

EEPC INDIA

ELECTION RULES FOR THE POST OF SR. VICE CHAIRMAN **(2022-2024) THROUGH E-VOTING SYSTEM**

1. Preamble

- a) In terms of the Advisory dated December 7, 2015 issued by the Department of Commerce, Ministry of Commerce and Industry, Govt. of India and the provisions of the Articles of Association of EEPC India, election for the post of **Sr. Vice Chairman** of EEPC India (for the period 2022-2024) has to be conducted through electronic means by all Ordinary members of EEPC India who are eligible to cast vote, irrespective of sub-divisions of Panels.
- b) Nominations for contesting the election for the post of Sr. Vice Chairman, as aforesaid can be filed only by a Working Committee member.
- c) All eligible Voters shall get the facility to exercise their franchise/voting right through electronic means.

2. Voters

- a) Ordinary members who have paid within **30th September, 2021** their membership subscriptions for the preceding year (**i.e. in this case for 2021-2022**) 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 for the post of Sr. Vice Chairman, as aforesaid and continue as members till completion of Sr. Vice Chairman Election (2022-2024) will be the Voters.
- b) Payment in full as mentioned above is to be supported by the relevant certificate of **2020-2021** export performance. Such a certificate is required to be issued by a Statutory Auditor in case the member is a Company and for all other types of organizations it has to be certified by the Auditor who signed the last Balance Sheet or who shall sign the next Balance Sheet. However, such certificates need not be furnished by members paying the highest slab of membership fees.

3. Voter Members List

The members included in the List of Voters are hereinafter referred to as “Voter Members”. Once the said List of Voters are finalized **for all the Panels**, EEPC India shall notify all Ordinary members through its Website and / or by sending the message to the e-mail ids as available that such List 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 the name of any eligible member is not included in the List of Voters or if any change is required in the contact details of an eligible member, he may, **within 10 (ten) days** from the date of the aforesaid notification made in the website of EEPC India, apply to the Secretary of EEPC India for inclusion in the relevant List of Voters and enclose authentic proof of payment of Annual Subscription and Statutory Auditors’ certificate as aforesaid. The Secretary will verify the contents thereof and take necessary action as may be required.

4. Election Authority

(a) An Election Authority shall be appointed by the Working Committee of EEPC India to conduct, oversee, supervise and control the entire election process which inter alia includes the following processes:

- i. issuing of notice inviting nominations;
- ii. scrutiny of the valid and invalid nominations in terms of these rules;
- iii. publishing such lists of valid and invalid nomination received in his office;
- iv. scrutinizing and then accepting valid withdrawal of nominations, if any;
- v. publishing the final list of nominations;
- vi. issue and cause to dispatch the notice by E-mail informing the voter members about the electronic voting system and the procedure to be followed for casting of votes;
- vii. he shall cause to 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;
- viii. declaration of the result.
- ix. Arrange for draw of lots in case of a tie between the contesting candidates.

(b) The Election Authority will keep the Observer informed / updated during all relevant steps of conducting the election process and also ensure that the provisions related to Observer mentioned in the rules are complied with;

(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;

(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.

5. Observer

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. His duties inter-alia includes:

- i. To observe and ensure that the election of the Sr. Vice Chairman is carried out in terms of these rules;
- ii. To observe the entire nomination process;
- iii. To participate in meetings to be convened by the Election Authority, as per the pre-determined schedule decided jointly by Election Authority and the Observer, and to observe the process of scrutiny and counting of valid votes secured by the contesting candidates till publication of result.

6. Scrutinizer

- i. 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;
- ii. 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. The Scrutinizer shall get an access to the said server through his unique login credentials;
- iii. The Scrutinizer shall maintain secrecy and confidentiality of the votes secured by each candidate and shall provide such details only to the Election Authority and Observer.

