunication, air-conditioning and ventilation equipments, electrical sub-station, drainage pump, escalators, lifts, lighting installations, ticket vending machine, ticket barriers, electric traction and block equipments, and such other

properties as the Central Government may, by notification, specify.

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82. Power of arrest without warrant.- (1) If a person commits any offence mentioned in sections 59, 61, 65 to 79, he may be arrested without warrant or other written authority by any metro railway official or by a police officer not below the rank of a head constable or by any other person whom such metro railway official or police officer may call to his aid:

Provided that where a person has been arrested, by any person other than the police officer, he shall be made over to a police officer, or, in the absence of a police officer, take such person or cause him to be taken in custody to the nearest police station.

(2) A person so arrested under sub-section (1) shall be produced before the nearest Magistrate, having authority to try him or commit him for trial, as early as possible but within a period not exceeding twenty-four hours of such arrest exclusive of the time necessary for the journey from the place of arrest to the court of the Magistrate."

This law makes the offences cognizable. The punishment prescribed is extremely stringent going upto ten years of imprisonment.

5. Another Central enactment being the *Prevention of Damage to Public Property Act, 1984* also becomes applicable to instances of damage to public property. Sections 2 and 3 which are relevant in this regard read thus:



"2. Definitions.- In this Act, unless the context otherwise requires,-

a. "mischief" shall have the same meaning as in section 425 of the Indian Penal Code (45 of 1.860);

b. "public property" means any property, whether immovable or movable (including put any machinery) which is owned by, or in the possession of, or under the control of-

i. the Central Government; or

ii. any State Government; or

iii. any local authority; or

iv. any corporation established by, or under, a Central, Provincial or State Act or

v. any company as defined in section 617 of the Companies Act, 1956 (1 of 1956); or

vi. any institution, concern or undertaking which the Central Government may, by notification in the Official Gazette, specify in this behalf: Provided that the Central Government shall not specify, any institution, concern or undertaking under this sub-clause unless such institution, concern or undertaking is financed wholly or substantially by funds provided directly or indirectly by the Central Government or by one or more State Governments, or partly by the Central Government and partly by one or more State Governments.

3. Mischief causing damage to public property. -

1. Whoever commits mischief by doing any act in respect of any public property, other than public property of the nature referred to in sub-section (2), shall be punished with imprisonment for a term which may extend to five years and with fine.



2. *Whoever commits mischief by doing any act in respect of any public property being –*

a. any building, installation or other property used in connection with the production, distribution or supply of water, light, power or energy ;

b. any oil installation;

c. any sewage work;

d. any mine or factory;

e. any means of public transportation or of tele-communications, or any building, installation or other property used in connection therewith. shall be punished with rigorous imprisonment for a term which shall not be less than six months, but which may extend to five years and with fine:

Provided that the court may, for reasons to be recorded in its judgment, award a sentence of imprisonment for a term of less than six months."

(Emphasis by us)

6. So far as Delhi is concerned, the Government of NCT of Delhi has specifically legislated on the subject by way of "The Delhi Prevention of Defacement of Property Act, 2007" making defacement of property an offence. Section 3 of the statute reads as follows:

"3. Penalty for defacement of property (1) Whoever defaces any property in public view by writing or marking with ink, chalk, paint or any other material except for the purpose of indicating the name and address of the owner or occupier of such property, shall be punishable with imprisonment for a term which may extend to one year, or with

fine which may extend to fifty thousand rupees, or with both.

(2) When any offence is committed under sub-section (1) is for the benefit of some other person or a company or other body corporate or an association of persons (whether incorporated or not) then, such other person and every president, chairman, director, partner, manager, secretary, agent or any other officer or persons connected with the management thereof, as the case maybe, shall, unless he proves the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

(3) The aforesaid penalties will be without prejudice to the provisions of Section 425 and Section 434 of the Indian Penal Code, 1860 (45 of 1860) and the provisions of relevant Municipal Acts.”

(Emphasis supplied)

7. During the pendency of the writ petition, we issued notices to several student leaders who had participated in the DUSU Elections 2017 against whom there were allegations of having defaced public property inasmuch as publicity material containing their candidature and names was available on properties all over Delhi. They have appeared before us from time to time and tendered their regrets.

