RULES FOR ELECTIONS OF MEMBERS OF THE COMMITTEE OF ADMINISTRATION, CHAIRMAN, VICE CHAIRMAN & REGIONAL CHAIRMEN

1. These rules shall be termed as “Election Rules” of The Plastics Export Promotion Council.

2. Definitions: Following are the definitions, unless or otherwise the context specifies:

(a) “Article” means an article forming part of the Articles of Association of The Plastics Export Promotion Council

(b) “Chairman” means the Chairman of the Council.

(c) “Vice-Chairman” means Vice-Chairman of the Council.

(d) “Committee” means the Committee of Administration of the Council constituted under the Articles of Association of The Plastics Export Promotion Council

(e) “Council” means “THE PLASTICS EXPORT PROMOTION COUNCIL”

(f) “Member” means a registered member of the Council;

(g) “Office” means the registered office for the time being, of the Council;

(h) “Regional Committee” means a Regional Committee constituted under the articles

(i) “Regional Chairman” means a Regional Chairman holding office under the articles

(j) “Executive Director” means the Executive Director of the Council

(k) “Secretary” means the Secretary of the Council and includes any officer of the Council performing secretarial functions

(l) “Small scale industry” means an industry so specified by the Central Government/State Government, in its policy on the subject, as announced from time to time and tiny and cottage industries so specified in such policy;

(m) “STAR EXPORT HOUSE” means an exporting firm so defined in the Export-Import Policy of the Government of India in vogue

(n) “Ordinary Member” means a member of the Council as defined in the Articles of Association of the Council.

(o) “Annual General Meeting” of the Council means the Annual General Meeting as defined in the Articles of Association of the Council.

(p) “Government” means the Union or State Government as the case may be.

(q) “Western Region” means the region covered by Maharashtra, Gujarat, Madhya Pradesh, Goa, Chhattisgarh and the Union Territory of Dadra, Nagar Haveli, Diu & Daman

(r) “Eastern Region” means the region covered by West Bengal, Orissa, Assam, Mizoram, Arunachal Pradesh, Sikkim, Andaman & Nicobar Islands, Bihar, Tripura, Manipur, Meghalaya, Jharkhand & Nagaland

(s) “Southern Region” means the region covered by Tamil Nadu, Karnataka, Kerala, Pondicherry, Andhra Pradesh, Telangana & Lakshwadeep

(t) “Northern Region” means the region covered by Delhi, Rajasthan, Uttar Pradesh, Punjab,
Haryana, Himachal Pradesh, Jammu & Kashmir, Uttarakhand & Union Territory of Chandigarh.

(u) "Office Bearers" for the purposes of these rules shall mean to be the Chairman, Vice Chairman and the Regional Chairmen unless the context means otherwise.

(v) "Secretariat" means the officials of the Council headed by the Executive Director.

3. These rules shall apply to the elections of the Members of the Committee of Administration, the Chairman, the Vice Chairman and the Regional Chairmen of the Council.

4. These rules shall come into force for the elections to be held before the 60th Annual General Meeting and announced at the 60th Annual General Meeting of the Council in the year 2015-2016.

5. Eligibility

5.1 All Ordinary Members who are not in membership subscription arrears and have cleared their membership subscription by 30th June of the current financial year (as per Article 3.3 of the Articles of Association) for which the election is under progress shall be eligible to vote at the elections.

5.2 A list of eligible Ordinary Members eligible to vote shall be displayed on the Council's web site the link to which will be provided in the notice inviting nominations as per para 6.2 of these rules. A copy will also be available at all the Offices of the Council.

5.3 The following requirements shall be met by the candidates contesting for elections as Members to the Committee of Administration:

a) The candidate who represents an Ordinary Member having a minimum FOB value of exports of plastic products of Rs 15 lakhs in case of SS1 Units and Rs 100 lakhs in case of others in the immediately preceding financial year. These exports shall represent direct physical exports of the Ordinary Member of items under purview of the Council.

b) The candidate, proposer and seconder representing the ordinary member shall be a proprietor (in case of a proprietary company) OR a karta (in case of a Hindu undivided family) OR a partner (in case of a partnership firm) OR a director (in case of a company or a co-operative society or a corporation) OR any senior executive employee of the ordinary member duly authorised by the proprietor/karta/partner/board resolution as the case may be.

c) The ordinary member shall not be in arrears of membership subscription and should have cleared the current year membership subscription by 30th June of the current financial year.

d) The candidate or the ordinary member represented by him is not disqualified as per Article 19 of the Articles of Association.

