


**BYE-LAWS & RULES FOR CONDUCTING ELECTION THROUGH E-VOTING FOR
CHAIRMEN / PANEL REPRESENTATIVES OF THE PANELS IN THE COMMITTEE
OF ADMINISTRATION OF CAPEXIL FOR THE YEAR 2019-20**

In exercising of the powers conferred by Article 9 of the Memorandum and Articles of Association of CAPEXIL the Committee of Administration of the Council hereby makes the following Bye-Laws and Rules to facilitate the nomination of the representatives of panels on the Committee of the Council. In terms of Para 2.92 of the Handbook of Procedure (2015-20) as well as subsequent letter no. 12/2/2013- E&MDA dated 7th December, 2015 issued by the Ministry of Commerce & Industry, Govt. of India, Electronic Voting would be mandatory for election to the posts of Executive Committee members with a view to ensuring wider participation.

1. DEFINITIONS:

In these rules, unless the context otherwise requires:


- a. **"Act"** means the Companies Act, 2013 and includes any statutory modification or re-enactment thereof, for the time being in force;
- b. **"Article"** means an Article forming part of Articles of Association of the Council.
- c. **"Auditors"** means persons having requisite qualification and eligibility as prescribed under the Companies Act 2013 and includes any statutory modification or re-enactment thereof for the time being in force appointed, as such, for the time being by the Council;
- d. **"President"** means the President of the Committee and including Chairman of the Committee as per the definition of the existing AoA of the Council;
- e. **"Vice-President"** means Vice-President of the Committee and including Vice-Chairman of the Committee as per the definition of the existing AoA of the Council;
- f. **"Executive Director"** means the Executive Director of the Council and includes any officer of the Council performing the functions of Executive Director;
- g. **"Secretary"** means the Secretary by the Council and includes any officer of the Council performing secretariat functions;
- h. **"Committee of Administration"** or **"Committee"** means the Committee of Administration of the Council, constituted, as such, under Articles of Association of the Council.
- i. **"Council"** means CAPEXIL;
- j. **"Extraordinary General Meeting"** means an extraordinary general meeting of the members of the Council other than its Annual general meeting referred to in article 16.1;
- k. **"General Meeting"** means a general meeting of the members of the Council;
- l. **"Member"** means a member of the Council for the time being whose name has been duly entered on the Register of Members in accordance with these Articles and who has not ceased to be a member;
- m. **"Office"** means the registered office for the time being of the Council;
- n. **"Panel"** means a panel of the Council (Specified under a group of products, under CAPEXIL) and constituted under Articles of association of the Council;
- o. **"Prescribed"** means prescribed by the Committee, by virtue of a power conferred by these articles;
- p. **"Product"** means any goods or services in regard to which the Council has been recognized for the time being by the Central Government; under the relevant provisions of the Export-Import Policy of the Central Government; as in force for the time being;


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- q. **"Regional Committee"** means a Regional Committee constituted under the Articles of Association of the Council;
- r. **"Regional Chairman"** means a Regional Chairman holding office under the Articles of Association of the Council;
- s. **"Rules"** means the rules of the Council, for the time being in force, made under the Articles of Association or under any enactment for the time being in force;
- t. **"Micro Small & Medium Enterprises (MSME)"** means an industry so specified by the Central Government, in its policy on the subject, as announced from time to time and tiny cottage industries so specified in such policy;
- u. **"Election Authority"** means any authority or person entrusted to conduct the election which includes "Election Authority / Returning Officer" appointed either by the Committee of Administration of CAPEXIL or by the Government of India.
- v. **"Ordinary Member"** shall mean Ordinary Member of the Council as defined in article 3.3.
- w. **"Year"** means the financial year beginning with the 1st April and ending with the 31st March of the following year.
- x. **'Email' or 'Email Address'** means E-mail address of the member as provided by the member and available with the CAPEXIL and displayed on CAPEXIL website against the name of the member in the "Electoral Roll."
- y. **'Key No.'** for the purposes of the election shall mean the membership number of the Member displayed on CAPEXIL website against the names of the member in the "Electoral Roll".
- z. **'Electronic Agency'** means the team/ agency appointed by the Council and duly approved and authorized by the Election Authority of the Council to conduct the Voting by Electronic Means under the Election Rules.
- aa. **'Email Password'** – Email Password, which is generated by the member himself/herself to access his/her own e-mail from time to time. The member is responsible for maintaining the secrecy, security and confidentiality of this password.
- bb. **"Competent Authority"** Competent authority means "Committee of Administration". However the Committee of Administration may authorise any designated officer of CAPEXIL to perform the role of competent authority for the purpose of conducting election. In such an event decision taken by the designated officer is final and binding.

2. RESERVATION: (IN TERMS OF ARTICLES 27.4 OF CAPEXIL):

- 1) At least one-third of the seats for the elected members of the Committee shall be reserved for representatives of MSMEs.
- 2) In addition, at least one-third of the seats for elected members of the Committee shall be reserved for exporters who fall within the category of export houses, trading houses, star trading houses, and superstar trading houses for the purpose of the Export-Import Policy / FTP for the time being in force or who have for the time being similar status under the said policy.
- 3) Where any seat reserved under clause (a) or (b) of this article cannot be filled up by a candidate of the reserved category that seat deemed to be unreserved.


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3. ELIGIBILITY TO VOTE AT THE ELECTION:

- 1) Only an Ordinary Members of the respective Panel shall have the right to vote and elect Panel Representative/Panel Chairman in the Council's Committee of Administration by participation in e-Voting provided they don't have any outstanding membership subscriptions for the previous years and they have also paid their membership subscription for the financial year (i.e. in the year of voting is held) on or before the 30th April and are continuing as members of the Council.
- 2) The eligibility of Ordinary Members is also subject to fulfilment of Articles 3 and 4 of CAPEXIL.
- 3) Each Eligible Ordinary Member of the Council shall have only one vote for every single representation/seat for the respective Panels.
- 4) An Ordinary member has to furnish their export turnover of CAPEXIL's products for the immediately three preceding financial years (i.e. for the F.Y. 2016-17, 2017-18 and 2018-19) as well as self certified payment particulars of membership subscription for the financial years 2018-19 and 2019-20 specifying Cheque/DD No./NEFT, Date, Amount etc within the stipulated time. Kindly note that in the event of non-receipt of the aforesaid self certified statement (as per Annex-1) & only on-line submission of Export Return for the immediately three preceding financial years (i.e. for the F.Y. 2016-17, 2017-18 and 2018-19), the Council will be compelled not to include their names in the ordinary members list of the Council and they shall not be eligible to participate in the e-Voting process.

4. ELECTORAL ROLL:

The members included in the Lists of Voters are hereinafter referred to as "Voter Members". Once the said Lists of Voters are finalized for the Panels wherein Elections are to take place, the Council shall notify all Ordinary members primarily classified under those Panels, through the Council's Website and / or by sending the message to the e-mail ids' available with the Council 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 Head office of the Council. Only an Ordinary Member of the Council is entitled to vote and no other category of members – Associate, Affiliate and / or Nominated member shall have any voting right for the purpose of election of member of the panel.

Any eligible member not included in the List of Voters or if any change is required in the contact details of an eligible member may, within **2 (Two) days** from the date of the aforesaid notification made in the website of the Council, apply to the Election Authority/Competent Authority in the CAPEXIL's Head Office at Kolkata for inclusion in the relevant List of Voters and enclose authentic proof of payment of annual subscription and CA Certificate as aforesaid. The Election Authority/Competent Authority will verify the reasons for such omission and would dispose of the application accordingly within **2 (Two) days** from the date of receipt of such application.


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