8. Given the importance of the matter and the complete lack of information with regard to the seriousness with which defacement of public property has to be treated under the applicable statutory regime, at the same time, the official respondents including the DMRC, the Delhi University, all the civic agencies including NDMC,

 01/11/2018

SDMC, EDMC, Government of NCT of Delhi, Union of India, Delhi Police, New Delhi Municipal Council, etc. were issued notices. It was deemed necessary to frame Guidelines so far as unwary students who are participating in college and university elections are concerned.

9. An elaborate exercise has been undertaken by all the authorities together with student representatives as well as Mr. Prashant Manchanda, the petitioner herein, for drawing up Guidelines for prevention of the defacement of property during elections to the Delhi University Students' Union and College Students Unions. Guidelines were suggested and extensively deliberated upon.

10. By our order dated 20th February, 2018, we had drawn upon the knowledge and expertise of Mr. Reetesh Singh, Joint Registrar (Rules) to facilitate drawing-up of the Guidelines, and formatting them.

The Guidelines have since been finalized at a consensus and placed the same before us.

11. We find that as Guideline V, the following has been suggested:

**"V. ROLE OF RETURNING OFFICER/
ELECTION OFFICER AND CHIEF ELECTION
OFFICER**

(1) The Returning Officer/ Election Officer shall, on the basis of material supplied by the College/University Committee under Guidelines (C) (iv) make appropriate recommendations to the Chief Election Officer, who after examining the same, shall be empowered to:-

- *Cancel the nomination of those candidates who in the process of electioneering have publicized their photographs and/ or names through posters/ banners/ cut outs/ writing/ spray painting before the announcement of the election schedule and/ or distribution of ballot numbers for various posts.*
- *Cancel the entire election or disqualify any particular candidate."*

12. Mr. Aman Panwar, learned Counsel appearing on behalf of some of the other candidates has submitted that there is every possibility of this Guideline being misused by rivals and opponents of the candidates. It is further submitted that misuse is very easy to undertake and almost impossible to detect as such, if this Guideline was operationalised, the candidature of students who have not compromised the provisions of law in any manner may be cancelled for no fault of theirs. We find substance in this apprehension and are inclined to agree with the submissions made by Mr. Aman Panwar. It is, therefore, directed the Guideline suggested at serial no. V shall not to be incorporated in the Guidelines.

13. We have given our considered thought to the other Guidelines suggested and hereby approve the same.

14. For expediency, we extract the approved Guidelines hereunder:


AT-6-2018

"GUIDELINES FOR PREVENTION OF
DEFAACEMENT OF PROPERTY DURING
ELECTIONS TO THE DELHI UNIVERSITY
STUDENTS UNION AND COLLEGE STUDENTS
UNION OF THE UNIVERSITY OF DELHI

(I) OBJECTS AND REASONS

(1) The University of Delhi consists of about ninety affiliated, constituent and recognized colleges. Each college has its Students Union and at the University level exists the Delhi University Students Union (DUSU). Elections to these student union bodies take place together annually.

(2) Experience has shown that each such election process leads to large scale defacement of property, whether by pasting of pamphlets / banners or by painting of properties with slogans etc.

(3) Defacement of property is a criminal offence. The Delhi Prevention of Defacement of Property Act, 2007 not only defines the act of defacement but also prescribes the punishment for the same. Section 2 of the Act lists the definitions which are as under:-

"2. Definitions

In this Act, unless the context otherwise requires, -

(a) "defacement" includes impairing or interfering with the appearance or beauty, damaging, disfiguring, spoiling or injuring in any other way whatsoever and the word "deface" shall be construed accordingly;

(b) "Lieutenant Governor" means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under Article 239 and designated as such under Article 239AA of the Constitution;

(c) "property" includes any building, hut, structure, wall, tree, fence, post, pole or any other erection;

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(d) "writing" includes printing, painting, decoration, lettering, ornamentation etc., produced by stencil."

(4) It is significant to note that the definitions contained in Section 2 of the Act pertaining to 'defacement', 'property' and 'writing' are inclusive and not exhaustive. Section 2 (c) does not provide for any delineation between public and private property qua the offence of defacement as reference is made to 'any building, hut, structure, wall, tree, fence, post, pole or any other erection'.

(5) Thus, instances of pasting of pamphlets, banners etc. on property as well as painting of slogans would constitute acts of defacement and consequentially attract the penalty for the said offence.

(6) The punishment for the offence of defacement of property is contained in Section 3 of the said Act which is as under:-

"3. Penalty for defacement of property

(1) Whoever defaces any property in public view by writing or marking with ink, chalk, paint or any other material except for the purpose of indicating the name and address of the owner or occupier of such property, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to fifty thousand rupees, or with both.

(2) When any offence is committed under sub-section (1) is for the benefit of some other person or a company or other body corporate or an association of persons (whether incorporated or not) then, such other person and every president, chairman, director, partner, manager, secretary, agent or any other officer or persons connected with the management thereof, as the case maybe, shall, unless he proves the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

 07-06-2018

(3) *The aforesaid penalties will be without prejudice to the provisions of Section 425 and Section 434 of the Indian Penal Code, 1860 (45 of 1860) and the provisions of relevant Municipal Acts.*"

(7) *The provisions of Section 3 (2) of the Act are significant when considered vis-à-vis the objects and reasons for framing of these Guidelines. The said provision attaches strict liability upon the person for whose benefit the offence of defacement stands committed. In other words, where defacement may have been committed by pasting of banners / slogans seeking support for a particular candidate, then even though the candidate himself or herself may not have actually committed any specific act, he / she shall be deemed to be guilty of the offence so committed, unless the candidate proves that the offence was committed without his knowledge or consent.*

(8) *The offence of defacement attracts a penalty of imprisonment for a term which may extend to one year, or with fine which may extend to fifty thousand rupees, or with both.*

(9) *Apart from the Delhi Prevention of Defacement of Property Act, 2007, there are special statutes which deal with the offence of defacement in relation to properties covered under the special statute. One of them is the "Delhi Metro Railway (Operation and Maintenance) Act, 2002". In this regard Section 78 of the Act is significant which provides as under:-*

"78. Damage to or destruction of certain metro railway properties.—(1) Whoever, with intent to cause or knowing that he is likely to cause damage to or destruction of any of the properties of the metro railway referred to in sub-section (2), causes by fire, explosive substance or otherwise causes damage to such property, he shall be punishable with imprisonment for a term


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which may extend to ten years.

(2) The properties of the metro railway referred to in sub-section (1) are the metro railway track, tunnels, sub-way, box-structures, station buildings and installations, carriage and wagons, rolling stock, signalling, telecommunication, air-conditioning and ventilation equipments, electrical sub-station, drainage pump, escalators, lifts, lighting installations, ticket vending machine, ticket barriers, electric traction and block equipments, and such other properties as the Central Government may, by notification, specify."

(10) The punishment for the offence under Section 78 of The Delhi Metro Railway (Operation and Maintenance) Act, 2002 is prescribed to be imprisonment for a term which may extend to ten years.

(11) There have been instances where during the course of DUSU elections permanent damage has been caused to the properties of Delhi Metro whereby spray paint has been used to paint / write slogans for the purposes of electioneering.

(12) In the heat and dust of electioneering at the college level, rarely do students have any idea that the banners and posters which they paste on walls and slogans which they paint / spray paint on properties could visit them with such penal consequences.

(13) These Guidelines thus aim to:

(a) sensitize and generate awareness amongst the students of Delhi University that defacement of property is a penal offence and to apprise them of the punishment thereof; and

(b) suggest creation of a permanent regulatory mechanism to ensure that no defacement of property takes place during elections to student bodies in the University of Delhi.