5.4 Composition of the Committee. As per Article 27.3 of the Articles of Association - the Committee shall comprise of twenty nine (29) elected members representing each region as below:
- Twelve (12) from the Western Region;
- Five (5) from the Eastern Region;
- Seven (7) from the Southern Region and
- Five (5) from the Northern Region.

5.5 Reservations. As per article 27.4 of the Articles of Association:

a) At least one third of the seats for the elected members of the Committee shall be reserved for representatives of small-scale industries.
b) In addition, at least one third of the seats for elected members of the Committee shall be reserved for exporters who fall within the category of STAR EXPORT HOUSES, as per the Foreign Trade Policy for the time being in force or who have for the time being similar status under the said policy.

c) Where any seat reserved under clause (a) or (b) of this article cannot be filled up by a candidate of that reserved category that seat shall be deemed to be unreserved.

5.6 Candidates can apply only under one of the categories i.e. reserved category for SSI; reserved category for Status Holders OR Unreserved Category.

5.7 Retirement of elected Members of the Committee

- One-third of the elected members shall retire at the Annual General Meeting every year or if their number is not a multiple of three, then the number nearest to one-third shall retire.

- The Members of the Committee who retire in every year shall be those who have been longest in office since their last election but as between persons who became Members of the Committee on the same day, those to retire shall (unless they otherwise agree among themselves) be determined by lot.

- The Chairman shall not be liable for retirement unless he/she completes his/her term as the Chairman.

- The Vice Chairman shall not be liable to retirement unless he/she completes his/her term as the Vice Chairman and subsequent term of Chairman on endorsement subject to Provisions enumerated in the Articles 27.2 (b).

5.8 Retiring Committee Members shall be eligible for re-elections if he continues to satisfy the requirements and qualifies as per rule nos 5.1 & 5.3 above.

5.8.1 However, retiring Committee Members who have not attended at least fifty percent of the Committee Meetings during their tenure as a Committee Member without seeking leave of absence shall not be eligible to file nominations for their re-election for the succeeding election.

5.9 The Committee shall, every year in a meeting held sufficiently in advance, determine the retiring members at the Annual General Meeting and the Region-wise vacancies. The Committee shall also determine the reservations (based on the members retiring and continuing in the Committee) in the categories of STAR EXPORT HOUSE as per the Foreign Trade Policy in vogue) and SSI.

6. Nominations and Election process for Members of the Committee of Administration

6.1 The Committee subsequent to the meeting mentioned in clause 5.9 herein shall request the DEPARTMENT OF COMMERCE (DCC) to nominate a Returning Officer for conducting elections. The Committee, in addition, at its meeting as per clause 5.9 above shall also appoint an Election Committee for conducting the election process as specified in these rules. This Committee, which shall be chaired by the the Returning Officer, shall comprise of a Past Chairman of the Council, the current Chairman or his nominee and the Executive Director. The Past Chairman or the Chairman / his nominee shall not be a candidate for the election. The Committee at this meeting shall also determine a calendar of events to conduct the elections under the directions of the Election Committee.

6.2 The Secretariat, based on the calendar of events determined by the Committee shall issue a notice sent by Speed Post to Ordinary Members eligible to vote inviting nominations as per the vacancies and reservations determined in 5.9 above fixing the last date for receipt of nominations which shall be at least twenty one (21) days after the notice is issued.
Date of the Speed Post receipt pertaining to dispatch of envelopes containing the notice for inviting nominations will be considered as adequate evidence of dispatch of the notices. The Speed Post receipt date will be treated as the date from which the last date of receipt of nominations will be determined.

6.3 The Election Committee with the help of the Secretariat shall ensure that the election process shall be completed in all respects well in advance of the ensuing Annual General Meeting based on the calendar of events drawn by the Committee for this purpose as indicated in para 6.1 herein.

6.4 The nominations shall be invited in a form as per ANNEXURE I duly proposed and seconded by an ORDINARY MEMBER who is not in membership arrears and has paid his membership subscription for the current financial year by 30th June of the current financial year. The onus of ensuring whether the proposer and seconder are ORDINARY MEMBERS and have paid the membership fees shall solely rest with the nominee, proposer and seconder.

6.5 Omission of service of notice to members shall not invalidate the election process in any manner

6.6 In addition to the nomination form specified in 6.4 above, the candidates shall also provide their BIO-DATA in support of their candidature which can be viewed by eligible Ordinary members when they log in to the internet based electronic voting system.

6.7 A certificate from a registered Chartered accountant must accompany the Form certifying the direct FOB value of the exports of the products for which the candidate’s company/firm is registered with the council for the preceding year in Indian Rupees. The format for the CA certificate is enclosed at Annexure 2. The value of exports so certified must pertain to direct physical exports of the firm covering products under the purview of the Council. The exports proceeds should have been realized by the firm. Deemed exports and exports routed through other exporters shall not be considered for this purpose.

6.8 In addition to the documents mentioned in the notice inviting nominations, the Election Committee reserves the right to demand additional documents to check the fulfillment of requirements of an eligible candidate.

6.9 All nomination Forms duly completed in all respects shall be forwarded in a sealed envelope addressed to the “ELECTION COMMITTEE” at the Head Office of the Council. Nominations forms by Fax, E mail, or in any other form shall not be accepted. Nominations forms sent without sealing them in an envelope as mentioned above will also be summarily rejected. Incomplete forms; forms containing ambiguous information; forms not accompanied by specified documents and forms received beyond the last date specified for receipt shall be rejected summarily.

6.10 The Election Committee shall within 10 (ten) working days of the last date fixed for receipt of nominations scrutinize the nominations strictly in accordance with conditions specified herein and any other requirements as per the Articles of Association and determine the list of valid nominations for each category. A scrutiny report will be prepared under the signature of all members of the Election Committee which will be considered as a part of election records to be treated as per Article 8.2 herein. The Secretariat, based on the scrutiny report, shall then inform all candidates individually about the results of their Nomination applications by Speed post. In case of candidates whose nominations have been declared as invalid, the reason thereof shall be clearly mentioned.

6.11 Nominees, whose nominations have been declared as invalid, may contest the reasons within seven (7) working days of the speed post receipt date intimating the results of nominations. The Election Committee shall examine the contesting reasons and announce its decision in writing to the concerned candidates within the next seven (7) working days. Non-receipt of intimation of nominations being invalid shall not be accepted and the nominees may in their own interest inquire from the Head Office or through the Regional Offices about the result of their nominations on the expiry of ten (10) working days fixed for receipt of nominations. The onus of
receipt of communication by the candidate (contesting the results of the nomination) by the Council rests solely with the candidate.

6.12 After the expiry of seven (7) working days mentioned in 6.11 above and if there are no invalid nominations or invalid nominations are not contested OR after the expiry of fourteen (14) days if any candidate contests the invalid nomination, the Election Committee shall finalise the list of candidates whose nominations are valid vis-à-vis the vacancies.

6.13 Candidates may withdraw from the elections by conveying the same in writing to the Executive Director. A signed communication by the candidate to this effect on the letter head of the ordinary member represented by the candidate should reach the Executive Director latest one day before the date fixed for counting the votes.

6.14 Elections shall be held only for those vacancies where the nominations are in excess of the vacancies.

6.15 THE ELECTION COMMITTEE SHALL APPOINT A REPUTED AGENCY FOR CONDUCTING THE ELECTIONS THROUGH ELECTRONIC VOTING.

6.16 ORDINARY MEMBERS QUALIFYING AS PER CLAUSES 5.1 & 5.3 ABOVE ONLY SHALL BE ELIGIBLE TO CAST THEIR VOTES FOR CANDIDATES WHO HAVE FILED VALID NOMINATIONS.

6.17 THE SECRETARIAT SHALL COMMUNICATE THE ELECTRONIC VOTING PROCEDURE DEVISED BY THE AGENCY TO ALL ORDINARY MEMBERS TO THEIR REGISTERED EMAIL ADDRESSES.

6.18 THE RESULTS OF THE ELECTIONS SHALL BE RECORDED UNDER THE SIGNATURE OF THE ELECTION COMMITTEE MEMBERS AND ALL OTHERS PRESENT AT THE TIME OF COUNTING IMMEDIATELY AFTER THE ELECTRONIC COUNTING IS CONCLUDED. THE RESULTS SHALL ALSO INCLUDE CANDIDATES ELECTED UNOPPOSED. A COPY OF RESULTS THUS DECLARED SHALL BE SENT TO EACH CANDIDATE DULY CERTIFIED BY THE SECRETARIAT.

6.19 In case of tie(s), winning candidates shall be decided on the basis of lots in the presence of the Election committee.

6.20 Casual vacancies in the offices of any Committee Member shall be dealt with as per Article 20 of the Articles of Association

7. ELECTION OF THE VICE CHAIRMAN OF THE COUNCIL

7.1 WITHIN 10 DAYS OF CONDUCTING THE ELECTIONS TO THE COMMITTEE OF ADMINISTRATION, THE ELECTION COMMITTEE SHALL INVITE NOMINATIONS FOR THE POST OF VICE CHAIRMAN FROM ELIGIBLE ELECTED COMMITTEE MEMBERS. ELIGIBILITY FOR CANDIDATURE TO THE POST OF VICE CHAIRMAN SHALL BE GOVERNED BY THE ARTICLES OF ASSOCIATION OF THE COUNCIL.

7.2 COMMITTEE OF ADMINISTRATION MEMBERS WHO HAVE HELD THE POST OF VICE CHAIRMAN WITHIN THE PRECEDING 4 YEARS (TWO TERMS) SHALL NOT BE ELIGIBLE FOR CONTESTING THE ELECTIONS TO THE POST OF VICE CHAIRMAN AS PER CLAUSE 27.2(C) OF THE ARTICLES OF ASSOCIATION OF THE COUNCIL.

7.3 THE SECRETARIAT SHALL SEND A COMMUNICATION INVITING NOMINATIONS FOR THE POST OF VICE CHAIRMAN BY SPEED POST ENCLOSING THEREWITH A NOMINATION FORM AS PER ANNEXURE 3 GIVING AT LEAST 10 DAYS TIME FOR FILING THE NOMINATIONS. THIS COMMUNICATION SHALL BE SENT TO ALL ELECTED COMMITTEE MEMBERS.

7.4 ALL NOMINATION FORMS DULY COMPLETED IN ALL RESPECTS SHALL BE FORWARDERED IN A SEALED ENVELOPE ADDRESSED TO THE "ELECTION COMMITTEE" AT THE HEAD OFFICE OF THE COUNCIL. NOMINATION FORMS SENT BY FAX, EMAIL, OR IN ANY OTHER FORM SHALL NOT BE ACCEPTED. NOMINATIONS FORMS SENT WITHOUT SEALING THEM IN AN ENVELOPE AS MENTIONED ABOVE WILL ALSO BE SUMMARILY REJECTED. INCOMPLETE FORMS; FORMS CONTAINING AMBIGUOUS INFORMATION; AND FORMS RECEIVED BEYOND THE LAST DATE SPECIFIED FOR RECEIPT SHALL BE REJECTED SUMMARILY.
7.5. The nomination form must be duly proposed and seconded by an ordinary member as detailed at clause 5.3 of these rules.

7.6. The Election Committee shall within 7 (seven) days of the last date fixed for receipt of nominations scrutinise the nominations strictly in accordance with conditions specified herein and any other requirements as per the articles of association and determine the list of valid nominations for the post of Vice Chairman. A scrutiny report will be prepared under the signature of all members of the Election Committee which will be considered as a part of election records to be treated as per Article 8.2 herein. The Secretariat, based on the scrutiny report, shall then inform all candidates individually about the results of their nomination applications by speed post. In case of candidates whose nominations have been declared as invalid, the reason thereof shall be clearly mentioned.

