

ANNEXURE - 1

2nd MOM of the Constitution Amendment Committee (CAC) – 2020 held online on 19.12.2020 at 4.00 PM

The constitution amendment committee discussed and deliberated in depth with due diligence all the amendment suggestions received from the corporate members till the end of office hours of the deadline i.e, 30th November 2020. (The date - as decided in the EGM-2020 dated 28.10.2020). The committee has unanimously recommended the amendment suggestions for their ratification in the ensuing AGM after their endorsement by the council

By Laws of Student Chapter- suggested modification

Sl. No	Agenda point based on the Existing / New Article	Recommendations from the Members of CAC-2020
1	<p>Separate Account for the Student Chapter: Article 9.2 of bye-laws of Student Chapter - Students' Chapter shall open an account in a Nationalized Bank for transactions. Accounts in the name of Students' Chapter shall only be opened with the authorization from the Head Quarters. The Regional Centre shall maintain a separate head of account for each Students' Chapter functioning in its territory.</p>	<p>Article 9.2 of bye-laws of Student Chapter - Students' Chapter shall open an account in a Nationalized Bank for transactions under the concerned Regional Centre. The concerned Regional Centre shall be responsible for submitting audited report of Students' Chapter to headquarters along with the audited report of respective Regional Centre. Accounts in the name of Students' Chapter shall only be opened by the concerned Regional Centre in consultation with the Chairman and/or Coordinator of the Students' Chapter. The Treasurer or any office bearer of the concerned Regional Centre shall be one of the signatories.</p> <p>The Regional Centre shall maintain a separate head of account for each Students' Chapter functioning in its territory.</p>

Constitution of IChE – suggested modifications

Sl. No	Agenda point based on the Existing / New Article	Recommendations from the Members of CAC-2020
1	<p>Article 18.3: Membership fee (New amendments)</p>	<p>(e) Any tax applicable in the membership fee shall have to be paid by the members as per the relevant Rules and Regulations of Govt. of India.</p>
2	<p>Article 22: Termination / Suspension & Revival of Membership</p> <p>22.2 The Council shall have the right to terminate/suspend the membership of the Institute of any Honorary Fellow, Fellow, Member, Associate Member, or Student Member who, in the opinion of the Council, have acted willfully in contravention of the Articles or any bye-laws made thereunder or shall be found guilty of such conduct as shall render him unfit to belong to the Institute provided that:</p> <p>22.2.1 The person concerned shall have been given an opportunity of representing his case in writing to the Council, and</p> <p>22.2.2 A resolution for termination of membership shall be placed as an agenda item and shall be passed by two-third majority of the members present at a Meeting of the Council.</p> <p>(New Articles)</p>	<p>22.2 The Council shall have the right to terminate/suspend the membership of the Institute of any Honorary Fellow, Fellow, Member, Associate Member, or Student Member who, in the opinion of the Council, have acted willfully in contravention of the Articles or any bye-laws made there under or shall be found guilty of such conduct (unethical practices causing damage to Institute’s image, financial irregularities with funds of Regional Centre or funds generated from programmes under the aegis of Regional Centre or IChE National programme by any member or office bearer of Regional Centres, an act of indiscipline, etc.) as shall render him unfit to belong to the Institute provided that:</p> <p>22.2.1 The person shall be removed forthwith from Council / Executive Committee of Regional Centre prior to attracting Articles 22.2.2 and 22.2.3, if the person is a Member in Council / Member in the Executive Committee / Office Bearer of Council / Office Bearer of Executive Committee.</p> <p>22.2.2 The person concerned shall have been given an opportunity of representing his case in writing to the Council, and</p> <p>22.2.3 A resolution for termination of membership of IChE, National Council, Office bearer, Executive Committee of RC shall be placed as an agenda item and shall be passed by two-third majority of the members present at a Meeting of the Council. The name of the Member shall be widely circulated amongst other professional organizations and Indian National Academy of Engineering (INAE).</p>

		<p>22.2.4 Council shall contemplate the following sanction(s) for misconducts /offenses/ violation of Articles of Constitution of IICChE, in case termination of Membership, is not considered:</p> <p>22.2.5 For present Council Member/ present Office Bearer of Council: Termination of Membership from the Council forthwith debarring the person for a period of 25 years from entering into the Council and EC with the Notification as mentioned in Article 22.2.3.</p> <p>22.2.6 For past Council Member/ past Office Bearer of Council: Debar the person for a period of 25 years from entering into the Council and EC with the Notification as mentioned in Article 22.2.3.</p> <p>22.2.7 For present EC Member / present Office Bearer of EC: Termination of Membership from the EC forthwith debarring for a period of 25 years from entering into the EC and Council with the Notification as mentioned in Article 22.2.3.</p> <p>22.2.8 For past EC Member / past Office Bearer of EC: Debar the person for a period of 25 years from entering into the EC and Council with the Notification as mentioned in Article 22.2.3.</p> <p>22.2.9 Amendments of Article 22 shall be applied retrospectively.</p>
3	<p>Article 25. Election and Tenure of Office Bearers & Council Members: 25.4 b) Editor Search Committee: The Council will appoint a search committee for appointment / assessment of performance of the Honorary Editor, consisting of:</p> <ul style="list-style-type: none"> - President - Immediate Past President - Honorary Secretary - Four eminent persons 	<p>25.4 b) Editor Search Committee: The Council will appoint a search committee for appointment / assessment of performance of the Honorary Editor, consisting of:</p> <ul style="list-style-type: none"> - President - Immediate Past President - <i>One of the Vice Presidents</i> - Honorary Secretary - Four eminent persons