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(II) PERMANENT COMMITTEES

(1) Every College shall have a permanent committee known as – College Committee for Prevention of Defacement of Property (College Committee) – comprising of the following:-

(a) Senior Faculty Member nominated by the Principal of the College

(b) Nominee of the SHO of the Local Police Station

(2) There shall be a permanent committee at the University level known as – University Committee for Prevention of Defacement of Property (University Committee) – comprising of the following:-

(a) Senior Faculty Member nominated by the Vice Chancellor

(b) Police Officer not below rank of Assistant Commissioner of Police nominated by the Commissioner of Police, Delhi

(c) Nominee of Delhi Metro Rail Corporation

(d) Nominee of Commissioner of North Delhi Municipal Corporation

(e) Nominee of Commissioner of South Delhi Municipal Corporation

(3) The University of Delhi and all Colleges shall constitute these Committees on the first day of the new academic session of the year. The names and contact numbers of the members of the Committee shall be prominently displayed on the notice board of the University / College. A separate section in this regard be provided for on the website of the University / College. Any changes in the constitution of these committees be notified on the notice board of the University / College and website, as and when effected.

(4) The functions to be performed by these committees are mentioned hereinafter.


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(III) SENSITIZATION WORKSHOPS

(1) Before the commencement of campaigning for elections to student union bodies, every College Committee shall hold a workshop with the students of its college including the candidates and their supporters to sensitize them about the provisions of the Delhi Prevention of Defacement of Property Act, 2007 and the Delhi Metro Railway (Operation and Maintenance) Act, 2002.

(2) College Committees should encourage candidates and students to use e-communication platforms such as e-mail, application based messaging etc. for the purposes of campaigning during the course of elections and to move away from using paper.

(3) Even after the conduct of elections to student bodies, the College Committee may consider conducting workshops from time to time to spread awareness amongst its students of the provisions of the above statutes.

(4) The University Committee shall oversee and ensure compliance the provisions of clauses (1), (2) and (3) above.

NOMINATION FORMS AND FURNISHING OF WRITTEN UNDERTAKING

(1) The University of Delhi / College shall ensure that the nomination form for elections to any office of any students union contains a clause describing the offence of defacement and a stipulation to the effect that candidates found indulging in defacement of property would be visited with the consequence of disqualification from the elections process apart from penal consequences under the applicable statutes.

(2) Candidature of students for contesting elections to student bodies of any college be accepted only upon the student furnishing a written undertaking on affidavit to


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the Returning Officer / Election Officer for the elections that they and their supporters shall not indulge in defacement of property during or after the course of the elections. The undertaking should mention that where any candidate has been found to be involved in defacement of property, he / she shall stand disqualified from contesting the elections.

(3) Similarly, at the University level undertaking on affidavit be required to be furnished to the Returning Officer / Election Officer for the elections by any student desiring to contest elections to the DUSU.

(4) The College Committee and the University Committee shall keep a strict vigil to identify and maintain a record of any kind of defacement of property committed during the course of the elections and bring the same to the notice of the Returning Officer / Election Officer for the elections. They shall also identify and maintain a record of those students, who even before the formal announcement of the election schedule by the University / College, start circulating pamphlets / banners / cut outs to publicize their names as prospective candidates.

(5) In addition to their role in Guideline (4) above, the Police representative on the College / University Committee shall act independently on such instances of defacement which come to his notice as per law.

(V) WALLS OF DEMOCRACY

Every College of the University of Delhi should arrange for and make available two "Walls of Democracy" within its premises to be used by candidates and their supporters for putting up handmade banners / slogans during the elections. One wall be dedicated for candidates for elections to DUSU and the other for the students union of the particular College.

[Signature]
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(VI) ANCILLARY MEASURES

(1) *The SHO of any Police Station within whose jurisdiction any college of Delhi University falls shall periodically conduct surveys and identify all persons / organizations involved in the business of printing of any kind of stationary including pamphlets, boards, cut outs, banners and manufacture, stocking and sale of any kind of spray paints.*

(2) *The survey list of all such persons / organizations shall be made available by the SHO of the police station to the University Committee.*

(3) *The University Committee shall sensitize these identified persons / organizations about the perennial problem of defacement of property during elections to various student bodies. The provisions of the Delhi Prevention of Defacement of Property Act, 2007 and the Delhi Metro Railway (Operation and Maintenance) Act, 2002 shall be brought to their notice.*

(4) *The University Committee shall obtain an undertaking from such identified persons / organizations to the effect that they shall not print any material having any kind of association with elections to student union bodies of colleges of Delhi University.*

