



The Institute of Cost Accountants of India
(Statutory body under an Act of Parliament)
12, Sudder Street, Kolkata – 700016.

Kolkata, the -----

NOTIFICATION

No. CMA ----- : In exercise of powers conferred by Regulation 146 of the Cost and Works Accountants Regulations, 1959, the Council of the Institute of Cost Accountants of India hereby issues 'The Cost Accountants' Chapters Bye-laws, ----- with effect from ----- modifying the earlier Bye-laws called The Cost Accountants' Chapters Bye-Laws, ----- issued with effect from ----- as follows:

1. **Short Title**—These Bye-laws may be called "The Cost Accountants' Chapters Bye-Laws, -----
2. **Definitions**—In these Bye-laws unless there is anything repugnant in the subject or context—
 - (a) 'Council' means the 'Council of the Institute of Cost Accountants of India'.
 - (b) 'Chapter' means the 'Chapter of Cost Accountants' constituted under Regulations 146 of the Cost and Works Accountants Regulations, 1959.
 - (c) 'Regional Council' means the Regional Council constituted under the Cost and Works Accountants Act, 1959, having territorial jurisdiction over the Chapter.
 - (d) 'Student' means a Registered Student of the Institute studying for the examinations conducted or undergoing training under the Cost and Works Accountants Regulations, 1959, and not admitted as a Member of the Institute.

Explanation:

- (e)
 - (f) 'Managing Committee' means the governing body of the Chapter constituted in accordance with Clause 2(b) of these Bye-laws.
 - (g) The definition of words and phrases given in the Cost and Works Accountants Act, 1959 and the Rules & Regulations, 1959 made there under shall apply to these Bye-laws also.
3. **Extent and commencement**—These Bye-Laws shall come into force from ----- and shall apply to all Chapters of Cost Accountants constituted under The Cost Accountants' Chapters Bye-Laws.
4. **Removal of difficulty**— If any difficulty arises in giving effect to any of the provisions of these Bye-laws, the Council may make such provisions or give such directions as appear to be necessary for the removal of the difficulty.



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5. Objects and functions - The functions of the Chapters shall include -

(1) The Chapters shall advice and assist the Council through the Regional Council in carrying out the provisions of the CWA Act, 1959 and Regulations framed there under;

(2) In particular the functions of the Chapters shall include—

(i) Organizing classes, refresher courses, lectures, meetings, debates, seminars, workshops, training, visits and excursions, study circles, research groups and other means of attainments towards meeting the needs of students and Members of the Institute of Cost Accountants of India.

(ii) Provide facilities for interacting among the members and students of the chapter by regular meetings, arrangement of lectures, talks and for the acquisition and dissemination of useful information in connection with progressive developments in technology, trade, commerce and industry generally and with reference to Cost and Management Accountancy in particular.(iii) Establishing and maintaining libraries and reading rooms for the benefit of its members and students.

(iv) Developing social contacts and a spirit of fellow feeling among its members and students and those of other Chapters as well as other bodies interested in Cost and Management Accountancy and other allied disciplines.

(v) Promoting social, cultural and intellectual development of the students and Members of the Institute and providing opportunities for exchange of ideas amongst them and for the acquisition and dissemination of useful information connected with the profession.

(vi) Making representations to the Regional Council concerned and through the Regional Council to the Council on matters concerning the standard and status of the profession.

(vii) Advising the Council/the Regional Council concerned on all matters referred to it by the Council or Regional Council, as the case may be, and offering such other suggestion as may be required.

(viii) Maintain a Register of Members and Students of the chapter and carrying out all other incidental, supplementary and consequential matters and such other functions as may be entrusted from time to time by the Council or by the Regional Council concerned for the attainment of the above objectives.

(ix) Arrange and/or assist the Regional Council and Council for the Practical Training of the Registered Students of the Chapter.

(x) Maintain a data base for the qualified Cost Accountants for securing suitable employment.

(xi) Maintain contacts with the various departments of the Governments and other bodies within the State in which the Chapter is operating with a view to enlisting their support in the furtherance of the interest of the members and students of the Institute.

(xii) **Protocols with regard to invitation and sitting on the dais by the Local Regional Council member and Council Member need to be followed by the Chapter while conducting Seminars, evening talks & Workshops and the like.**



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(xiii) Submission of the appraisal report of each employee in the prescribed format duly reviewed by the Managing Committee to the HR department and Secretary of the Institute within 1 (One) month of the completion of concerned half year

6. Constitution of Chapter -

(1) A Chapter may be constituted by the Council on the recommendation of a Regional Council operating in its area and the Chapter so constituted shall be governed by these Bye-laws. The Chapter so constituted shall operate within the area specified by the Council.

