

## **EEPC INDIA**

### **WORKING COMMITTEE ELECTION RULES (2018-2019)**

#### **RULES FOR ELECTION OF THE WORKING COMMITTEE BY ORDINARY MEMBERS**

##### **1. Identifying panels and preparing Lists of Voters**

The Panels will be identified wherein the members would be retiring in the next AGM of EEPC India and shall prepare the Lists of Voters from those Panels accordingly.

##### **2. Voter Member**

- a) Ordinary members who have paid within 30<sup>th</sup> June, 2017 their membership subscriptions for the preceding year (i.e. for 2017-18) in full including applicable taxes thereon and are the continuing members of EEPC India on the day the Elections are ordered by the Working Committee will be the voters.
- b) Payment in full as mentioned above is to be supported by the relevant certificate of 2015-16 of export performance of a Chartered Account submitted by 31<sup>st</sup> December, 2017. However; such certificate need not to be furnished by members paying the highest slab of membership fees.

##### **3. Voter Members List**

The members included in the Lists of Voters are hereinafter referred to as "Voter Members". Once the said Lists of Voters are finalized for all the Panels, EEPC India shall notify all Ordinary members, through the EEPC India Website and by sending the message to the e-mail ids' available with EEPC India that such Lists of Voters have been prepared panel-wise inter alia containing their respective mailing addresses and e-mail ids and the same will be available for inspection in the website and also at all offices of EEPC India. Only an Ordinary Member of EEPC India is entitled to vote and no other category of members – Associate, Affiliate and/ or Nominated shall have any voting right.

If any eligible member is not included in the Lists of Voters or if any change is required in the contact details of an eligible member, the said member may within **10 (ten) days** from the date of the notification made in the EEPC India website, apply to the Secretary of EEPC India for inclusion in the relevant List of Voters or for change and enclose authentic proof of payment of annual subscription and CA Certificate or otherwise, as aforesaid. The Secretary will verify the reasons for such omission and would dispose off the applications accordingly.

If it is found that the omission is due to a change in the panel classification of the member from the panel to which the member belonged to, then the matter along with the relevant documents submitted by the eligible member in this regard would be referred to the Panel Sub-Committee, which, in turn, would dispose off such applications. Upon such disposal, the Secretary of EEPC India shall intimate his decision to the concerned member and shall prepare the final Lists of Voters and notify the same in the Notice Board of all the offices of EEPC India as well as on the EEPC India website for information and use of the Voter Members. No request for changes will be entertained subsequently.

#### **4. Election Authority/ Observer/ Scrutinizer**

##### **(I) Election Authority**

- (a) An Election Authority shall be appointed by the Working Committee of EEPC India in terms of the Articles of Association to conduct, oversee, supervise and control the entire election process which inter alia includes the following processes:
  - (i) drawing of lots, if the same is required;
  - (ii) issuing of notice inviting nominations;
  - (iii) scrutiny of the valid and invalid nominations in terms of these rules;
  - (iv) publishing such lists of valid and invalid nomination received in his office;
  - (v) scrutinizing and then accepting valid withdrawal of nominations, if any;
  - (vi) publishing the final list of nominations;
  - (vii) issuing and cause to dispatch the notice by E-mail as well as through Speed Post / Courier informing the voter members about the electronic voting system and the procedure to be followed for casting of votes;
  - (viii) he shall count the votes secured by each contesting candidate along with the Scrutinizer so appointed, in presence of two witnesses, not in employment of EEPC India and also the representatives of the contesting candidates;
  - (ix) declaration of the result.
- (b) The Election Authority will keep the Observer informed/ updated during all steps of conducting the election process;
- (c) The Election Authority could either be an individual, firm or an institution;

- (d) The said Election Authority shall conduct all the phases of the election process in accordance with these rules;
- (e) The Election Authority shall also adhere to the directions contained in paragraph 2.92 of the Foreign Trade Policy of the Government of India (2015-2020), Department of Commerce's Advisory letter dated December 7, 2015 and provisions of Rule 20 of the Companies (Management and Administration) Rules' 2014 pertaining to elections which all shall be made known to the Election Authority by EEPC India.
- (f) **The Election Authority, so appointed shall attend to/ deal with/ resolve and is empowered to take decisions with regard to any issue that may arise while conducting the election in question.**

(II) Observer

- (a) An Observer shall be appointed by the Department of Commerce, Ministry of Commerce & Industry, Government of India to observe the election process in terms of directions contained in the Department of Commerce's Advisory letter dated December 7, 2015 and in case of non-compliance of the same to report such matter immediately to the Election Authority and to the Department of Commerce;
- (b) To observe whether the election of the Working Committee 2018-2019 is done in terms of these rules;
- (c) To observe the proceedings at the time of drawing of lots, if the same takes place;
- (d) To observe the entire nomination process;
- (e) To participate in meetings to be convened by the Election Authority including those meetings to be held with the Scrutinizer and representatives of the agency appointed for conducting the e-voting mechanism and to observe the process of scrutiny and counting of valid votes secured by the contesting candidates till publication of result.

(III) Scrutinizer

- (a) The Working Committee of EEPC India shall appoint one or more scrutinizers, who may be a Chartered Accountant in practice or a Cost Accountant in practice, or Company Secretary in practice or an Advocate, or any other person who is not in employment of the company and is a person of repute who, in the opinion of the Working Committee can scrutinize the e-voting process in a fair and transparent manner;
- (b) The scrutinizer shall attend to and assist the Election Authority for viewing the number of votes secured by each contesting candidate by accessing the server of the approved agency, which will be appointed for conducting the e-voting mechanism in terms of Rule 9 herein. The Scrutinizer shall get an access to the said server through his unique login credentials;
- (c) The Scrutinizer shall maintain secrecy and confidentiality of the votes secured by each candidate and shall provide such details **ONLY** to the Election Authority.

**5. Circumstances in which election shall take place**

Election shall take place –

- (a) for a newly constituted Panel, if there be any;
- (b) for the 1/3<sup>rd</sup> of the WC members who shall be retiring in the next AGM of EEPC India, having been longest in office (except the Chairman, Sr. Vice Chairman, Vice Chairman, Regional Chairmen and 5 members of the Committee of Administration), but as between persons who became Working Committee members on the same day, those who are to retire shall, in default of and subject to any agreement amongst themselves, be determined by draw of lots by the Election Authority;
- (c) for the Panels having no representation and wherein the vacancy arises in terms of the Articles of Association of EEPC India.

In case of WC members amongst whom lots are to be drawn in terms of Rule 5(b) above, the Election Authority may request such WC members to be present personally or through their duly authorized representative at the time of drawing of lots. The Election Authority will intimate the details i.e. the time, date and venue of drawing of lots to the concerned WC members by letters through Speed post and / or by E-mail. Lots will be drawn by the Election Authority at the specified time, date and venue to be mentioned in the said letter and the Observer shall also be informed by the Election Authority to be present during the said drawing of lots. The Election Authority shall also arrange to intimate the results of the drawing of lots to EEPC India.

## **6. Working Committee**

The Working Committee shall consist of the members as mentioned under Article 18.2 of the existing Articles of Association of EEPC India.

## **7. Eligibility criteria for contesting election to the Working Committee**

Only an Ordinary Member of EEPC India, having exports of engineering goods (FOB value) and services not less than (i) Rs. 60 Lakhs for a MSME and (ii) not less than Rs. 2 Crore for Others to its credit during the financial year immediately preceding the year for which the election is being held, shall be eligible to contest the Working Committee election, provided such member is a Voter Member. For example, if the Election takes place for the year 2018-19, the preceding year for this purpose will be Financial Year 2017-18.

## **8. Filing of nominations for contesting election to the Working Committee**

### **(i) Nomination**

The Election Authority shall cause to issue notice inviting nomination to the Voter Members after finalizing the aforesaid Voters List. The notice inviting nomination along with a Nomination Form, as per **Annexure 'A'** hereto, shall be dispatched by E-mail to all the said Voter Members to their respective e-mail ids available with EEPC India and by Speed-Post to the postal addresses of the said voter members. Omission of service of such notice shall not, however, invalidate the election proceedings. In the notice inviting nomination, the Election Authority will also mention about the availability of the Working Committee (2018-19) Election Rules and the Voters' List on the EEPC India Website and at different offices of EEPC India.

### **(ii) A valid Nomination**

The following representatives of the member organisation are eligible to file nomination:-

- (1) Chairman;
- (2) Managing Director;
- (3) Director/Executive Director;
- (4) President;
- (5) Vice President;
- (6) Chief Executive;
- (7) General Manager (Exports) or equivalent thereto;
- (8) Partner/ Designated Partner (in case of LLPs);
- (9) Proprietor;

Provided the President, the Vice President, the Chief Executive, the General Manager (Exports) or the person equivalent thereto is in full time employment of the member organization. In these cases where full time employees are nominated by an organization, the nomination must be done by any of the following person - Chairman, Managing Director, Director/Executive Director, Partner/ Designated Partner or a Proprietor, as the case may be.