7. Filing of Nominations

(a) Nomination

The Election Authority shall cause to issue notice inviting nomination to the Working Committee members. However, the following members of the Working Committee cannot be sent the notice inviting nomination for Sr. Vice Chairmanship:

- i. The outgoing Chairman;
- ii. The present Sr. Vice Chairman of EEPC India who shall routinely be endorsed to the post of Chairman;
- iii. Working Committee members without voting right;
- iv. Members nominated by the Government in the Working Committee.

The notice inviting nomination along with a Nomination Form, as per **Annexure 'A'** hereto, shall be dispatched by E-mail or by Speed-Post. Omission of service of such a notice shall not, however, invalidate the election proceedings. In the notice inviting nomination, the Election

Authority will also mention about the availability of the election rules for the post of Sr. Vice Chairman (2022-2024) and the aforementioned Voters' List on EEPC India's website and also at its different offices.

(b) A Valid Nomination

The filled-up Nomination forms, completed in all respects must reach the office of the Election Authority **within 10 (ten) days** from the date of notice inviting such nominations.

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

(c) Scrutiny and Publication of List of Valid and Invalid Nominations

The Election Authority, **within 7 (seven) days** of the last date for receiving nominations, shall enter the names of the nominees in a Register and after due scrutiny prepare a list of valid and invalid nominations received and thereafter display the same at the Notice Board invalid placed in his office.

Reasons for invalidating a nomination, if any, also has to be cited by the Election Authority.

The Election Authority shall also send the above list to EEPC India for arranging display in its website and also at its offices across India.

(d) Objections/Withdrawal of Nominations

Objections to the contents of said Lists or Withdrawal of nominations can be sent only by way of a written communication addressed to the Election Authority within **7 (seven) days** of the date of publishing the list of valid nominations. 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, withdrawal of nomination cannot be done in such situation and the candidate filing such nomination shall be declared as elected.

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

The Election Authority shall **within 7 (seven) days** thereafter publish the Final List of Nominations.

8. Agency for conducting the e-voting mechanism

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

9. Mode of Voting

- a) The Election Authority shall **within 7 (seven) days** of publishing the final list of contesting candidates cause to dispatch a Notice (hereinafter referred to as “the said Notice”) by E-mail 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 the website of EEPC India after the notice is dispatched to all the Voter Members by E-mail.
- c) Each Voter Member shall follow the procedure of Electronic Voting as specified in the Notice to cast its vote. All Voter Member shall be entitled to cast their respective votes online as per the prescribed procedures during a period of **7 (seven) days (upto 5 p.m on the last day)** to be mentioned in the Notice.
- d) The electronic votes cast by the voter members shall be stored in a secured server. Only the Election Authority shall be allowed access to the said votes.
- e) The Election Authority and the Observer along with the Scrutinizer so appointed shall arrange to have the votes counted in presence of two witnesses, not in employment of EEPC India. Only a candidate or his authorized representative shall be allowed to attend and observe the process of scrutiny and counting of votes.

10. Declaration of Result

Immediately after the above process of scrutiny and counting of votes, result will be declared by the Election Authority. The person receiving the highest number of votes will be declared as elected as the **Sr. Vice Chairman**.

In case of a tie, the result will be determined by drawing of lots by the Election Authority.

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

- i. Total number of Votes received;
- ii. Number of Votes rejected;
- iii. Number of votes secured by the contesting candidates;
- iv. The name of the candidate securing the highest number of votes and declared elected.

The Election Authority shall arrange to communicate to all the contesting candidates as well the results of this election.

11. 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 Sr. Vice Chairman (2022-2024) of EEPC India.

“ANNEXURE – A”

EEPC INDIA

ELECTION FOR THE POST OF SR. VICE CHAIRMAN (2022-2024)
THROUGH E-VOTING SYSTEM

NOMINATION FORM

[Nomination to be filed only by an elected Working Committee (2022-2023) Member]

[Please fill in all the columns. Do not leave any column blank]

Name of the Candidate	
Name of the organization of the candidate with Address	
Panel Number with Panel Description, which the candidate represents in the Working Committee	
Designation of the candidate in the above named organization	
Residential Address including telephone number and mobile number of the candidate	
E-mail address of the candidate	

Signature:

Name: