

ICSI eCSIN Amnesty Scheme, 2021

under ICSI (Employee Company Secretaries Identification Number (eCSIN)

Guidelines, 2019

1. The Council of the Institute of Company Secretaries of India (hereinafter referred to as 'the Council') in its 261st (Special) Meeting held on 27th June, 2019 issued the ICSI (Employee Company Secretaries Identification Number (eCSIN), Guidelines, 2019 (hereinafter referred to as 'the eCSIN Guidelines') and further amended by the Council in its 263rd, 266th and 271st Meeting held on 23rd September, 2019, 9th January, 2020 and 26th September, 2020.

Objective of eCSIN Guidelines

2. The objective of the eCSIN Guidelines is that the Company Secretaries Act, 1980 provides for the regulation and development of the profession of Company Secretaries. Accordingly, in order to ensure that the objective of the Company Secretaries Act, 1980 is met, the need for Guidelines has become all the more necessary when the Companies Act, 2013 and rules framed thereunder have made specific provisions under Section 203 and Rule 8 and Rule 8A of the Companies (Appointment and Remuneration of Managerial Personnel) Rules, 2014 for appointment of Company Secretary. This will enable the Institute to identify a Company Secretary employed in a particular Company and bring more transparency. Needless to mention that this will facilitate the members to update their professional address in the Register of Members maintained by the Institute in terms of Regulation 3 of the Company Secretaries Regulations, 1982.
3. A copy of the latest amended eCSIN guidelines may be downloaded from the eCSIN Portal of the Institute: <https://stimulate.icsi.edu/ecsin>

eCSIN Generation

4. Para 4 of the eCSIN guidelines provides that the eCSIN shall be generated by the member at the time of issuing the consent letter or the resignation / cessation letter or relieving from the organisation by such member to the employer for any job in any organization, whether as Company Secretary or otherwise, unless exempted under Clause 6 of the eCSIN Guidelines.

Consequences of Violation

5. (i) Any non-compliance or defective compliance with these Guidelines shall render the members liable for action under the Company Secretaries Act, 1980 read with First Schedule and Second Schedule to the Company Secretaries Act, 1980.

- (ii) eCSIN shall be mandatorily required at the time of renewal of membership of a member who is in employment to ensure the compliance of Regulation 3 of The Company Secretaries Regulations, 1982.

Power to Competent Authority

6. In terms of the first proviso of Para 4(a) of the eCSIN Guidelines, the Competent Authority of ICSI may allot, exempt, alter or otherwise deal with generation of eCSIN on a special request of a member in special circumstances which may be required under the prevailing law or otherwise to condone the delay on such terms and conditions as it may deem fit and proper and in case of such condonation, the members shall not be liable for consequences of violation as mentioned in Para 9 of the eCSIN Guidelines.

About the eCSIN Amnesty Scheme, 2021

7. The Council of ICSI at its 275th Meeting held on 26th March, 2021 considered the impact of global pandemic COVID-19 and the genuine cases where default has happened and the defaulting members are willing to rectify the default in case of generation of eCSIN, Accordingly this eCSIN Amnesty Scheme is being introduced wherein members may:
- i. Generate the eCSIN, if not yet generated;
 - ii. Rectify the eCSIN details recorded at the time of generation for appointment;
 - iii. Update information in the eCSIN generated;
 - iv. Revoke eCSIN if employment already ceased;
 - v. Any other practical difficulty
8. All active eCSINs generated from the effective date of the eCSIN Guidelines i.e. 01st October 2019 upto the validity of the scheme i.e. 15th May, 2021 or such other date as may be specified by the ICSI, shall be eligible under the Amnesty Scheme. An active eCSIN means the eCSIN held by the member for current/existing employment.
9. The members applying under ICSI eCSIN Amnesty Scheme, 2021 shall be granted immunity from the applicability of the provisions of the eCSIN Guidelines in respect of the eCSINs for which request under this Amnesty Scheme has been made and disciplinary proceedings shall not be initiated or entertained in this respect. However, the immunity under this Scheme shall not be granted to members against whom any disciplinary proceeding for non-adherence to eCSIN Guidelines is pending at any stage before the Disciplinary Directorate of ICSI.
10. No fees shall be charged for the purpose of this application.
- 11. How to apply**
- i. The process of application is completely online and in straight through process mode at the eCSIN Portal: <https://stimulate.icsi.edu/ecsln> of the Institute.

- ii. The online request window will be open on 20th April, 2021 and shall remain available till 15th May, 2021.
- iii. Upon successfully submitting request an auto confirmation mail will be sent to the members for record and future communication.
- iv. In case(s) where the eCSIN has not been generated, it will be mandatory to generate eCSIN in current date before filing the request under eCSIN Amnesty Scheme.
- v. Every eCSIN has to be revoked or modified separately and can be modified / revoked only once in this Scheme.
- vi. Only active eCSIN are eligible for rectification under the eCSIN Amnesty Scheme. There is no process to reactivate the revoked eCSIN.
- vii. The modified details will henceforth be shown in the master data / Register of eCSINs available after login on the eCSIN portal.

12. It is a One Time Amnesty Scheme which has been introduced considering the various factors acting together in the recent times and does not in any way create a precedent for future.

13. On the conclusion of the Scheme, the Institute may initiate necessary disciplinary action under the Company Secretaries Act, 1980 read with First Schedule and Second Schedule to the Company Secretaries Act, 1980 against the members who have not availed this Scheme and have failed to comply with the provisions of the eCSIN Guidelines.

14. The details uploaded by the members under this Amnesty Scheme shall remain confidential and not be construed as “information” under the Right to Information Act, 2005.

15. Removal of Difficulty

If any difficulty arises with respect to the observance / interpretation of Amnesty Scheme, or some unforeseeable circumstances occur which have not expressly been provided for in this Scheme, then the Secretary, ICSI shall decide the matter in consultation with President, ICSI and pass such orders as may appear necessary or expedient for carrying out the objectives of this Scheme.