

## **Election to the Senate Statutes, 2016**

# Election to the Senate Statutes, 2016

---

## **Election Authority**

1. The Registrar shall conduct the elections, and deal with all other relevant matters, as the Election Authority of the University and, subject to the Statutes, regulate his own procedure of work.
  - (i) The Registrar may require any University Officer/Teacher or any other University employee to perform such functions or render such assistance for the purpose of the Statutes as he may direct.
  - (ii) The Registrar shall determine the number of constituencies for the elections in accordance with the provisions of the Act.

## **Elections to Fill Vacancies**

2. Once in three years, elections shall be held on the appointed date to fill vacancies in the University Senate, as provided in the Act and are required to be filled up by election. In case of any casual vacancy, a bye-election may be held on the appointed date, for the left over period.

## **Notice of Election**

3. The Election Authority shall by a general notification announce the programme of elections in the various constituencies, showing the appointed dates for the various stages of the elections, as specified in Schedule-I to the Statutes;

Provided that the Returning Officer may, with the approval of Election Authority, make such changes in the schedule of dates as the circumstances may require.

## **Appropriate Date in Case of a Holiday**

4. If any appointed date falls on a holiday, the next working day shall be considered to be the appropriate date.

## **Publication of Electoral Lists**

5. The Election Authority shall, on the appointed date, publish the Electoral Lists (as per Schedule-II) of the elections by a general notification, which shall be circulated to Heads of Teaching Departments and Institutes, and affixed on the University Notice Board. A copy of any such list can be had, on demand, subject to availability in stock, on payment of Rs.100.

## **Claims and Objections**

6. All claims for entry in the aforesaid Electoral Lists and objections thereto shall be received by the Election Authority upto an appointed date, which shall be decided by him within ten days, and the decision so made shall be notified.

# Election to the Senate Statutes, 2016

---

## **Decision of the Election Authority**

7. The Election Authority shall be the Revising Authority and its decision in respect of claims and objections shall be final, unless a written objection thereto is filed within three days.

## **Decision by Committee**

8. If any objection is taken to the decision of the Election Authority, it shall be decided within three days by a Committee, consisting of four University teachers, to be appointed by the Vice-Chancellor, one of whom shall be nominated as the Chairperson of the meeting. The quorum shall be three, and the decision shall be taken by the majority. In case of a tie, the Chairperson shall have a casting vote.

## **Correspondence With Electors**

- 9 (i) All correspondence shall be addressed to the Electors by name. The Electoral Lists, etc. shall be sent on their official address only. An Elector shall notify any change in his address to the Election Authority within the prescribed time.
- (ii) Final Electoral Lists shall be affixed on the University Notice Board and copies thereof dispatched by the Election Authority to the Chairmen of the Teaching Departments, Deans of Faculties, and Directors of Institutes for the information of the Electors.

## **Qualifications for Voting**

10. No person, whose name is not on the Electoral List, shall be qualified to vote, or be elected at any election held under the Statutes, unless he fulfills the conditions prescribed in the Act.

## **Nomination for Election**

- 11 (i) Any Elector of a constituency may propose or second the name of only one qualified person to be a member of that constituency.
- (ii) Every such proposal shall be made by a separate nomination paper in the prescribed form as given in Schedule-III, which shall be signed by the Proposer and the Secunder and shall contain a declaration signed by the candidate that he has consented to the nomination and that he is not subject to any disqualification for being elected as a member.
- (iii) Nominations in excess of the number of vacancies in a constituency shall invalidate all nominations made by an Elector as Proposer or Secunder.
- (iv) Every nomination paper shall be delivered personally by the candidate or his Proposer or Secunder, to the Returning Officer, so as to reach him not later than the appointed date.
- (v) The Returning Officer shall give serial number to every nomination paper and record therein the name of the person presenting it and the date of its receipt.

## Election to the Senate Statutes, 2016

---

- (vi) The Returning Officer shall notify a list of nomination papers received by him, containing particulars of the candidates and names of the Proposers and Seconders.

### **Scrutiny of Nomination Papers**

- 12 (i) On the appointed date the Returning Officer shall scrutinize the nomination papers received by him. The Candidates, their Election Agents, their Proposers or Seconders may attend the scrutiny of nomination papers.
- (ii) The Returning Officer shall give the Candidates, their Election Agents, Seconders and Proposers a reasonable opportunity for examining the nomination papers; and the objections raised, if any, shall be considered and decided by him on the spot.
- (iii) The Returning Officer shall, after a summary enquiry, if necessary, reject a nomination paper on any one of the following grounds:
- (a) the candidate is not qualified to be elected as a member;
  - (b) the Proposer or Secunder is not qualified to subscribe to the nomination papers;
  - (c) the provisions of the Statutes have not been complied with, or that the signatures of the Proposer or the Secunder do not seem to be genuine or are alleged as such;  
Provided that the rejection of any nomination paper of a candidate shall not invalidate his nomination by any other valid nomination paper.
  - (d) the Returning Officer shall not reject a nomination paper on the ground of any defect which is not of a substantial nature, and may allow any such difficulty to be removed forthwith.
- (iv) The Returning Officer shall endorse on each nomination paper his decision about accepting or rejecting it, stating reasons in case of rejection.
- (v) In case of rejection of a nomination paper, the candidate may file objections within three days to the Election Authority or to the Committee appointed under Section-12, whose decision shall be final.

### **Publication of List of Candidates**

- 13 (i) The Returning Officer shall, after scrutiny of the nomination papers, prepare and publish in the prescribed form (as per Schedule-IV) a list of candidates validly nominated.
- (ii) In case the objections against the rejection of a nomination paper are accepted by the Committee, the Returning Officer shall, accordingly, revise the list of validly nominated candidates.

### **Withdrawal of Candidature**

- 14 (i) Any nominated candidate may withdraw his candidature by a notice in writing, signed by himself and delivered in person, or through his Election Agent, to the Returning Officer, so as to reach the Returning Officer on or before the appointed date.

## Election to the Senate Statutes, 2016

---

- (ii) A notice of withdrawal shall in no circumstances be open to revocation or cancellation.
- (iii) Copies of such notices of withdrawal shall be notified for general information and a copy placed on the University Notice Board.

### **Un-Contested Election**

15. Where, after scrutiny of nomination papers, only one person remains a validly nominated candidate for election in a constituency, or where after withdrawal only one person is left as a contesting candidate, the Returning Officer shall notify such candidate to have been elected un-opposed, provided no appeal is pending against the rejection of any nomination paper.

### **Election Agent**

16. (i) The candidate may appoint a person, qualified to be an Elector, to be his Election Agent under intimation in writing to the Returning Officer.
- (ii) The appointment of an Election Agent may, at any time, be revoked in writing by the candidate.

### **Polling Agent**

17. (i) The contesting candidate or his Election Agent may, before the commencement of the poll, appoint for each Polling Station a Polling Agent and shall give notice thereof in writing to the Presiding Officer.
- (ii) The appointment of the Polling Agent may be revoked at any time by the candidate or his Election Agent.
- (iii) Where any act or thing is authorized under the Statutes to be done in the presence of the candidate or any Election or Polling Agent, the failure of such person to attend shall not invalidate any act or thing otherwise validly done.

### **Polling Hours**

18. The Returning Officer shall notify the day and hours of polling.

### **Stopping of the Poll**

- 19 (i) The Presiding Officer of a Polling Station may stop the poll and inform the Returning Officer that he has done so, if the polling at the Polling Station is at any time so interrupted and obstructed that it cannot, in the opinion of the Presiding Officer, be carried on.
- (ii) When the polling has been stopped, the Returning Officer shall immediately report the circumstances to the Election Authority, who shall direct a fresh poll of that Polling Station on a date to be fixed by him. The over-all result of the polling in a constituency shall not be announced until the results of the fresh polling at this polling station are known.