(2) No Chapter shall be constituted -

(a)

(b) within a radius of 20 km of any Chapter or a Regional Council or head quarter constituted under these Bye-laws provided however a chapter can establish extension centers with the prior approval and concurrence of the Regional Council and Chapter Co-ordination Committee as per the Extension centre policy approved by the Council to meet the needs of the students and members of the locality, and

(c) unless there are at least 50 Members in the Chapter of whom at least 25 should be Members of the Institute and at least 25 should be students, provided, however, that the Council may specify different minima for the number of Members and students of the Institute for different Chapters.

Provided however minimum number of members of a proposed Chapter shall not include members under clause 9(2).

(3) Notwithstanding anything contained hereinbefore under sub-clauses (1) and (2), the Council may recognize formation of Chapter, under Regulation 146 of the Cost and Works Accountants Regulations, 1959 based on merit on case to case basis by relaxing the conditions laid down hereinbefore as necessary and in the opinion of the Council such constitution would be conducive to the fulfillment of the objects of the Institute.

Explanation: Distance of 20 KMs. shall be considered from the address of the Chapter if Chapter possesses its own building or else from the location of Regional Transport Office (RTO) of concerned area.

7. Name and Address of the Chapter—

The Chapter shall be known by such name and shall operate from the address as shall be specified in the notification in the Journal of the Institute at the time of constitution of a Chapter by the Council and the same shall not be changed without the prior approval of the Council. The name of the Chapter should be "The Institute of Cost Accountants of India Chapter.

8. Financial Year—

The financial year of the Chapter shall be the period commencing from the first day of April of any year and ending on thirty-first day of March of the succeeding year.



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9. Membership -

(1) Membership of the Chapter shall be open to every Member, **Qualified Cost Accountants**, of the Institute of Cost Accountants of India whose residential or occupational/**professional** address fall within the area of the Chapter and each such person shall automatically become member of the Chapter on a written intimation by the person with a declaration that he is not a member of any other Chapter with a copy to the Institute without payment of any admission fee and annual fee to the Chapter. However existing members of the Chapters shall not be required to provide such written intimation and shall continue to be a member till such time his residential or occupational/**professional** address is within the area of the Chapter.

However, The Chapter can collect fees from the members for attending Seminar; meeting, workshop for the furtherance of the cause of profession and matters involving professional interest, annually or during the year.

Provided, however, that name of such members whose name has been removed from the register of members of the Institute or who has not cleared his dues shall not be allowed to continue the membership or be admitted as a member of the Chapter and the Institute shall, not later than 31st October every year, issue list of members who clears their dues within 30th September of the year and such lists shall be valid till 30th September of the succeeding year.

Provided further that the **Chapter** shall from time to time provide details of addition/deletion of members based on new admission or change of address **to the membership department of the Institute which will be confirmed and vetted by the Membership department.**

Provided further that any Member/**Qualified Cost Accountants** of particular Chapter should intimate withdrawal of his membership from that Chapter if he becomes members of some other Chapter or changes his residential or occupational/**professional** address.

Provided further that a Chapter may, with written approval of the Secretary of the Institute, admit to its membership such members of the Institute whose address falls beyond the area of the Chapter and no other **Chapter is** operating in the area of his address.

(2) Member eligible to vote and stand for election-Every member of the Chapter who is a member of the Institute and who is otherwise not disqualified to continue as a member under Clause 9 or Clause 10 of these Bye-laws and whose respective entrance fees, annual membership fees and other dues to the Institute are not in arrears on the 1st day of October of the year immediately previous to the year in which the election to the Managing Committee of Chapter is to take place or **qualified Cost Accountants** of the Institute, shall be eligible to vote in election and stand for election if such member complies with the provisions of Sub-clause (1) of Clause 9 within 31st day of March of the year in which the election to the Managing Committee of Chapter is to take place.

Provided that each candidate for election shall submit his nomination duly proposed and seconded by a member who is eligible to vote in the election of the Chapter.



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Provided that no person shall be eligible to stand for election to the Chapter, if

- (a) He/she has been found guilty of any professional or other misconduct and his name is removed from the register or he has been awarded penalty of fine.
 - (b) He/she has been auditor of the Institute during the last three years.
 - (c) He/she is employed by under the Institute either permanent, temporary or through third party pay roll.
 - (d) His/her occupational/professional address not falling within the Jurisdiction of the Chapter
- (3) Register of Members:
- (a) The Chapter shall maintain in the prescribed manner a Register of the members of the Chapter and forward the copy to the Regional Council and Chapters Co-ordination Committee and Membership department of the Institute by 1st week of April of each year.
 - (b) The Register shall include the following particulars about every member of the Chapter, namely:-
 - (i) Membership number/Student Registration Number for such members of the Chapter admitted to membership under clause 9(1)
 - (ii) his/her full name, date of birth, domicile, residential and professional address
 - (iii) the date on which his/her name is entered in the Register
 - (iv) his/her qualifications
 - (v) Any other particulars which may be prescribed

Provided further that every member at the time of admission as a member to the Chapter shall give a declaration that he/she is not a member of any other Chapter.

Provided further that no member can be granted the status of a Life Member of any Chapter

(4) Register of Students: The Chapter shall maintain a Register of ~~Grad-CWA~~/Students which shall contain all the particulars indicated under sub-clauses (i) to (v) of Clause 3(b) above as applicable.

10. Fees—

- (1) A member or of the Institute shall not be eligible to be admitted as a member of the Chapter or continue to be a member of the Chapter unless the member continues to be a member of the Institute and is not a defaulter as an 1st day of April every year.



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- (2) A member failing to pay his/her annual Institute's membership fee for a year on or before 30th of September of that year shall be deemed to have vacated his/her membership.
- (3) A member may restore his membership with the Institute and upon restoration of his membership with the Institute in prescribed manner; he may take fresh membership of the Chapter.

11. Managing Committee—

- (a) There shall be a Managing Committee for the management of the affairs of the Chapter and for discharging the functions assigned to it under these Bye-laws.
- (b) The Managing Committee shall consist of not less than 5 and not more than 10 members of the Chapter elected from Members and **qualified Cost Accountants** of the Institute as hereinafter provided.
- (c) The Managing Committee shall be elected every four years at the Annual General Meeting of the Chapter.
- (d) The number of **qualified Cost Accountants** to be elected to the Managing Committee shall at no time exceed one-fifth of the total membership of the Managing Committee provided that at least one **qualified Cost Accountants** shall be elected to the Committee.
- (e) **Qualified Cost Accountants** and Members of the Institute to be elected to the Managing Committee shall be elected by the Members of the Institute respectively, provided they are members of the Chapter.
- (f) There shall also be included in this Committee one Member each of the Regional Council operating in the area of the Chapter and/or the Council, so long as, one such Member of the Regional Council and/or of the Council is available within the limits of the Chapter and is a member of the Chapter concerned and is willing to act and who shall be nominated every four years for the purpose by the concerned Regional Council and of the Council respectively.
- (g) A member of Chapter under clause 9(2) shall not be eligible to be a member of the Managing Committee.
- (h) The members of the Managing Committee shall hold office for a period of four years from the conclusion of the Annual General Meeting of the Chapter, which shall in no case extend beyond 31st May of the second year, **except with the permission of the Council**.

12. Office-Bearers—

- (1) Every Managing Committee of a Chapter at its first meeting to be held on the same day and immediately after the Annual General Meeting shall elect from among the elected members a Chairman, a Vice-Chairman, a Secretary and a Treasurer thereof for not exceeding one year tenure, and so often as any of these offices becomes vacant, the



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Managing Committee of the Chapter shall elect another person from among its members to hold that office for remaining tenure only.

Provided that the Chairman, the Vice-Chairman, the Secretary and the Treasurer shall be Members of the Institute;

Provided further that a Member of the Council or Regional Council shall not be elected to any of these offices.

(2) In the absence of the Chairman, the Vice-Chairman shall act in his place. The Chairman may at any time resign his office by writing under his hand and signature addressed to the Vice-Chairman and the Vice-Chairman or Secretary or Treasurer may like-wise do so addressed to the Chairman. If the office of the Chairman, Vice-Chairman, Secretary or the Treasurer becomes vacant, the remaining members of the Managing Committee shall elect within one month thereafter another person(s) from amongst its members to hold that office.

(3) Functions and Duties of Office Bearers :

(i) Powers and Duties of Chairman of a Chapter:

(a) The Chairman of a Chapter shall exercise such powers and perform such duties as are conferred or imposed on him by the Chapter Bye-laws, or as may be delegated to him by the Managing Committee of the Chapter from time to time.

(b) The Chairman may direct any business to be brought before the Managing Committee or any Committee for consideration.

(c) If the office of the Chairman is vacant or if the Chairman is unable to exercise the powers or perform the duties of his office, the Vice-Chairman shall act in his place and shall exercise the powers and perform the duties of the Chairman.

(ii) Functions of Secretary: The Secretary of the Chapter shall be responsible for the performance of general duties of the Chapter under the guidance of the Chairman or in his absence, the Vice- Chairman.

(iii) Functions of Treasurer: The Treasurer shall cause proper accounts to be maintained and prepare Annual Accounts as per Accounting Policies as approved and communicated by the Council from time to time under the guidance of the Managing Committee.

13. Vacancies—

(1) Any member of the Managing Committee may at any time resign his membership by writing under his hand and under his signature addressed to the Chairman and the seat of such member shall become vacant when such resignation is accepted by the Management Committee.