4	<p>Article 25.1 The President shall be elected from amongst those of the 21 elected Members, who are chemical engineers/chemical technologists by education and who have served either as a Council Member or as the Chairman/Vice Chairman/Secretary of any Regional Centre for at least two years, by an electoral college consisting of 21 elected Members. The President shall hold office normally for a period of one year and shall be eligible for re-election to that office for a further period of one year and on retirement, shall not be eligible for re-election to that or any other office for subsequent two years.</p>	<p>25.1 The President shall be elected from amongst those of the 21 elected Members, who are chemical engineers/chemical technologists by education and who have served either as a Council Member or as the Chairman/Vice Chairman/Secretary of any Regional Centre for at least two years, by an electoral college consisting of 21 elected Members. The President shall hold office normally for a period of one year and shall be eligible for re-election to that office for a further period of one year and on retirement, shall not be eligible for re-election to that or any other office for subsequent two years. <i>Past Presidents of IChE shall not be eligible to contest for the President or any other office bearer in the council.</i></p>
5	<p>25.13: Termination of Council Member: If a Council Member fails to attend 50% of the Council Meetings held in a year, his membership of the Council shall be terminated. The vacancy thus created, shall be filled up by the Council through co-option from that particular zone.</p>	<p>25.13 If a Council Member fails to attend 4 (four) Council Meetings consecutively held in a year, his/her membership of the Council shall be terminated forthwith without assigning any reason thereof. The vacancy thus created, shall be filled up by the Council through co-option (as per the article 25.7) from that particular zone.</p> <p>25.13.1 All Council Members are strongly advised to attend 1st Council meeting due to its importance of electing office bearers of the council and 6th council meeting due to its importance of organizing CHEMCON.</p>
6	<p>Article 26.0 Standing Committees :</p>	<ul style="list-style-type: none"> • R&D committee shall be renamed as Education, Training and Research & Development Committee • Education and Examination committee shall be renamed as Examination Committee <p><i>Constitution of additional committees with Conveners based on the current need at the national level are:</i></p> <p>a) Process Safety, Environment & Energy Committee: Convener shall be one of the Senior Council Members / Council Member from Industry;</p> <p>b) Legal Committee: Convener shall be the Honorary Secretary</p> <p>c) Internal Audit Committee: Convener shall be the Treasurer</p>
7	<p>Article 31 : Meeting of the Council</p>	<p>31.4 Any two Meetings of the Council for the year shall be conducted through virtual mode.</p>

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Article 34.3

- Any number of members of a zone may be nominated to fill up the vacancies in that zone provided that they are duly proposed and seconded by members belonging to that zone itself and provided that no member nominates or seconds candidates in excess of the vacancies announced for that zone itself. Nomination from the candidate(s) desirous for contesting the election shall have to be endorsed by the Executive Committee of the Regional Centre in which he/she (they) served. Voting shall be on an all-India basis, but the voter shall be required to restrict the number of vote or votes which he casts in favour of any one zone, to the number of vacancies in that particular zone. Not more than one vote shall be cast in favour of a single candidate by a voter.

(Suggested New Amendment Clauses for incorporation)

34.3 Any member of a zone may submit nomination to fill up the vacancies in that zone provided that the nomination is duly proposed and seconded by members belonging to that zone itself and provided that no member nominates or seconds candidates in excess of the vacancies announced for that zone itself. Nomination(s) duly proposed and seconded as stated above from the candidate(s) desirous for contesting the election shall have to be endorsed by the Executive committee of the Regional Centre in which he/she (they) served and to be signed by the Chairman or Honorary Secretary of the Regional Centre in which he/she (they) is member at the time of submitting the nomination.

34.3.1 The non-refundable nomination fees shall be charged Rs. 5000/- (Rupees five thousand only) for contesting the council election.

34.3.3 Voting shall be on an all-India basis (through online mode) but the voter shall be required to restrict the number of vote or votes which he casts in favour of any one zone, to the number of vacancies in that particular zone. Not more than one vote shall be cast in favour of a single candidate by a voter.

