

BYE-LAWS AND RULES FOR CONDUCTING ELECTION THROUGH EVOTING
Bye-Laws to facilitate the Nomination of Vice President of CAPEXIL
For the year 2019-20

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 Vice Chairman/Vice President and 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. **"President"** means the President of the Council and including Chairman of the Committee as per the definition of the existing AoA of the CAPEXIL;
- d. **"Vice-President"** means Vice-President of the Council and Vice-Chairman of the Committee as defined in the existing AoA of the CAPEXIL;
- e. **"Executive Director"** means the Executive Director of the Council and includes any officer of the Council performing the functions of Executive Director;
- f. **"Secretary"** means the Secretary of the Council and includes any officer of the Council performing secretarial functions;
- g. **"Committee of Administration"** or **"Committee"** means the Committee of Administration of the Council, constituted, as such, under Articles of Association of the Council.
- h. **"Council"** means CAPEXIL ;
- i. **"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;
- j. **"Office"** means the registered office for the time being, of the Council ;
- k. **"Prescribed"** means prescribed by the Committee, by virtue of a power conferred by these articles ;
- l. **"Panel"** means a panel of the Council, constituted under these articles;
- m. **"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;
- n. **"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;
- o. **"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.
- p. **"Ordinary Member"** shall mean Ordinary Member of the Council as defined in article 3.3.
- q. **"Year"** means the financial year beginning with the 1st April and ending with the 31st March of the following year.
- r. **'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."
- s. **"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. ELIGIBILITY TO VOTE AT THE ELECTION :

- 1) Only an Ordinary member of Council shall have the right to vote and elect Vice President of the Council 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.
- 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, 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.

3. ELECTORAL ROLL:

- 1) The members included in the Lists of Voters are hereinafter referred to as "Voter Members". Once the said Lists of Voters are finalized, the Council shall notify to all members primarily 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 containing their respective mailing addresses, e-mail ids etc. 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 Vice President of CAPEXIL.
- 2) 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 **1 (One) day** from the date of the aforesaid notification made in the website of the Council, apply to the Executive Officer 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 Competent Authority will verify the reasons for such omission and would dispose of the application accordingly within **1 (One) day** from the date of receipt of such application.

However, the last date for receiving the Nomination will remain the same for that member if it gets included in the Electoral Roll.

4. ELECTION AUTHORITY/RETURNING OFFICER:

The Committee of Administration of CAPEXIL, in consultation with the Government or otherwise shall appoint any individual, firm or institution, as the Election Authority / Returning Officer to conduct the election for the post of Vice-President. The Election Authority / Returning Officer has all the powers related to conduct of election and declaration of result and his decision shall be final and binding.

5. COMMITTEE OF ADMINISTRATION:

The Committee of Administration of CAPEXIL shall consist of the members as detailed in the Article 18 and Article 27.3 of the Articles of Association of the Council.

6. FILING OF NOMINATIONS FOR CONTESTING ELECTION FOR THE POST OF THE VICE-PRESIDENT OF THE COUNCIL:

(i) Nomination: The Election Authority/Returning Officer shall issue notice inviting nomination to each of the eligible members of the CoA for sending their nomination in respect of the post of Vice-President. The notice inviting nomination along with a Nomination Form as per **Annexure-A** together with its annexures (instructions) hereto, shall be dispatched by Speed Post / Blue Dart as well as by email. It is also hosted at CAPEXIL website. Omission of service of such a notice shall not, however, invalidate the election proceedings. In the notice inviting nomination, the Election Authority/ Returning Officer will also mention about the availability of the Rules for the election of the Vice President of the Council (2019-20) on the Council's Website and also at the Head office of the Council.

(ii) Eligibility criteria for contesting election for the post of Vice President: The candidate must satisfy the following conditions namely:



