

THE PLASTICS EXPORT PROMOTION COUNCIL

(An export promotion council under the aegis of Ministry of Commerce & Industry, Government of India)

RULES FOR ELECTION OF THE COMMITTEE OF ADMINISTRATION (As per Article 27.9)

These rules shall be termed as "Election Rules" of The Plastics Export Promotion Council, and will come into force once the same is passed by the COA.

1. DEFINITION

Following are the definitions, unless or otherwise the context specifies:

- "Council" means The Plastics Export Promotion Council, constituted under Articles of Association of the Council.
- "Act" means the Companies Act, 1956 and 2013 and includes any statutory modification or re-enactment thereof, for the time being in force;
- "Article" means an Article forming part of Articles of Association of the Council.
- "Chairman" means the Chairman of the Council.
- "Vice-Chairman" means Vice-Chairman of the Council.
- "Executive Director" means the Executive Director of the Council.
- "Committee" means the Committee of Administration of the Council (also referred as COA), constituted, as such, under Articles of Association of the Council.
- AGM means Annual General Meeting of the members of the Council (as per Articles of Association clause no. 16.1 and 34.1)
- "Extraordinary General Meeting" means any general meeting of the members of the Council other than its Annual General Meeting referred to in Articles of Association clause no. 34.1.
- "Office" means the registered office for the time being, of the Council.
- "Panel" means a panel of the Council, constituted under Articles of Association of the Council, as per provisions of clause no 23.1.
- "Regional Chairman" means a Regional Chairman holding office under the Articles of Association;
- "Rules" mean 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;
- "Small Scale Industry" means an enterprise so classified by the Central Government, under the Micro, Small and Medium Enterprises Development Act, 2006, as amended from time to time;
- "Returning Officer" means any officer as appointed by the Dept., of Commerce (DoC), Govt of India.

- “Election Committee” means any sub-committee formed by the COA for the purpose of conducting the election comprising of Returning Officer, Chairman or his nominee, one Past Chairman nominated by the COA, Executive Director.
- “Ordinary Member” shall mean Ordinary Member of the Council as per Articles of Association clause no. 3.3 of the Article of Association, and for the purpose of election only those members who have paid their annual subscription on or before 30th June of the relevant year and have filed their export returns for the preceding year.
- “Government” means the Union or State Government as the case may be
- “Western Region” means the region covered by Maharashtra, Gujarat, Madhya Pradesh, Goa, Chhattisgarh and the Union Territory of Dadra, Nagar Haveli, Diu & Daman.
- “Eastern Region” means the region covered by West Bengal, Odisha, Assam, Mizoram, Arunachal Pradesh, Sikkim, Andaman & Nicobar Islands, Bihar, Tripura, Manipur, Meghalaya, Jharkhand & Nagaland.
- “Southern Region” means the region covered by Tamil Nadu, Karnataka, Kerala, Pondicherry, Andhra Pradesh, Telangana & Lakshadweep.
- “Northern Region” means the region covered by Delhi, Rajasthan, Uttar Pradesh, Punjab, Haryana, Himachal Pradesh, Jammu & Kashmir, Uttarakhand & Union Territory of Chandigarh.
- “Office Bearers” for the purposes of these rules shall mean to be the Chairman, Vice Chairman and the Regional Chairmen.
- “Secretariat” means the officials of the Council headed by the Executive Director.
- “Email Address” means E-mail address of the member as provided by the member and available with the PLEXCONCIL and displayed on the PLEXCONCIL website against the name of the member in the Eligible Voter Member list.
- “Official e-mail address of the council” means the email address of the council ie office@plexconcil.org or such email address as may be communicated by the council if there is any change
- ‘Electronic Agency’ means the team / agency appointed by the Council and duly approved and authorized by the Election Sub-Committee of the Council to conduct the Voting by Electronic Means under the Election Rules.
- ‘Email Password’ – Email password means the password provided by the council to each member for voting.
- ‘E voting’ – E voting means a process to conduct election through electronic format and as provided under Articles of Association clause no. 36.3
- By-Election - means the election conducted for filling the vacant posts in the Committee of Administration.
- MSME /SSI category are those fulfilling the limits of MSME/SSI as prescribed / defined by the Government of India.

2. CONSTITUTION OF COMMITTEE OF ADMINISTRATION (COA)

2(a) The Committee of Administration shall be constituted having a total strength of 29 elected members excluding Executive Director, Nominated members and Government Nominees. The Committee of Administration shall comprise of:

Chairman	-	1
Vice Chairman	-	1
Regional Chairmen	-	4
Panel Chairmen	-	12

The remaining members of the COA shall be elected by the members to represent different geographic zones, status holders, SSI units and Merchant exporters. The region wise distribution of such remaining members shall be as under:

Western Region -	4
Southern region -	3
Northern region -	2
Eastern region -	2

Reservations of seats: One third of seats in each region shall be reserved for member exporter from MSME/SSI sector and another one third of seats in each region shall be reserved for star export house in each region, except in northern region and eastern region where out of the two seats in each region one will be reserved for members from MSME/SSI sector and one for star export house.

In case if there is no valid nomination received for reserved categories that seat shall be deemed to be unreserved.

2(b) The Vice Chairman shall be directly elected by all the ordinary members of the Council. Ordinary members contesting for elections to post of Vice Chairman shall have a minimum export turnover (FOB value of physical exports) in the immediate preceding year of a minimum of Rs 2 crores per annum, or average export turnover of Rs 2 crores per annum for the preceding 3 years.

2(c) Regional Chairmen shall be directly elected by the ordinary members of each respective region and should have a minimum export turnover (FOB value of physical exports) in the immediate preceding year of a minimum of Rs 2 crores per annum, or average export turnover of Rs 2 crores per annum for the preceding 3 years.

2(d) There shall be a total of 12 Panel Chairmen each representing a product group who shall be elected by the ordinary members of their respective product groups irrespective of any region. The members contesting for elections to post of Panel Chairman shall have Export turnover (FOB value of physical exports) in the immediate preceding year of a minimum of Rs 2 crores per annum, or average export turnover of Rs 2 crores per annum for the preceding 3 years.

2(e) "Panel" means any one or all following panels:

1. Cordage & Fishnets
2. Floor Coverings, Leather cloth & Laminates
3. FRP Products
4. Human Hair & Related Products
5. Consumer & Houseware
6. Pipes & Fittings
7. Raw Materials & Polymers
8. Polyester Films
9. Rigid Packaging & PET Preforms
10. Woven Sacks / Fabrics / FIBCs
11. Writing Instruments
12. Miscellaneous Products (All other products under the purview of the Council not included in the above).

(Refer the Annexure A for Panel wise product details with HS code)

2(f) In the event any seats are still vacant at the conclusion of the election, or a vacancy(ies) created any time during the term then a By-Election should take place to fill up that seat(s) in that region/category within two months of the conclusion of the regular election or the creation of the vacancy whichever is earlier.

3. ELECTION

3(a) Eligibility to Vote

An Ordinary Member whose subscription has not been received by the Council on or before 30th June of the current year shall not be eligible to vote in terms of clause 13.1 of the Articles of Association of the Council. Such list of Ordinary Members will be displayed on the Council website both Region wise and Panel wise.

Any member not included in the list of Ordinary Members may within seven days from the date of announcement of election for the COA, apply to the Executive Director, for inclusion in the relevant list of Ordinary Members and enclose authentic proof of payment of annual subscription and proof of filing of export returns.

Each Ordinary Member of the Council shall have one vote for every post.

Each Ordinary Member of the Council shall have one vote for election of Vice Chairman.

Each Ordinary Member of the Council shall also have one vote for electing a Regional Chairman from the particular region as registered with the Council for the purpose of membership of the Council.

Each Ordinary Member of the Council shall have one vote for their respective Panel for which they have opted/ registered with the Council from time to time.

Each Ordinary Member of the Council shall have one vote to elect one candidate representing their respective region.

3(b) Eligibility for Candidacy

A candidate for election to any position in the Council must satisfy the following conditions, namely:

A candidate must be Ordinary Member of the Council;

Only the authorized representative, whose name is mentioned as such in the membership application, while applying for membership with the Council shall be eligible to contest, propose or second at the Election.

However, in the absence / non-availability / unwillingness of such authorized representative, any person who is duly authorized by the existing partners / directors / managing committee member / trustee etc., as the case may be, shall be eligible to contest for the Election. Provided that the name of such authorized person as partner / director / managing committee member / trustee etc. is registered with Director General of Foreign Trade (DGFT).

3(c) In order to stand for elections, the candidate or the entity represented by him must have to her/ his/ its credit, export turnover (FOB value of physical exports) of not less than the following amounts:

Sr. No.	Group of Panels	Turnover (Rs.)
1	Cordage & Fishnets	2 Crores
2	Floor Coverings, Leather cloth & Laminates	2 Crores
3	FRP Products	2 Crores
4	Human Hair & Related Products	2 Crores
5	Consumer & Houseware	2 Crores
6	Pipes & Fittings	2 Crores
7	Raw Materials & Polymers	2 Crores
8	Polyester Films	2 Crores
9	Rigid Packaging & PET Preforms	2 Crores
10	Woven Sacks / FIBCs	2 Crores
11	Writing Instruments	2 Crores
12	Miscellaneous Products	2 Crores

In order to qualify for reserved seat for MSME category, the candidate or the entity represented by him must have to her/ his/ its credit, the export turnover (FOB value of physical exports) in the immediate preceding year of a minimum of Rs. 50 lakhs

per annum, or average export turnover of Rs. 50 lakhs per annum for the preceding 3 years.

3(d) Nomination indicating the name of the authorized representative of the Member eligible for election to any Panel of the Committee of Administration shall be proposed and seconded by members of the same Panel and in the event of nomination for Regional Chairman, the same shall be proposed and seconded by members of the same Region. In case of nomination of Vice Chairman, the same can be proposed and seconded by any ordinary member.

3(e) The nominee, proposer and seconder should be eligible to vote. The nominations shall conform to the format prescribed by the Election Committee.

3(f) Any Ordinary Member de-registered or black-listed under the Foreign Trade Policy with regard to exports / imports will not be eligible to file nominations for election to the Committee of Administration. Therefore, on the original Nomination Form itself the Member organization will also have to submit a declaration in writing signed by the Chairman / Managing Director / Director / Partner/ Proprietor as the case may be that it is not debarred / black-listed under the aforesaid Policy.

3(g) Nomination Form to be valid, must be

- in the original Nomination format prescribed by the Election Committee.
- duly filled up in all respects, duly signed stamped and complying with the provisions of these Rules herein before
- filed with the Council within the prescribed time fixed by the Election Committee.

3(h) The method of submitting the nomination form will be prescribed as: By depositing the application in sealed cover addressed to the Election Committee in the election nominations box kept in the registered office of the Council. Election nomination form can also be submitted in a soft copy (.pdf or .jpeg) to the Council on official email address.

3(i) In the event of the Election Committee having reasons to doubt the veracity of any of the particulars / information contained in any Nomination Form received by it, the Election Committee may call for particulars / information from the Council. It will also be at liberty to call for export performance of the member concerned as per the record of the Council.

3(j) Election Committee within two working days from the expiry of the nomination filing day, shall enter the names of the Nominees panel-wise, in a Register and after due scrutiny, prepare a list of valid nominations received and display the same at the Notice Board and web-site of the Council. In case of rejection / invalidation of the nominations the Election Committee shall cite the reason for rejecting the same. Copies of such lists shall be displayed at the Notice Board of the Council.

3(k) Nomination can be withdrawn by the candidate by giving a letter signed by him/her within two working days from the date of aforesaid display of the list of valid nominations by the Election Committee. Withdrawal of nominations by electronic means such as emails will also be considered or accepted by the Election Committee subject to receipt of original letter of withdrawal within 2 days of receipt of such electronic communication. Such a withdrawal shall be final and no subsequent request, for rescinding such withdrawal shall be entertained by the Election Committee.