34.3.4 The nomination forms shall be scrutinized by the Scrutinizing Committee including Returning Officer appointed by the Council. Customarily the Honorary Secretary shall be the Returning Officer.

34.3.4.1 Scrutiny of Nominations by Scrutinizing Committee including Returning Officer :

The nomination forms received within specified time limit shall be scrutinized by the Scrutinizing Committee including Returning Officer. Because of unforeseen and unavoidable circumstances, if Returning Officer is unable to present at the scrutinizing the nomination papers, Council shall appoint an Assistant Returning Officer from Council Members. The Astt. Returning Officer shall be appointed preferably from Kolkata Region, who will carry out functions and duties of Returning Officer.

34.3.4.2 Validity of Nominations and grounds for Invalidity and Rejection of Nomination papers :

Scrutiny of nomination papers is an important quasi- judicial function. Scrutinizing Committee therefore shall discharge this duty with complete judicial detachment and in accordance with the highest judicial standards without allowing any personal or any predilections to interfere with the procedures. In case of any doubt / discrepancy, the Scrutinizing Committee shall be guided by the provisions of the Constitution of IChE and broader expanse of law considering followings,

- (a) Refrain from rejecting any nomination paper on the ground of any defect, which is not of a substantial character. Any mistake or error of clerical nature shall be ignored by Returning Officer.
- (b) The acceptance or rejection of nomination form shall be on the ground of merits and taking all the available documents, data and information into account.
- (c) It is prudent to shun the rejection of nomination forms on flimsy grounds. Such unjustifiable and indecorous rejections on merits of technical grounds may lead to challenge in judicial court against the election. It is up to the Scrutinizing Committee to interpret the provisions of the law intelligently and with due diligence. Such errors shall be set right as directed by the Returning Officer at the time of the presentation of the nomination form.

34.3.4.3 Grounds for Rejection of Nomination Forms :

- (a) Scrutinizing Committee shall reject a nomination form, if
 - i. The Candidate is not qualified in accordance with the Constitution of IChE for the membership of the IChE, or
 - ii. The Candidate is clearly disqualified as per law to be such member, or
 - iii. The Nomination paper has not been signed by the candidate and /or by the required number of his proposer(s), or
 - iv. The Nomination paper has not been endorsed by the concerned Regional Centre and signed by its Chairman or Honorary Secretary, or
 - v. The length of service of the Candidate in the EC of his/her RC does not comply with the

		<p>criteria for filing Nomination as stipulated in the Constitution of IChE , or</p> <p>vi. The length of Membership of the candidate does not comply with the criteria for filing Nomination as stipulated in the Constitution of IChE.</p> <p>(b) The accepted nomination forms by the Scrutinizing Committee shall also be recorded. The Scrutinizing Committee shall invariably record the reasons for rejecting a nomination form on the spot. The report of the Scrutinizing Committee (acceptance or rejection) shall be notified to the Candidates as per schedule in the Constitution of IChE.</p> <p>34.3.5 Members drawing salary and/or pension from the IChE are not eligible to contest for Council Election as well as Election at the Regional Centers.</p> <p>34.3.6 Any Member found guilty of any kind (financial and/or violation of Rules & Regulations of IChE) shall be prohibited to contest for Council Election as well as Election at the Regional Center. Even the Membership of such Member shall be terminated if it is deemed fit by the Council.</p> <p>34.3.7 All Regional Centers shall strictly adhere to the provisions lay down under Article 34.3.</p> <p>34.3.8 For the purpose of Election at the Regional Centers. In case of any valid complaint, from any Member of a Regional Center on the process of Election, addressed to the Honorary Secretary of IChE, the Election to the said Regional Center shall be conducted under the specified instructions of the Council communicated by the Honorary Secretary.</p>
9	<p>Article 34.8 Annual Election and voting (New Article)</p>	<p>34.8 Calamities</p> <p>34.8.1 In case of any calamity and/or national disaster and/or pandemic and/or war prolonging for long period (more than 6 months), Council meeting(s) with physical presence cannot be held and IChE Head Office cannot function. In any such aforesaid situation, Council Election as well as Executive Committee Election of Regional Centers shall not be held until further notice issued by the Council.</p> <p>34.8.2 In situation as specified under 34.8.1, the</p>

		<p>term of each council member including those whose term of 3 years is getting over and are retiring in the year of the calamity will be extended by one more year. In effect, the term of each current council member becomes 4 years instead of 3 years.</p> <p>However, the tenure for the co-opted members shall be as per the clause 25.7 and the office bearer's election shall be held as per the existing practice.</p>
10	Jurisdiction for Legal matters of IICChE (New Article: 40)	<p>Only an appropriate Court in Kolkata (such as Hon'ble Calcutta High Court) shall have the jurisdiction to adjudicate any dispute between the Institution and a Member of any class involving interpretation or operation of the Bye-Laws, Rules & Regulations of IICChE as well as decisions of the Council.</p>

Chairman

Convener