(5) *Recommendations be made by the University of Delhi to the appropriate government to include clauses in licenses issued to printers and manufacturers, stockists and retailers of spray paints to prevent them from printing any college / University election related material including pamphlets, cut outs, banners etc. or supplying spray paint to any person for use during college / university elections."*

15. All authorities shall ensure that immediate steps in compliance with these Guidelines are taken.

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16. So far as implementation of the Guidelines is concerned, we may usefully refer to the judgment of the *Bombay High Court Report 2010 (4) BomCR 519 Sunil Pandharinath Jadhav vs. The State of Maharashtra* wherein the court held as follows:

"11. In this Petition, the grievance is about the rampant display of illegal posters / banners throughout the city and more particularly in and around the area of Kranti Chowk and in the vicinity of head office of the Corporation itself. The reports submitted on behalf of the Corporation from time to time virtually concede that illegal hoardings / posters / banners are being displayed in large numbers throughout the city. From the provisions referred to above, there can be no doubt that displaying any hoarding / banner / poster without taking prior permission of the Competent Authority under the provisions of the Act of 1949 or for that matter under the provisions of the Act of 1951 or any other Rules or Order in force, will have to be treated as unauthorized and liable to be removed forthwith. The display of such unauthorized hoardings / banners / posters not only result in defacement of public property and any place open to public view, but is an eyesore to the viewers thereby causing public nuisance. In a given case, it may also result in obstructing the free flow of traffic on the public roads. The same would not only be unlawful but unjust and unreasonable, irrespective of whether it has the effect of advertisement or otherwise. Suffice it to observe that the Authorities have a bounden duty to prevent and regulate display of illegal hoardings/banners/posters in the interests of amenity and public safety. The principles laid down by the Bombay High Court shall stand consequently applied to the defacement of properties in Delhi as well.

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14. During the hearing, it was argued on behalf of the Corporation that experience shows that most of the banners / posters / hoardings on public roads, which are illegally displayed do not reveal the name of the person, who has displayed the same. The fact that such hoarding has been displayed without prior permission, is good enough to treat the same as unauthorized and liable for appropriate action against the concerned person. In case, the name of the person, who has extended good wishes or intends to felicitate his political mentor has disclosed his name, himself, would be primarily liable for display of such illegal hoarding/banner/poster. In addition, the person, whose picture has been prominently displayed, either to felicitate him on his success, welcoming his arrival in the city or for his success or birth-day, that person may also be liable to be proceeded by the Competent Authority.

That is so because, such posters are published and circulated by the workers at the behest of such political leaders to eulogise them. There ought to be presumption of abetment in allowing ones photograph to be advertised on the eve of birth-day or for some success or arrival in the city. The fact that the photograph was not published by him or at his behest is a matter, which plea may be available to that person as a defence. By this process, not only the person, who has actually issued the publication or advertisement, himself would be responsible, but even the person for whose benefit and whose publicity, the publication has been done would also be liable. In that case, every political leader would ensure that all their supporters and workers are unambiguously advised and instructed to forbear and refrain from indulging in display of such illegal hoarding / poster / banner, which causes immense public nuisance and also raises environmental issues. Unless this view is


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taken, the damage caused on account of reckless display of large number of posters / banners / hoardings throughout the city will continue unabated."

17. We have noticed earlier the disparate punishments provided under different legislations.

18. A direction is issued to the Union of India through the **Secretary, Ministry of Information and Broadcasting and Secretary, Ministry of Urban Development** to look into the matter and take a view about the disparate punishments provided under the legislations.

19. Directions are also issued to the Government of NCT of Delhi through the **Principal Secretary, Department of Ministry of Law and Justice, the Principal Secretary of Department of Urban Development and Principal Secretary, Department of Publicity** in regard to the disparate punishments and to take a considered view in the matter.

20. We also direct **DMRC and Government of NCT of Delhi** to continue with their programme of publicizing the applicable legal provisions regarding defacement of property provided with regard thereto.

21. All public, civic authorities shall take stringent measures to publicise the legal provisions and to address any defacement which takes place within Delhi.


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22. Effective steps shall be taken for **prosecution** of the culpable persons.
23. The **Delhi Police** shall promptly deal with all matters relating to defacement of property as and when complained of, expeditiously and with the seriousness which they deserve.
24. The **Delhi University** shall send copies of this order to all colleges with a direction that the Guidelines be implemented and this order be complied with. The Guidelines and this order shall be brought to the notice of all student unions and college administrations. The Delhi University shall ensure that the penal provisions pertaining to defacement are prominently displayed in all university and the college campuses.
25. The **Delhi University** shall further ensure that the permanent Committees at the University and College levels as postulated under Guideline II are constituted before the 7th July, 2018 and notified at prominent places and uploaded on the concerned websites.
26. A direction is issued to the **Secretary, Department of Education** to also draw up a program for educating school children regarding the offence of defacement of property.
27. All authorities shall ensure that the approved Guidelines are duly publicized, prominently notified and uploaded on the concerned websites to enable the public at large and students in particular to be put to notice about the same.
28. Status reports shall be filed by all authorities before the next

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date of hearing with advance copies to the petitioner.

29. We appreciate the effort of Mr. Prashant Manchanda and all the counsels for the respondents in bringing the matter to the notice of this court and also for enabling formulation of the Guidelines.

30. List on 16th July, 2018.

Order be given *dasti* under signatures of Court Master.



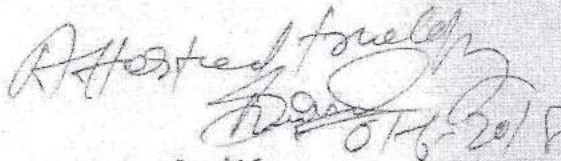
ACTING CHIEF JUSTICE



C. HARI SHANKAR, J

MAY 29, 2018

rk



Court Master
High Court of Delhi
New Delhi

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI

(DEPARTMENT OF LAW, JUSTICE & LEGISLATIVE AFFAIRS)

8th LEVEL, C-WING, DELHI SECRETARIAT, NEW DELHI

No. F 14(28)/ LA-2006/LC LAW/42-51

Dated the 29th January, 2009

NOTIFICATION

F.14(28)/LA. The following Act of the Legislative Assembly of the National Capital Territory of Delhi received the assent of the President of India on the 17th, January 2009 and is hereby published for general information :-

“ The Delhi Prevention of Defacement of Property Act, 2007 “

(Delhi Act 1 of 2009)

(As passed by the Legislative Assembly of the National Capital Territory of Delhi on 31st March 2008)

(17th January, 2009)

An Act to provide for the prevention of defacement of properties and for matters connected therewith or incidental thereto in the National Capital Territory of Delhi.

BE it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Fifty-ninth year of the Republic of India as follows:-

1. Short title, extent and commencement

- (1) This Act may be called the Delhi Prevention of Defacement of Property Act, 2007.
- (2) It extends to the whole of the National Capital Territory of Delhi.
- (3) It shall come into force on such date as the Lieutenant Governor of the National Capital Territory of Delhi may, by notification in the Official Gazette, appoint.

2. Definitions

In this Act, unless the context otherwise requires, -

- (a) “defacement” includes impairing or interfering with the appearance or beauty, damaging, disfiguring, spoiling or injuring in any other way whatsoever and the word “deface” shall be construed accordingly;
- (b) “Lieutenant Governor” means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under Article 239 and designated as such under Article 239AA of the Constitution;

- (c) "property" includes any building, hut, structure, wall, tree, fence, post, pole or any other erection;
- (d) "writing" includes printing, painting, decoration, lettering, ornamentation etc., produced by stencil.

3. Penalty for defacement of property

- (1) Whoever defaces any property in public view by writing or marking with ink, chalk, paint or any other material except for the purpose of indicating the name and address of the owner or occupier of such property, **shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to fifty thousand rupees, or with both.**
- (2) When any offence is committed under sub-section (1) is for the benefit of some other person or a company or other body corporate or an association of persons (whether incorporated or not) then, such other person and every **president, chairman, director, partner, manager, secretary, agent** or any other officer or persons connected with the management thereof, as the case maybe, shall, unless he proves the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.
- (3) The aforesaid penalties will be without prejudice to the provisions of Section 425 and Section 434 of the Indian Penal Code , 1860 (45 of 1860) and the provisions of relevant Municipal Acts.

4. Composition of offences

- (1) Any offence of defacement whether committed before or after the commencement of this Act punishable under Section 3, may either before or after the institution of the prosecution, be compounded by such officers or authorities and for such amount as the Government may, by notification in the Official Gazette, specify in this behalf.
- (2) Where an offence has been compounded under sub section (1), the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

5. Offence to be cognizable

An offence punishable under this act shall be cognizable

6. Power of the Lieutenant Governor to erase writing, etc.

Without prejudice to the provisions of Section 3, it shall be competent for the Lieutenant Governor to take such steps as may be necessary for erasing any writing, freeing any defacement or removing any mark from any property.

7. Act to override other Laws

The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other laws for the time being in force:

Provided that the provisions of this Act shall not be applicable to advertisements displayed at duly authorised public spaces for advertising by appropriate authorities.

8. Repeal and Savings

On the day on which the Delhi Prevention of Defacement of Property Act, 2007 comes into force, the West Bengal Prevention of Defacement of Property Act, 1976 (Bengal Act no.21 of 1976) as extended to the National Capital Territory of Delhi shall cease to have effect except in case of things done or omitted to be done before the commencement of this Act.

(Sd Savita Rao)

Joint Secretary (Law)

DEPARTMENT OF URBAN DEVELOPMENT

NOTIFICATIONS

Delhi, the 24th February, 2009

F.No.18(A)/43/2000/UD/Pt.F.-1/3371.

In exercise of the powers conferred by sub-section (3) of section 1 of the Delhi Prevention of Defacement of Property Act, 2007 (Delhi Act 1 of 2009), the Lt Governor of the National Capital Territory of Delhi is pleased to appoint the 1st day of March, 2009 as the date on which the said Act shall come into force.

These explanations are added by Col Shivraj.

1. Defacement is basically of four types as under :-

- (a) Posters
- (b) Writings on the wall
- (c) Banners

These 3 are totally banned under this Act.

- (d) Hoardings .

These are allowed at the specific places by the civic agencies for a specific period after paying the normal charges. All other hoardings are illegal under this Act.

2. Property includes any property (Govt or Private) in public view like buildings, hut, structure, wall, poles / posts, trees, roof tops or any other erection.
3. The guilty of the defacement shall be the owner, President, Director, Partner, agent or any other officer responsible with the management thereof.
4. **Posters, Banners and Writings on the Wall are totally banned. Hoardings are allowed only at the specified places after taking the due permission from the civic agency. All other Hoardings are illegal under this Act.**

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 402/2015

Nithin Chandran Vs. Union of India & Ors.

CORAM: HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER
HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present: Applicant /Appellant : Mr. Aditya Parola and Mr. Piyush Singh, Advs.
Respondent No. 2 : Ms. Monika Yadav, dav
Respondent Nos. 3-5 : Mr. Ankur Chhibber and Mr. Manu Padalia, Advs.

| Date and Remarks | Orders of the Tribunal |
|------------------------------|--|
| Item No. 11 July 18, 2016 | <p data-bbox="630 680 813 709">Heard. Perused.</p> <p data-bbox="558 737 1230 1037">The present Application has been moved for directing paperless campaign/canvassing to be done in elections conducted by the Delhi University Students Union henceforth and in alternative to ensure that the environmental friendly modes of campaigning and canvassing are adopted during DUSU elections.</p> <p data-bbox="558 1066 1235 1205">Respondent Nos. 2 to 5 have joined the issue by filing the Replies. Respondent No. 1- MoEF has not filed any Reply.</p> <p data-bbox="548 1234 1252 1688">Respondent nos. 2 to 5 submit that they share the concern of the Applicant regarding large-scale abuse of the paper in canvassing for the election for the Delhi University and South University Unions and to curtail this abuse they remain committed to the recommendations of Lyngdoh Committee Report as referred to by the applicant in its Application at paragraphs nos. 5 and 6.</p> <p data-bbox="542 1717 1268 1940">Learned Counsel appearing on behalf of the Applicant submits that this Tribunal has taken cognizance of the wrong to the environment caused on account of indiscreet use of paper in elections resulting in</p> |

environmental degradation and had passed Order restraining the pasting of pamphlets etc. on the walls in DU campus as well as on public streets and the Respondents do not have any serious objections to granting of such relief permanently.