3(l) A member can file nomination and contest election for only one post, as a member of respective Panel or as Regional Chairman or Vice Chairman.

3(m) In order to stand for the election to the post of Regional Chairman from a particular region, the address of the candidate registered with the Council for the purpose of membership must be with that region.

3(n) Any person having held the post of Chairman and/or Vice Chairman shall be eligible to file nomination as Vice Chairman only after a gap of not less than four years, immediately upon completion of his term as prescribed in clause 27.1 or 27.2 of the Articles of Association, as the case may be. However, such person may file nomination for Panel Member / Regional Chairman / COA member immediately after the completion of his term as Chairman.

3(o) Any person holding the post of an elected COA member, willing to file nomination for Vice Chairman, shall have to resign from the existing post of elected Panel/Region having membership in COA before the finalization of the Voter List for a particular election, in order to be eligible to file nomination as Vice Chairman, as the case may be. However, such resignation would be effective only from the date of declaration of the Election results.

3(p) In order to be eligible to file nomination as Vice Chairman/Regional Chairman / Panel Chairman, the member should have adequate period left for occupying that position so as not to violate the clause of compulsory retirement after completion of term.

4. NO CHANGE IN PANEL AND/ OR ADDRESS REGISTERED WITH COUNCIL DURING ELECTORAL PROCESS

No member shall be permitted to change their Panel and/ or their address registered with the Council for purpose of membership after the publication of final electoral rolls and until the declaration of results of the elections.

5. ELECTION OF VICE CHAIRMAN, REGIONAL CHAIRMEN, PANEL CHAIRMEN AND COA MEMBERS (representing four regions)

5(a) VICE CHAIRMAN:

Vice Chairman shall be elected by all Ordinary Members of the Council.

The term of Vice Chairman shall be of two years after which he/she will occupy the post of the Chairman.

However, in case, the Chairman incurs any disqualification or happening of an event or resigns which prevent him/her to continue as Chairman, during his tenure, the respective Vice Chairman of that term shall act as Chairman for the remaining term.

In case there is no Vice Chairman to succeed the Chairman, and that the Chairman resigns causing a casual vacancy, then, the Committee of Administration has the right to fill the casual vacancy of the Chairman. In such an event, the person so appointed to the post of Chairman shall hold office for 2 years from the date of appointment.

5(b) REGIONAL CHAIRMEN:

The Regional Chairmen will be elected by the ordinary members of their respective regions as below:

- Western Region - Maharashtra, Gujarat, Madhya Pradesh, Goa, Chhattisgarh and the Union Territory of Dadra, Nagar Haveli, Diu & Daman.
- Northern Region – Delhi, Rajasthan, Uttar Pradesh, Punjab, Haryana, Himachal Pradesh, Jammu & Kashmir, Uttarakhand & Union Territory of Chandigarh.
- Eastern Region – West Bengal, Odisha, Assam, Mizoram, Arunachal Pradesh, Sikkim, Andaman & Nicobar Islands, Bihar, Tripura, Manipur, Meghalaya, Jharkhand & Nagaland.
- Southern Region – Tamil Nadu, Karnataka, Kerala, Pondicherry, Andhra Pradesh, Telangana & Lakshadweep.

The term of Regional Chairman shall be of two years.

5(c) Panel Chairmen:

Shall be elected by the Ordinary Members of their respective product groups irrespective of any region.

5(d) Members of COA (representing four regions)

The members of the COA representing the four regions shall be elected by the members of their respective regions.

6. PRINCIPLE OF ONE-MAN-ONE-POST:

No member of the Committee of Administration shall hold more than one office. The principle of ONE-MAN-ONE-POST shall be applicable to all elected COA members. However, in the event the COA for the purposes of better administration appoints any Sub Committees and or expands the panels with ordinary members then this principle will not apply.

7. ELECTION TO COMMITTEE OF ADMINISTRATION

- 7(a) The tenure of all elected members of the Committee of Administration shall be maximum of two years. After completion of their two years term such members are eligible to stand for re-election, except Chairman and Vice Chairman.
- 7(b) One half of the elected members excluding Chairman and Vice Chairman shall retire at every Annual General Meeting or if their number is not a multiple, then nearest to one half shall retire.
- 7(c) At the Annual General Meeting to be held in the year 2019 after this amendment, the members of the Committee who shall retire shall be decided by the draw of lots. For the subsequent years/ and at the future Annual General Meetings, the members who will retire shall be longest in office since their last election.
- 7(d) An Ordinary Member who does not have the qualifying exports will not be eligible to be a member of the Committee of Administration of the Council. If the turnover of any serving member of the Committee of Administration falls below the turnover as specified in clause 3.3 of the Articles of Association, vide which he/she has gained the eligibility of getting elected in CoA, or loses his ordinary membership status at any financial year, that member will duly retire at the end of the concerned financial year and the election for the post will be held as may be decided by the Committee of Administration.
- 7(e) Election of members to the Committee of Administration shall be held on or before the Annual General Meeting / adjourned Annual General Meeting each year.
- 7(f) The date of the election shall be fixed by the Election Committee of the Council.

8. MODE OF ELECTION

- 8(a) As directed by the Ministry of Commerce & Industry, vide letter dated 22nd February 2012, and as per the provisions of the Foreign Trade Policy, the Council's election process will be conducted in electronic format. The system of Electronic Voting will be audited by independent third party Security Auditors appointed by the Council, as per the directions of Election Committee at the time of election process in order to ensure inter alia that the voting process has been properly implemented and is free of errors, that secrecy is maintained in voting process and that the entire process is secure and

that sufficient safeguards such as encryption etc. have been incorporated in the voting process to prevent any manner/ mode of manipulation/mischief such as hacking etc.

8(b) In case only one valid nomination is received for any vacancy/post then there will be no election for that vacancy/post and the nominee will be declared as elected.

8(c) The Election Committee shall, within two days from the last date of withdrawal of nominations, dispatch a Notice by Speed Post / Registered AD as well as by Email informing the Voter Members about the electronic voting system and the procedure to be followed for voting.

8(d) Each Voter Member shall follow the procedure of Electronic Voting as specified in the Notice to cast its vote. All Voter Member shall be entitled to cast their respective votes online as per prescribed procedures during a period of 3 days (upto 5 p.m on the last day) prescribed in the Notice. Password shall be sent by the Council only to that email address registered with the Council.

8(e) The electronic votes cast by the members shall be stored in a secure server. Only the Election Committee shall be allowed access to the said votes.

8(f) The Election Committee shall maintain secrecy of the votes received. Only the Election Committee or an authorized person, and the candidate or a person authorized by him/her, shall be allowed to participate in and observe the process of scrutiny and counting of voting results.

8(g) Within two working days from the last day prescribed in the Notice for casting of votes through electronic system, the total count of votes on the server will be noted and verified by the Election Committee through their access to the secure sever where the votes have been stored in presence of candidates or their authorized representatives with prior written notice.

The person receiving the highest number of votes from each Group of Panel / Region / Ordinary Members will be declared as elected from the respective Group of Panel / Region / Vice Chairman, as the case may be. In the case of a tie, the result will be determined by drawing lots by the Election Committee. The Election Committee shall declare the election result stating the names of elected candidates from each Group of Panel / Region / Vice Chairman. The Election results will be displayed on the Notice Board maintained at the office of the Council and on the Council's website.

The results of the elections conducted above shall only be announced at the Annual General Meeting of the Council when the agenda item pertaining to the elections is taken up for discussion. The results so declared shall be as per the record note of the election committee which in addition to other things must contain the following

- Total number of electronic votes cast
- Votes polled by each candidate
- Declaration of winning candidates

8(h) The Election Committee shall arrange to communicate to all contesting members of the Council, the results of Elections.

9. The decision of the Election Committee in matters pertaining to scrutiny of nominations and any other matters not adequately covered herein shall be final and binding on all concerned.

10. ARBITRATION/DISPUTES

All disputes with regard to any matter arising out of the election of the Committee of Administration of the Council shall be subject to the jurisdiction of the Courts at Mumbai.