# Election to the Senate Statutes, 2016

---

## Voting

- 20 (i) The elections shall be contested by secret ballot, by tendering the ballot papers by hand, or by post, in the prescribed form (given at Schedule-V).
- (ii) Postal ballot papers, in the prescribed form, shall be issued 30 days before the election date by the Returning Officer, under registered cover.
- (iii) Ballot papers shall be issued, after identification and comparison with the Electoral list, to the satisfaction of the Returning Officer, in case of postal ballot, or the Presiding Officer at the Polling Stations.
- (iv) Any ballot paper, bearing a cutting, scratching or over-writing, or which does not bear the official mark, shall be rejected as invalid.
- (v) If an Elector, who has inadvertently spoiled the ballot paper or the declaration form, requests for the issue of a duplicate ballot paper, the Returning or Presiding Officer may, after satisfying himself, issue him another ballot paper or declaration form. The spoiled ballot paper and declaration form (Schedule-VI), together with their counterfoils, shall be marked as duplicate.

## Counting of Votes

- 21 (i) On the conclusion of polling, the Presiding Officer shall record the number of votes polled by the contesting candidates and note down the total number of votes cast and total number of votes rejected, and strike the balance.
- (ii) The candidate or his Polling or Election Agent shall be allowed to be present at the time of counting of votes.

## Declaration of Results

- 22 (i) The candidate(s) who get(s) the highest number of valid votes shall be reported by the Presiding Officer(s) to the Returning Officer for total counting, including postal ballots, in the presence of the candidate(s) or his/their Election Agent(s), and notifying the name(s) of successful candidate(s).
- (ii) In case of equality of votes between two or more candidates, the Returning Officer shall cast lots in the presence of the contesting candidates or their agents, and obtain signatures of such persons as having been witnesses to the proceedings.
- (iii) If any candidate, Election Agent or Polling Agent objects to the counting, and the objection is reasonable, in the opinion of the Presiding Officer, he may order recounting of votes in the presence of the persons.

## Election Tribunal

- 23 (i) In case of disputes in elections, all petitions shall be addressed, within three days of the declaration of the results, to the Election Tribunal, consisting of the **nominee of Chief Justice of Peshawar High Court, appointed as a member of the Senate**, who shall act

## Election to the Senate Statutes, 2016

---

as Chairperson ; then higher education/ relevant department Secretary as member of the Senate, and a nominee of the Vice-Chancellor.

- (ii) The Election Tribunal may examine the petitioner and other candidates and also examine the records of election and, upon the conclusion, make an order:
  - (a) rejecting the petition;
  - (b) declaring the election of the returned candidate void, or/and declaring the petitioner or other contesting candidate(s) to have been duly elected, or
  - (c) declaring the election as a whole void.
- (iii) The decision of the Election Tribunal shall be final and binding on all parties to the dispute.

### **Custody of Election Record**

- 24. The Returning Officer shall retain, until the expiry of 3 months from the date of election, or the decision of Election Tribunal, as the case may be, all the papers connected with the election.

### **Framing of Rules**

- 25. For carrying into effect the purpose of the Statutes, necessary rules may be framed, if necessary, with the approval of the Senate.

# Election to the Senate Statutes, 2016

---

## SCHEDULE – I

The University of .....

### Schedule of Dates

The dates given below may be changed by the Returning Officer as the circumstances may require:-

	<u>Schedule</u>	<u>Date</u>
1.	Publication of electoral lists .....	
2.	Claims for and objections to entries in the electoral lists .....	
3.	Publication of final electoral lists .....	
4.	Notification of Election Schedule .....	
5.	Receipt of nomination papers .....	
6.	Scrutiny of nomination papers.....	
7.	Publication of lists of validly nominated candidates .....	
8.	Withdrawal of nominations .....	
9.	Objections/Claims against rejection of nominations.....	
10.	Publication of lists of contesting candidates .....	
11.	Issue of ballot papers in case of ballot by post .....	
12.	Elections .....	
13.	Announcement of election results in the prescribed form .....	