It is true that the abuse of paper finally adds to the pollution load on the environment as quoted in paragraphs 7 to 12 of the Application. The Applicant has rightly quoted relevant part of the Lyngdoh Committee recommendations as follows:

- (a) 6.75 No candidate shall be permitted to make use of printed posters, printed pamphlets, or any other printed material for the purpose of canvassing. Candidates may only utilize hand-made posters for the purpose of canvassing, provided that such hand-made posters are procured within the expenditure limit set out herein above.
- (b) 6.76 Candidates may only utilize hand-made posters at certain places in the campus, which shall be notified in advance by the election commission/university authority.
- (c) 6.78 No candidate shall, nor shall his/her supporters, deface or cause any destruction to any property of the university/college campus, for any purpose whatsoever, without the prior written permission of the college/university authorities. All candidates shall be held jointly and severally liable for any destruction / defacing of any university/college property.
- (d) 6.7.14 All candidates shall be jointly responsible for ensuring the cleaning up of the polling area within 48 hours of the conclusion of the polling.

as a potent measure to reasonably reduce the wastage of paper and natural resources in student body elections. The Applicant further reveals that Hon'ble Supreme Court of India in its order dated 22-09-2006 directed the recommendations of the Committee to be implemented and to be followed in all Universities/ Colleges/ Institutions election hereinafter.

We have perused the photographs annexed to the

application at annexure A-1 to A-3. A massive abuse of paper pamphlets/posters giving ugly look to campus premises floor, walls and furniture is evident from the photographs. It is for these reasons that we were prompted to grant ex-parte interim relief restraining the respondent no. 5-DUSU from pasting pamphlet etc. on the walls in the DU campus as well as on the public streets vide order dated 16th September, 2015. This ugly display of student power warrants some added measure to the recommendations made by the Lyngdoh Commission.

In the present times of internet/mobile apps communications have become fast and more consumer friendly to such an extent that the use of printed material for canvassing has become archaic for many a young minds; but for some amongst them handmade posters may provide an avenue for expressing their creativity. However, unregulated and indiscreet use/pasting of posters/pamphlet, may be handmade or otherwise, on the walls of campus or on public streets would be ugly abuse of both the medium i.e. the paper and expression i.e. creativity, and at the receiving end will be the environment, more particularly in terms of loss of precious natural resources and increasing pollution levels due to decay that follows. To strike a balance between the creative use and ugly abuse of the paper it is necessary to limit the number of places in the campus for putting up of the posters to bare minimum and strictly enforce the recommendations of Lyngdoh Commission by framing stringent Rules for governing the student

elections. In our considered opinion the candidates contesting the student elections may be allowed to utilize handmade posters at certain notified places not exceeding two within every campus of University/College/Academy.

Respondent no.2- UGC reveals that it has no power to direct and regulate the conduct of the elections to the student unions in the University. We, therefore, direct the respondent nos. 3 to 5 that they, jointly and severally,:

1. Shall not allow use/pasting of posters/pamphlets everywhere within the campus and public streets by the students but Only allow the candidates contesting elections or their pre-notified student agents to utilize handmade posters at certain notified places not exceeding two within each campus;
2. Shall strictly enforce the Lyngdoh Commission recommendations and for that purpose frame rules or incorporate in the rules governing the students body elections stringent provisions-even to the extent of disqualifying the concerned contestants- for implementation of the said Recommendations including these directions;
3. Shall take steps to move towards paperless canvassing/campaigning in student elections in the manner aforesaid in accordance with law within two months.

With the above directions the Original Application NO. 402 of 2015 stands disposed of with no order as to cost.

.....JM
(U.D. Salvi)

.....EM
(Ranjan Chatterjee)



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