Provided however the Chairman shall communicate the decision of the Management Committee of either accepting or rejecting the resignation of the member in writing



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under his hand and under his signature within 15 days from the date of receipt of such letter of resignation by the member of the Managing Committee and the seat of such member shall become vacant when such resignation is accepted and communicated.

- (2) A member of the Managing Committee shall be deemed to have vacated his seat if he is declared by the Managing Committee to have been absent without sufficient cause for three consecutive meetings of the Committee or if his name for any cause has been removed from the membership Register of the Chapter or if the member is for any reason disqualified to be a member under Clause 9 or Clause 10 of these Bye-laws.
- (3) Any casual vacancy in the Managing Committee shall be filled by co-option by the Committee from amongst the members of the Chapter or by nomination by the Regional Council or the Council as the case may be, according as the vacancy is caused by the resignation or the vacation of the seat by a member elected or nominated. The person co-opted shall continue as a member of the Managing Committee until the completion of tenure existing managing committee subject to a maximum of two years.

Provided however that no such casual vacancy shall be required to be filled in if the vacancy is caused before 90 days of the completion of tenure of two years of managing committee of the Chapter.

14. Term of Office— The Chairman, Vice-Chairman, Secretary and Treasurer shall hold office for a period of one year from the conclusion of the Annual General Meeting of the Chapter, which shall in no case extend beyond 31st May of the second year. **The period may be extended only with the approval of Council.**

15. Sub-Committees—

- (1) The Managing Committee may constitute from amongst its members such sub-committees as it deems necessary for carrying out its activities and for effectively discharging the functions of the Chapter.
- (2) A sub-committee so constituted may co-opt with the approval of the Managing Committee any of the members of the Chapter, provided that at no time the total number of co-opted members shall exceed one-third of the elected members of the sub-committee.
- (3) The sub-committees shall exercise such functions and subject to such conditions in the exercise thereof as may be decided by the Managing Committee.

16. Functions of the Managing Committee—

- (1) The Managing Committee shall prepare a Quarterly, Half-yearly, Yearly budget, both for Revenue Expenses and Capital Expenses and place the same before the Finance Committee of the Council for their approval for the incoming year and shall also send copies thereof to the Regional Council concerned for their information. However, any



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- expenditure in excess of 10% of the approved Budget shall be placed again before the Finance Committee of the Council with approval of the Managing Committee of the concerned Chapter.
- (2) The Managing Committee shall meet all other Revenue Expenses & capital Expenses of the Chapter in accordance with the Revenue Budget & Capital Budget of the Chapter duly approved by the Finance Committee of the Council.
- (3) The Managing Committee shall advise and assist the concerned Regional Council in carrying out provisions of the Act, in particular, the Chapters may:
- (i) Provide facilities for interaction among members of the Chapter by regular meetings, arrangement of talks and lectures and for the acquisition and dissemination of useful information in connection with the profession of accountancy
 - (ii) Advise the Regional Council on all matters referred to them by the concerned Regional Council and offer such help as may be required.
 - (iii) Make representations to the Regional Council concerned in connection with matters of professional and business interest in the area where the Chapter is operating and offer for suggestions for raising standard and status of the profession;
 - (iv) Maintain Register of Members belonging to the Chapter and the Register of Students, both oral and postal, in the area of operation of the Chapter.
 - (v) Propagate among the members the advisability and necessity of observing the rules of professional etiquette and the provisions of the Act and Regulations;
 - (vi) Collect news from the members of the profession for publication in the Journal of the Institute and forward the same to the Regional Council concerned.
 - (vii) Arrange for coaching of students subject to the approval of Directorate of Studies for organizing classes and to strictly adhere to the norms of coaching as directed by the Directorate of Studies from time to time.
 - (viii) Run study-circles and refresher course camps for the benefit of the Registered Students and members of the Chapter.
 - (ix) Carry out such other functions as may be entrusted from time to time by the Council and/or the Regional Council concerned.
 - (x) Run Extension Centre as per the Extension centre policy approved by the Council.
 - (xi) The Managing Committee or any Member of the Chapter shall make direct or indirect communication with their respective State Govt. or any Statutory Authority for the furtherance of the profession of Cost and Management Accountants.
- (4) The Managing Committee or any Member of the Chapter shall at no time make any direct or indirect communication with the Central Govt. any Statutory Authority, unless the same is specifically authorized by the Council in writing.
- (5) Managing Committee Members can act as faculty and take the reimbursement towards travelling & photocopying expenses, while discharging the function as Faculty.



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17. Meetings of Managing Committee—The Managing Committee shall meet at least once in every three months. A copy of the minutes of each meeting shall be forwarded to the Regional Council operating in the area within 15 days from the date of the meeting.

18. General Meeting—(1) The Managing Committee shall convene every year an Annual General Meeting to be held not later than 31st May each year to transact the following business:

- (i) To consider and receive the report of the Managing Committee.
- (ii) To consider and adopt annual accounts of the Chapter on or before 31st May positively which shall include audited Income & Expenditure and Balance Sheet drawn according to the approved Accounting Policy prescribed by the Council of the Institute.
- (iii) To appoint **Statutory** Auditor and fix his remuneration
- (iv) To elect a Managing Committee every four years at the Annual General Meeting.
- (v) To transact any other business as may be brought before the meeting with the permission of the Chair.

(2) The Managing Committee may also convene an Extraordinary General Meeting as often as it may consider necessary.

(3) An Extraordinary General Meeting shall be convened by the Chairman of the Managing Committee within four weeks of the receipt of a request in writing stating the purpose of the meeting, signed by not less than 8 members or one-fifth of the total membership of the Chapter having voting rights whichever is higher.

(4) The notice and agenda of any meeting including Managing committee shall be forwarded to the concerned Regional Council with a copy to the Regional Council and Chapters Co-ordination Committee.

(5) The Minute/proceeding of each committee including Managing Committee shall be forwarded to the concerned Regional Council with a copy to the Regional Council and Chapters Co-ordination Committee.

(6) The notice of the AGM including agenda and thereafter proceeding shall be forwarded to the concerned Regional council with copies to the RC and Chapters co-ordination Committee and Secretary of the institute.

(7) The list of office bearers if any change along with their detail address, contact no. and mail id shall be forwarded to the concerned Regional council with a copy to the Regional council and Chapters Co-ordination committee, Secretary and IT department of the institute.

19. Election to the Managing Committee:

- (1) Date of Election –



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- (a) The election to the Managing Committee shall be held on or before 31st May every **four** years.
- (b) The Managing Committee in its last quarter meeting just before the Annual General Meeting of the second year shall appoint an Election Officer, who shall be the Executive Officer of the Chapter by whatever name called or any other full time employee of the Chapter concerned, who is at least a Graduate but who shall not be a member of the Managing Committee.
- (c) Any member can contest election to the Managing Committee Maximum for 2 terms consecutively.
- (d) Ex-officio member to the managing committee can not participate in the process of selection of office bearer to the chapters
- (e) Chapters not having any full time employee as defined in sub-clause (b) above shall appoint some other competent person of repute with prior approval of the Secretary of the Institute or in the absence of the Secretary, any such officer as designated in this behalf by the Council.
- (f) Notwithstanding anything contained above, the Council shall have the power to appoint any of its full-time employees, not below the rank of Deputy Director to act as Election Officer and/or observer even when the Chapter is having a full-time employee and has appointed an Election Officer.

The Managing Committee in its last quarter meeting just before the Annual General meeting of the second year shall further decide and cause to notify on notice board of the Chapter the following dates and list related to the election of the Chapters, namely:

- (i) List of voters eligible to vote in the election on or before 31st May, which shall indicate in alphabetical order the names, membership number/student registration no., full address with e-mail and a voter serial no.
- (ii) the last date and time for receipt of nominations, which shall not be less than 21 days from the date of the notification;
- (iii) date or dates and place of scrutiny of nominations within the area of the Chapter, the last day of which shall not be more than ten days from the last date for receipt of nominations fixed under sub-clause (ii);
- (iv) the last date and time for withdrawal of nominations, which shall be seven days from the last date for scrutiny of nominations fixed under sub-clause (iii);
- (v) the date of polling, which shall not be less than **40** days before the date of publication of list of voters eligible to vote in the election on or before 31st May;



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(vi) the date of counting;

(vii) the date of declaration of results.

(2) Members eligible to vote and stand in election- Every member of the Chapter who is a member of the Institute and who is otherwise not disqualified to continue as a member under Clause 9 or Clause 10 of these Bye-laws and whose respective entrance fees, annual membership fees and other dues to the Institute are not in arrears on the 1st day of October of the year immediately previous to the year in which the election to the Managing Committee of the Chapter is to take place or student of the Institute, shall be eligible to vote in election and stand for election of such member complies with the provisions of Sub-clause (1) of Clause 9 within 31st day of March of the year in which the election to the Managing Committee of Chapter is to take place.

Provided that each candidate for election shall submit his nomination duly proposed and seconded by a member who is eligible to vote at the election of the Chapter.

Provided that no person shall be eligible to stand for election to the Chapter, if

- (a) He has been found guilty of any professional or other misconduct and his name is removed from the register or he has been awarded penalty of fine,
- (b) He has been auditor of the Institute during the last three years.
- (c) He is employed by or under the Institute either permanent/temporary or under third party roll.
- (d) The member whose occupational/professional address is not within the chapters jurisdiction.
- (e) The person after becoming Council Member / Regional Council Member
- (f) The person holding the position of Council Member / Regional Council Member

Explanation 1: A member of the Chapter not being a member or student of the Institute shall have no voting right.