# Election to the Senate Statutes, 2016

---

## SCHEDULE - II

University of .....  
(List of Contesting Candidates).

Election to the Senate for the period from.....to .....  
For the Constituency of.....

S. No.	Name of the Contesting candidates in Alphabetical Order	Designation of the Contesting Candidates

Notice is hereby given that the poll shall be taken between the hours of  
..... to..... on (date) ..... at  
(Place) .....

*Returning Officer*

Dated .....

# Election to the Senate Statutes, 2016

---

## SCHEDULE - III

The University of .....

### NOMINATION FORM

(To be Filled in by The Proposer)

Election to the Constituency of .....

I, ..... (Name of the Proposer), registered as an elector at serial No ....., in the electoral list, do hereby propose the name of ....., at serial No....., in the electoral list, for the Constituency of .....

Dated .....

**Signature of Proposer.**

(To be Filled in by the Seconder)

I, ..... (Name of the seconder), registered as an elector at serial No.....in the electoral list, do hereby second the nomination of ....., at serial No....., in the electoral list, for Constituency of .....

Dated .....

**Signature of Seconder.**

(To be Filled by the Person Nominated)

### DECLARATION

I, .....son/daughter/wife of ..... registered as an elector at serial No....., in the electoral list for the Constituency of ....., do hereby declare that I have consented to the above mentioned nomination and that I am not subject to any disqualification for being elected as a member.

Dated .....

**Signature of the Person Nominated.**

(To be Filled by Returning Officer)

Serial number of nomination paper ..... This nomination paper was delivered to me at my office at ..... (hours) on ..... (date) by ..... being the candidate/proposer/seconder.

## Election to the Senate Statutes, 2016

---

Dated .....

**Returning Officer**

(Decision of Returning Officer accepting or rejecting the nomination paper on the day fixed for scrutiny).

I have examined this nomination paper in accordance with the provision of the Section ..... “The Khyber Pakhtunkhwa Universities Act 2012 (Act No. X of 2012).” Election Statutes, and decide as follows.

.....

(in case of rejection, state brief reasons)

Dated .....

**Returning Officer**

# Election to the Senate Statutes, 2016

---

## SCHEDULE - IV

The University of .....

### List of Validly Nominated Candidates

Election to the Senate for the period from ..... to ..... For the Constituency of

.....

S.No.	Name of Candidate	Designation	

Place: .....

Dated: .....

**Returning Officer**

# Election to the Senate Statutes, 2016

---

## SCHEDULE - V

### Secret Ballot Paper

For the Constituency of .....

S.No.	Name of Candidates	Put a Cross against Choice Candidate

# Election to the Senate Statutes, 2016

---

## SCHEDULE - VI

### Declaration by Elector Casting Vote by Post

I hereby declare that I am the elector at serial No. .... to whom the postal ballot paper serial number ..... has been issued for the above election.

#### Signature of Elector

Dated: .....

Address .....

(Attestation of Signature)

The above has been signed in my presence by ..... who is personally known to me/has been identified to me to my satisfaction by ..... (Identifier) who is personally known to me.

#### Signature of Identifier

Any .....

Designation .....

Dated .....

Address .....

#### Certificate

I hereby certify that:-

1. The above named elector is personally known to me/has been identified to my satisfaction by ..... (identifier) who is personally known to me;
2. I am satisfied that the elector suffers from ..... (infirmity) and is unable to record his vote himself or sign his declaration;
3. I was requested by him to mark the ballot paper and sign the above declaration on his behalf; and
4. The ballot paper was marked and the declaration signed by me on his behalf, in his presence and in accordance with his wishes.

Signature of identifier, if any ..... Address .....

#### Signature of Attesting Officer

Designation .....

Dated .....

Address .....