A Nomination to be valid must satisfy and fulfill the following conditions:-

- (a) the **Nomination Form** as per Annexure 'A' has to be filled-up properly in all fields mentioning therein the Director Identification Number (DIN) of the contestant, as stipulated u/s 152 (3) of the Companies Act, 2013 and has to be submitted along with a self-attested copy of the DIN;
- (b) a declaration has to be submitted by the contestant as provided in the nomination form, that he / she is not otherwise disqualified to be appointed as a Director of a Company as stipulated u/s 164 of the Companies Act, 2013;
- (c) a consent has to be given by the contestant (as provided in the nomination form) to act as a Director of the Council, if elected to the Working Committee in accordance with Section 152 (5) of the Companies Act, 2013;
- (d) the signature of the person on the Nomination Form, who is nominating a candidate *or* the candidate himself (in case of self-nomination), has to be attested by the Banker of the Voting Member concerned on the Nomination Form itself along with the name and designation of the officer of the Bank and the rubber stamp impression of the Bank;
- (e) the duly filled-up Nomination Form, signed, stamped and completed in all respects along with the requisite documents (all hard copies) must reach the office of the Election Authority within expiry of **15 (fifteen) days** from the date of the Notice inviting Nomination.

**Only hard copies of the nominations will be treated as a valid.**

**(iii) Publication of lists of valid and invalid Nominations**

The Election Authority shall, not later than **7 (seven) days** after the expiry of the aforesaid period of 15 (fifteen) days, enter the names of the Nominees, Panel-wise in a Register and, after due scrutiny, prepare a list of valid nominations and also a list of invalid nominations received and would arrange to display the same at the Notice Board placed in the office of the Election Authority. With regard to the invalid nominations, the Election Authority shall cite the relevant Rule / Reason(s) for rejecting the

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same. Copies of such list(s) duly signed by the Election Authority shall be sent to EEPC India for similar display in its offices and in EEPC India website. Objections, if any regarding the list of nominations have to be filed in writing before the Election Authority within **7 (seven) days** from the date of display of such lists. It is imperative for the Observer, among other processes, to remain present during the process of scrutiny of the valid and invalid nominations and its publication thereof.

**(iv) Withdrawal of Nominations**

Nomination can be withdrawn by the candidate and/or person who had signed the nomination form by a letter within a period of **7 (seven) days** from the date of display of the aforesaid list of valid nominations. However, in case the candidate is an employee, nomination cannot be withdrawn by him. Withdrawal of such nominations can be done only by way of a written communication addressed to the Election Authority. Once the Nomination is withdrawn, no subsequent request for rescinding such withdrawal shall be entertained by the Election Authority. When a single nomination is received for any elective post, withdrawal of nomination shall not be applicable in such circumstances.

**(v) Display of List of Final Nominations**

The Election Authority shall then issue the list of final nominations inter alia containing the names and details of the candidates (panel-wise) who would be contesting the election.

**9. Agency for conducting the e-voting mechanism**

EEPC India will appoint NSDL or CSDL or any other approved agency of the Ministry of Corporate Affairs, Government of India for using their electronic voting platform.

**10. Mode of Voting**

- (a) Within **3 (Three) days** of publishing the list of final nominations, the Election Authority shall cause to dispatch a Notice (hereinafter referred to as "the said Notice") by E-mail as well as through Speed Post / Courier informing the Voter Members about the electronic voting system and the procedure to be followed for casting of votes;
- (b) The said Notice shall also be placed on EEPC India website after the notice is dispatched to all the Voter Members;

- (c) Each Voter Member shall follow the procedure of Electronic Voting as specified in the Notice to cast their vote. All Voter Members shall be entitled to cast their respective votes online as per the prescribed procedures during the specified period **(upto a maximum of 7 days till 5.00 PM on the last day)** which would be mentioned in the said Notice;
- (d) The online votes shall then be stored in a secured server of the agency appointed for conducting the e-voting mechanism.
- (e) The said agency shall provide unique login details to the Scrutinizer, so appointed.
- (f) Thereafter, the Scrutinizer shall attend to and assist the Election Authority for viewing the number of votes secured by each contesting candidate by accessing the server of the approved agency. Election Authority along with the Scrutinizer, shall count the votes in presence of two witnesses, not in employment of EEPC India. A candidate or his authorized representative shall be allowed to be present at the time of counting of the votes.
- (g) The Election Authority shall also request the Observer appointed by Department of Commerce, Ministry of Commerce & Industry, Government of India to remain present during the above process.

### **11. Declaration of result**

Within **3 (three) days** after the above process as stated in Rule 10 (f), result will be declared by the Election Authority. The person receiving the highest number of votes from each panel will be declared as elected from the said panel.

In case of a tie, the result will be determined by drawing of lots by the Election Authority. The Election Authority shall declare the result stating the names of elected candidates from each panel.

The decision of the Election Authority in this regard shall be final and binding on all concerned. The said result will be displayed in the Notice Board maintained at the office of the Election Authority and shall also be communicated to EEPC India for wide circulation. The Election Authority shall declare the result in the following manner:-

- (a) Total number of Votes received;
- (b) Number of Votes rejected;
- (c) Number of votes secured by the contesting candidates;
- (d) The name of the candidate securing the highest number of votes and declared elected.

The Election Authority shall also arrange to communicate to all the contesting candidates the result of this election.

**12. Secrecy of votes**

It is incumbent upon the agency to be appointed for conducting the e-voting mechanism, the Scrutinizer, Observer and the Election Authority who shall become aware in the course of their work about the number of votes that are secured by each contesting candidate as strictly confidential and shall maintain its secrecy at all times. They are expected not to disclose these details to any person including to EEPC India officials / secretariat, until and unless there is an expressed order from a competent Court of law in that regard to disclose such details.

**13. Exclusive Jurisdiction**

Only the Courts in Kolkata shall have the jurisdiction to the exclusion of all other courts and forums, with regard to any matter arising out of the election of the Working Committee of EEPC India.

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**ANNEXURE - A**

**EEPC INDIA  
WORKING COMMITTEE ELECTION (2018-19)  
NOMINATION FORM**

**Part - 'A'**

(Please fill in all the columns. Do not leave any column blank)

Name of the Firm / Company	
Postal Address	
Name of the Panel in which the Firm / Company is primarily classified	
Particulars of the representative being nominated :	
(i) Name & Designation	
(ii) Father's Name	
(iii) Residential Address including telephone number	
(iv) Name & Designation	
Director Identification No.	
FOB value of physical exports during FY 2017-18  (3rd Party and Deemed Export not included)	
Whether MSME or Others	

**Part - 'B'**

**Declaration by Candidate**

I declare that the above information is true to the best of my knowledge and belief. I state that I am not otherwise disqualified to be appointed as a Director of a Company as provided under section 164 of the Companies Act, 2013 and I hereby give my unequivocal consent to act as a Director or EEPC India, if elected to the working Committee as per Section 152 (5) of the Companies Act, 2013.

Signature of Candidate:

Name :

Designation :

(Contd. ....2)

**Part - 'C'**

*(This part needs to be filled-up only in cases where the candidate is an employee of the Member Organization in which case this is to be signed by Chairman, Managing Director, Executive Director / Director, Partner / Designated Partner or Proprietor. This is **NOT** required to be filled-up if the candidate himself is Chairman, Managing Director, Executive Director / Director, Partner / Designated Partner or Proprietor)*

I nominate \_\_\_\_\_, who is in full-time employment of our Firm / Company for the Working Committee Election (2018-19) of EEPC India.

Signature :

Name & Designation :

**Part - 'D'**

**Attestation by the Banker of the member-organization of the signature of :**

(a) the person nominating a candidate (in case where the candidate is an employee);

OR

(b) the candidate himself (in case of self-nomination)

Attested

Signature :

Name of Bank Official :

Designation :

Bank Seal :

**Documents to be enclosed :**

- (i) Original CA Certificate for FOB value of physical exports during FY 2017-18 as per format attached.
- (ii) In case of MSME, please enclose a self-attested valid MSME Certificate.
- (iii) A self-attested copy of the DIN.

**FORMAT OF CHARTERED ACCOUNTANT'S CERTIFICATE**

This is to certify that we have verified Books of Accounts and other records of M/s. \_\_\_\_\_  
\_\_\_\_\_ having their registered office at  
\_\_\_\_\_ and thus certify that their FOB value of  
physical export of engineering goods / services (rounded off to the nearest in lakh)  
during the year (s) indicated hereunder is as follows :-

Year	FOB value of physical export of engineering Goods / services
2017-2018	Rs.

Place: \_\_\_\_\_ Name of the Chartered Accountant or his Company : \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Date : \_\_\_\_\_ Signature : \_\_\_\_\_

Designation : \_\_\_\_\_

Firm Registration No. : \_\_\_\_\_

Membership No. : \_\_\_\_\_

Official Stamp : \_\_\_\_\_

**Note :** CA Certificate of FOB value of physical exports of engineering goods / services made by the member firm.

(3rd party and deemed exports NOT to be included) from a CA certifying export performance in Indian rupees rounded off to nearest lakh (Photostat copies or Certificate not signed manually are not acceptable).