Explanation 2: Member of the Managing Committee after becoming the Council Member / Regional Council Member must vacate the position in the Managing Committee.

(3) Nomination Form - A candidate for election shall file a nomination form in the Annexure- I or Annexure- II as applicable duly signed by the candidate and by one proposer and one seconder, both of whom must be a valid member of the Chapter concerned and shall be persons entitled to vote in the election. The maximum number of nominations that can be submitted by a candidate shall be ten only.



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(4) Fee for election -

- (1) A candidate for election shall pay a nomination fee as mentioned below:
 - (a) Member of the Institute: Rs 1,000/- irrespective of the number of nominations.
 - (b) Student of the Institute: Rs.500/- irrespective of the number of nominations.
- (2) The fee shall be paid by a demand draft drawn in favour of the Chapter and payable at the office of the Chapter concerned.

Explanation :

- (1) The fee payable and method of payment of such fee shall be included in the notification issued and displayed on the notice board of the Chapter.
- (2) A candidate whose nomination is held to be invalid shall be entitled to receive refund of fifty percent of the fee payable.

(5) Scrutiny of nominations.-

- (a) The Election Officer appointed by the Chapter shall scrutinize the nomination papers of all the candidates.
- (b) The Election Officer shall have the power to regulate the procedure including the designing of forms and ballot papers to be used for the purpose of election in such manner as he considers just and expedient.
- (c) The Election Officer shall scrutinize the nomination papers of all the candidates and shall endorse on each nomination paper his decision, whether he accepts or rejects the nomination.
- (d) The Election Officer shall record a brief statement of reasons if he rejects a nomination.
- (e) The Election Officer shall reject a nomination if it is satisfied:-
 - (i) that the candidate was ineligible to stand for election under these Bye-laws; or
 - (ii) that the proposer or the seconder was not qualified to subscribe to the nomination of the candidate; or
 - (iii) that the signature of the candidate or of the proposer or the seconder is not genuine; or
 - (iv) that there has been a failure to comply with the Bye-laws and instructions issued in this behalf.

Explanation I. - The Election Officer shall not reject a nomination paper on the ground of a technical defect which is not of a substantial character.



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Explanation II. - The rejection of the nomination of a candidate by reason of any irregularity in respect of that nomination shall not be a bar to the acceptance of another nomination submitted and is also valid in respect of the same candidate.

Explanation III. - If a proposer or a seconder incurs a disability by reason of the operation of the provisions of the Cost and Works Accountants Act, 1959 and the Rules & Regulations made thereunder subsequent to the date of signing the nomination, it shall not invalidate the nomination.

(6) Preparation of list of valid nominations.-

- (1) On completion of the scrutiny of the nominations, the Election Officer shall forthwith prepare a list of valid nominations and cause a copy of the list to be displayed on the notice board of the Chapter and also submit a copy of the list to the Secretary of the Institute or in the absence of the Secretary, to any such officer as designated in this behalf by the Council:

Provided that such list should be displayed at least three days before the last date of withdrawal of nominations as provided under these Bye-laws.

- (2) The list shall contain full names in alphabetical order and the addresses, as published in the list of voters, of the validly nominated candidates.

(7) Withdrawal of candidature.-

- (a) A candidate may withdraw his candidature by giving a notice in his own hand and duly signed by him and have it delivered to the Election Officer any time before 6.00 p.m. of the last date notified by the Managing Committee.
- (b) No candidate who has given a notice of withdrawal of his candidature under sub-rule (1) shall be allowed to cancel or withdraw that notice.
- (c) A candidate who has withdrawn his candidature shall be entitled to the refund of fifty percent of the fee paid by him under these bye-laws.

(8) Intimation of final list of nominations to candidates and voters.-

The Election Officer shall omit from the list of valid nominations the names of candidates who have withdrawn their candidature and display the final list of nominations on the notice board of the Chapter and also submit a copy of the list to the Secretary of the Institute or in the absence of the Secretary, to any such officer as designated in this behalf by the Council.

(9) Appeals and Election Code of Conduct.-

With a view to maintain a healthy and peaceful atmosphere during the election process for ensuring a free and fair election, the Election Officer, shall receive the appeals and complaints with regard to election and forward it by Speed Post to the Secretary of the Institute or in the absence of the Secretary, to any such officer as designated in this behalf by the Council within 3 days of receipt of the appeal or complaint for disposal. The decision of the Secretary of the Institute or in the



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absence of the Secretary, any such officer as designated in this behalf by the Council, shall be final in this regard.

The time limit for filing appeal or complaint on any matter relating to the conduct of election shall be 7 days from the date of occurrence of an incident pertaining to the election.

(10) Mode of election.-

- (a) The election shall be held in accordance with the system of simple majority.
- (b) Every election where a poll is taken, vote shall be given by secret ballot and every voter in any election, shall cast his vote personally in the booth provided for the purpose.
- (c) A voter shall put a tick (✓) mark against the name of the candidate in whose favour the vote is cast and may put a cross (✕) mark against the names of candidates in whose favour the votes are not cast.

(11) Appointment of Election Observers.-

The Council may appoint such number of election observers as may be required, who shall not be members of the Institute, for all or any of the polling booths and for counting venue or venues, as may be deemed appropriate and such observers shall perform such duties as may be decided by the Council.

(12) Secret Chamber.-

- (a) There shall be a secret chamber or chambers in each polling booth.
- (b) The chamber shall be so arranged that no person may be able to see how a voter has recorded his vote.

(13) Ballot paper.-

- (a) The ballot paper shall contain, in alphabetical order in English, a list of the candidates validly nominated for an eligible post of the office and shall be printed on one side only.
- (b) Each such ballot paper shall contain the Institute's emblem printed in such manner, as may be decided by the Election Officer having regard to the security considerations of the ballot paper. (A specimen of ballot paper is annexed as Annexure III).

(14) Grounds for declaring ballot papers invalid.- A ballot paper shall be invalid :-

- (a) if a voter signs his name or writes any word or figure upon it or makes any mark other than a tick (✓) mark against the name of the candidates more than the number of candidates to be elected in whose favour the vote is cast and not being a cross (✕) mark put against the name of the candidates in whose favour the votes are not cast, by which the ballot paper becomes recognizable or by which the voter can be identified; or



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- (b) if it is not printed by or under the authority of the Managing Committee of the Chapter or it is different in any manner from the ballot papers printed; or
 - (c) if it is unmarked or the marks made are void or cannot be unambiguously determined; or
 - (d) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established.
- (15) Presence of candidates at the time of counting of votes.-
A candidate for election shall be entitled to be present in person or to appoint a member of the Chapter concerned as his representative to be present on his behalf at the time of counting of votes.
- (16) Counting of votes.-
The counting of votes shall be made by the Election Officer and for this purpose he may depute one or more assistants, who shall not be members of the Managing Committee.
- (17) Declaration of results.-
The names of the candidates declared elected shall be notified and displayed on the notice board of the Chapter by the Election Officer. A copy of such notification shall be forthwith sent by Speed Post to the Secretary of the Institute or in the absence of the Secretary, to any such officer as designated in this behalf by the Council.
- (18) Election Officer to decide on certain matters.-
If any question pertaining to or incidental to the procedure for conduct of election including matters not specifically covered in these Bye-laws arises, it shall be decided by the Election Officer.

20. Notice of meetings—

- (1) In the case of a General Meeting at least fourteen days' notice of the meeting specifying the date, place and hour of the meeting and in case of special business, the general nature of such business shall be given. Copies of notice of all General Meetings shall be sent to the Regional Council concerned at the same time as they are sent to the members of the Chapter.
- (2) In the case of a meeting of Managing Committee or of any sub-committee, at least seven days' notice specifying the date, place and hour of such meeting shall be given to the members.

21. Quorum—

The quorum shall, in the case of a General Meeting, be eight members, and in the case of a meeting of Managing Committee or sub-committee, one-third of the total membership of the Managing Committee or the sub committee, as the case may be. If the quorum is not present within half an hour of the time fixed for meeting, the meeting shall stand adjourned to such



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date, time and place as may be fixed by the Chairman of the General Meeting, managing Committee or sub-committee, as the case may be.

Provided that where a meeting has been adjourned for want of a quorum, any business which was intended to be transacted at the original meeting may be transacted at such adjourned meeting, notwithstanding that there is no quorum.

Provided however in case a Chapter is constituted by relaxing the minimum requirement of members by the Council under Clause 6 of these Bye-laws, the Council may allow a lower quorum in writing on an application made in this respect by the Chairman of the Managing Committee.

22. Notice of Proposals—

Every member of the Chapter shall be entitled to table any proposal(s) or resolution(s) for the consideration of the General Meeting or Annual General Meeting:

Provided that such proposal(s) or resolution(s) shall be sent so as to reach the Secretary of the Managing Committee at least seven days before the date of the meeting. Any such proposal(s) received after the specified time will be treated as proposals for the next following meeting unless admitted by the Chairman of the earlier meeting:

23. Chairman of General Meeting—

The Chairman of the Managing Committee shall be the Chairman of the General Meeting and in the absence of the Chairman, the Vice-Chairman. In the absence of both, the members may elect any one of the members present, having voting right as Chairman of the meeting.

24. Decisions to be by majority—

At all meetings, in the event of a difference of opinion, the vote of the majority shall prevail and in case of equality of votes, the Chairman of the meeting shall have a casting vote in addition to his original vote.

25. Finance and Accounts—

(1) There shall be established a fund under the management and control of the Managing Committee into which shall be paid all monies received by the Managing Committee by way of membership fees, grants, donations, subscriptions and other incomes of the Chapter and out of which shall be met all expenses and liabilities properly incurred by the Managing Committee;

Provided that funds of the Chapter shall be applied only as per the approved budget by the Finance Committee of the Council and any fund required to be spent outside the budget shall



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be spent with the approval of the Chairman and any expenditure in excess of 10% of the approved Budget shall be placed again before the Finance Committee of the Institute with approval of the Managing Committee of the Chapter.

Provided that no funds of the Chapter shall be applied, either directly or indirectly for payment to the members of the Managing Committee of the Chapter except for reimbursing them for any expenses incurred by them in connection with the business of the Chapter.

Chapter can receive donation for construction of seminar hall and creation of allied infrastructural facilities from.

- A. Any individual
- B. PSU (Central/state)
- C. Society/Trust
- D. Corporate
- E. Other general having love affection for the profession

However, for any infrastructure creation, permission of the HQ is required.

(2) The Managing Committee shall be responsible for the funds of the Chapter. The surplus funds of the Chapter shall be invested in the securities prescribed by the Council only. Any withdrawal from the fixed deposit or long term investment by the Chapter lying to the credit of the Chapter shall be placed before the Finance Committee of the Institute by the Managing Committee of the Chapters with due justification for its approval.

(3) The banking account shall be maintained in the name of the Chapter and operated by any two members of the Managing Committee one of who shall be the Treasurer who may be authorized by the Committee in this behalf.

26. Accounts and Audit—

(1) The Managing Committee shall cause to be prepared an Income and Expenditure account and a Balance Sheet as at 31st March every year in accordance with the Accounting Policy and form prescribed by the Council.

(2) The accounts of the Chapter shall be audited every year by the auditor who shall be a cost accountant in practice appointed for the purpose. The auditor should not be a member of the Managing Committee.

(3) The auditor shall submit his report along with audited Income and Expenditure Account and Balance Sheet as at 31st March every year as per format prescribed by the Council.

(4) Chapter shall submit the budget in the formats provided by the Finance Directorate from time to time duly approved by the managing committee latest by 15th march of previous year for which the budget is prepared



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(5) Copies of the audited accounts, auditors' report and the report of the Managing Committee of the Chapter shall be sent to the members of the Chapter at least fourteen days before the date of the Annual General Meeting and shall be placed for adoption before the Annual General Meeting.

(6) Members of the Managing Committee shall be jointly and severally responsible to forward copies of the audited accounts, auditor's report and the report of the Managing Committee of the Chapter to the Council and to the Regional Council concerned latest by 16th May every year in compliance of the provisions of Regulation 93 and Regulation 97(B) of the Regulations.

27. Quarterly Report of Chapter—

The Managing Committee shall forward to the Council as well as to the Regional Council concerned a quarterly report **in the format prescribed by the Regional Council and Chapters Co-ordination Committee** about its functioning and activities within ten days of the end of each quarter.

28. Restriction on making representations etc.—

Chapter can meet the State Government including Union Territories, State Government departments, in furtherance of the profession with the documents and write up submitted by the HQ from time to time.

Prior approval of the President is required, in case of Meeting with the Central Govt. departments/Ministries for the furtherance of the profession.

29. Directions of the Council—

A. Chapter shall at all times function subject to the control, supervision and direction of the Council including such directions that may be exercised through the Regional Council concerned and shall be governed by such directions as may from time to time be issued.

30. Dissolution of Chapter—

If, in the opinion of the Council, any Chapter and its Managing Committee has persistently made default in giving effect to the directions of the Council, the Council may, after giving opportunity to the Managing Committee to state its case, by order, dissolve the Chapter or take action against the members of the Managing Committee as per clause (2) of Part III of the First Schedule of the Act.



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Explanatory Note I: All the provisions of these Bye-laws will come into effect from ----. However, for the purposes of members to be eligible to vote and stand in the election, the cut-off date for making payment of fees shall be 31st March 2017 instead of 30th September, 2016 for the election to be conducted on or before 31st May, 2017.

Explanatory Note II: "Annual General Meeting of the second year" shall be counted from 2017 and would mean Annual General Meeting to be held in 2021, 2025 etc., i.e. every 4th year starting from 2021.

(Kaushik Banerjee)
Secretary (Acting)