Effective Period

Commencing from the mid night of 2nd September, 2009 i.e. from early hours of 3rd September, 2009 to 5.00 pm on 17th December, 2009.

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA
NEW DELHI

ELECTION CODE OF CONDUCT

[made under rule 16 of the Chartered Accountants (Election to the Council) Rules, 2006]

for

Compliance by Candidates and their authorized representatives for Election to the Twenty First Council and Twentieth Regional Councils to be held on 4th and 5th December, 2009.

Effective date: The Election Code of Conduct containing instructions and norms for compliance by candidates and their authorized representatives comes into force from Thursday, the 3rd September, 2009 and shall be in force till the last date for receipt of postal ballots, i.e., 17th December, 2009*.

1. As you may be aware, the Chartered Accountants (Election to the Council) Rules, 2006 has been specified by the Central

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* *As per Election Rules in place, the Election Code of Conduct is required to be in force till the conclusion of counting of votes. However, the Council of the Institute has decided to recommend to the Central Government to keep the said Code in force till the last date for receipt back of postal ballots, i.e. 17th December, 2009. Accordingly, an amendment in the Rules is proposed. Consequently, the said date of 17th December, 2009 is subject to the decision to be taken by the Central Government in due course. All concerned are therefore requested to watch for our further announcement by around the end of October, 2009.*

Government, under the Chartered Accountants Act, 1949. Rule 16 of the said Rules requires the Council of the Institute to approve an Election Code of Conduct, with the view to maintain a healthy and peaceful atmosphere during the election process for ensuring a free and fair election. In accordance with this requirement, the Council of the Institute has approved an Election Code of Conduct for candidates and their authorized representatives for required compliance, which is as follows:

(a) Any infrastructure, forum including programmes, by whatever name called, manpower, machinery, facilities, or communication medium – electronic or otherwise, of the Institute, its Regional Councils and Branches shall not be used in any manner whatsoever by any contesting candidate and/or their authorized representatives. While there is no bar for participation in an event/programme organized by the Institute and/or its organs, as an ordinary participant, however, that forum/event shall not be used for publicity/electioneering in any form whatsoever. This restriction is equally applicable to any Study Circle or Chapters, by whatever name called, within or outside India, which are affiliated to the Institute/its Committees, Regional Councils/their Committees and Branches of the Regional Councils/ their Committees as also Voluntary Associations/Societies, by whatever name called, which are run, controlled or managed by/for and/or on behalf of Chartered Accountants within or outside India.

(b) In the event of any invitation being received, by a candidate, from any other outside agencies such as Industry Associations like CII, FICCI, ASSOCHAM, Chambers of Commerce etc., and Voluntary Bodies like Rotaries, Non Government Organizations etc. for participation in any of their events/programmes etc., in any capacity – professional or otherwise, while there is no bar for participation in such an event/programme, as an ordinary participant, however, that event/forum shall not be used for the purpose of publicity/electioneering in any manner whatsoever.

(c) The above restrictions shall be applicable not only for any event/programme held within a candidate's own constituency but outside his constituency including overseas events/programmes as well.

(d) There shall be a ban on erection of stall, distribution/supply of any gift, any refreshment to voters, display of banners, distribution of pamphlets/visiting cards/letters/circulars or any other publicity materials including free distribution of books/calendars/diaries/ handouts and the like during the election days i.e. 4th and 5th December, 2009 inside as well as outside the zero tolerance zone.

(e) There shall be no supply, at the polling venue, of refreshment(s) to the supporters or volunteers of candidates.

(f) Organization of parties or even participation in any party or providing any form of entertainment, e.g., musical nights and the like, with the direct and/or indirect involvement of the candidate in any form/manner whatsoever is prohibited. The exception to this prohibition is any function/event/programme organized at own residence or office of the candidate himself.

(g) Only one manifesto or circular or support seeking appeal shall be issued by a candidate in relation to the election in the period commencing from the date of issue of final list of nominations to the candidates and the same may be repeated only by the candidate in any form including SMS without changing the contents thereof in any manner.

(h) No contesting candidate shall maintain a separate website as a part of electioneering or for the purpose of election. In other words, website maintained by a Firm/member in practice, in accordance with the relevant Council Guidelines is outside the purview of this Code.

(i) The newsletters published in any form including electronic mode shall not use the column "Chairman Page/Writes"; and in replacement thereof, the nomenclature "Committee Writes", "Regional Council Writes" / "Managing Committee Writes" as the case may be, shall be used. Alternatively, it may be a column in the name of "Editorial Board". The name(s) of the editor/ publisher of the newsletters etc. can however be printed, wherever the same is legally required to be mentioned.

2. It is pertinent to mention here that the said Election Code, in terms of the aforementioned Rule is deemed to be a Guidelines of the Council under Item No. (1)of Part (II) of the Second Schedule to the Chartered Accountants Act and therefore it is obligatory for each candidate for compliance with the Code of Conduct.

3. Besides the aforementioned requirements, Rule 42 of the Chartered Accountants (Election to the Council) Rules, 2006 also places certain restrictions on members of the Institute in connection with the conduct of election. Non-compliance with the provisions of the Rule 42 shall also attract disciplinary action against a member of the Institute, in terms of the provisions of the Chartered Accountants Act, 1949 and the Chartered Accountants (Procedure of Investigations of Professional and Other Misconduct and Conduct of Cases) Rules, 2007.

4. In view of the aforementioned requirements of the statute, candidates, their authorized representatives and members associated with the Election of the Institute are hereby required to ensure that the relevant provisions referred to above are not violated in any manner whatsoever, in their own interest.

We seek the support and cooperation of all concerned in not only maintaining a healthy and peaceful atmosphere during the election process for ensuring a free and fair election, but also to sustain the image and reputation of the profession in the eyes of the public at large.

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