7.7. Nominees, whose nominations have been declared as invalid, may contest the reasons within five (5) days of the speed post receipt date intimating the results of nominations. The Election Committee shall examine the contesting reasons and announce its decision in writing to the concerned candidates within the next five (5) working days. Non-receipt of intimation of nominations being invalid shall not be accepted and the nominees may in their own interest inquire from the Head Office or through the Regional Offices about the result of their nominations on the expiry of four (4) days fixed for receipt of nominations. The onus of receipt of communication by the candidate (contesting the results of the nomination) by the council rests solely with the candidate.

7.8. After the expiry of five (5) days mentioned in 7.6 above and if there are no invalid nominations or invalid nominations are not contested or after the expiry of 10 (10) days if any candidate contests the invalid nomination, the Election Committee shall finalise the list of candidates whose nominations are valid.

7.9. Elections shall be held only if more than one nomination has been received. Electronic voting system will be used for this purpose.

7.10. The same procedure of electronic voting will be adopted as mentioned in clauses 6.15 to 6.19.

7.11. In case of a casual vacancy in the office of the Vice Chairman, the same procedure as prescribed in this section (7) shall be adopted. An election committee comprising of a returning officer nominated by the Department of Commerce as its chairman and the chairman or his nominee; executive director & a past chairman shall be constituted by the committee.

8. Other matters pertaining to the elections

8.1. 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.

8.2. All election records shall be sealed and kept at the Head Office of the Council for a period of six months after which the same shall be destroyed.

8.3. 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.
8.4. The dates of sending and receiving nomination papers, passwords, withdrawal and all notices and papers etc. shall be taken to be authentic and final as per records of the Council's Head Office. The addresses and other details of all concerned members of the Council as registered in the Council's records shall also considered to be authentic. In case of any doubt or dispute, the decision of the Election Committee shall be final and binding.

9. Election of the Regional Chairmen

9.1. The Chairman shall also be the Regional Chairman of the region that he/she belongs to. The Vice Chairman shall be the Regional Chairman of the region he/she belongs to. In case the Chairman and Vice Chairman belong to the same region, they may mutually decide between themselves as to who will assume the office of the Regional Chairman.

9.2. The Committee shall elect Regional Chairman for the regions not covered by Clause 8.1 above.

9.3. The term of the Chairman, Vice Chairman and the Regional Chairmen shall be two years, each year reckoned from Annual General Meeting to the next Annual General Meeting.

9.4. On the completion of the term of Chairman and at the conclusion of the AGM, the Vice Chairman shall take over as the Chairman of the Council.

9.5. At the Committee meeting to be held immediately after the conclusion of the Annual General Meeting, the Committee shall elect Regional Chairman.

9.6. In case of a tie, the Chairman shall cast his casting vote. The results shall be declared by the Chairman and form a part of the minutes.

9.7. In case, the Vice Chairman for any reason whatsoever is not able to take over as the Chairman of the Council, a new Chairman will be elected at the Committee Meeting scheduled to be held immediately after the Annual General Meeting. The first item on this agenda shall be to elect the Chairman of the Council, which will be presided over by the outgoing Chairman. The election shall be carried in the manner specified in the rules above. The outgoing Chairman shall then handover charge to the elected Chairman to continue the proceedings.

9.8. In case the office bearers cease to continue as a Committee Member during the two year term or there is a casual vacancy in their offices, elections shall be held in a Committee Meeting as laid down in this section and as applicable to the concerned office bearer.

10. Regional Committees

10.1. Regional Committees shall be constituted in each Region.

10.2. The Chairman & the Vice Chairman shall also function as the Regional Chairman of the region they represent.

10.3. The Regional Committees shall comprise of the Committee members of the respective regions under the Chairmanship of the respective Chairman/Vice Chairman/Regional Chairman as the case may be.

10.4. Regional Committees may co-opt such members as they deem fit in order to promote exports from the concerned regions subject to the approval of the Committee. Such co-opted members shall hold office till the ensuing Annual General Meeting.

11. Changes to these rules if any shall be made by the Committee in a manner as decided by the Committee.

12. In case of any contradictions between these rules and the Articles of Association, the Articles of Association shall supersede these rules.
13. The Committee shall decide on matters not adequately covered under these rules.

14. All legal matters shall be subject to the jurisdiction of Mumbai courts only.

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ANNEXURE I: Nomination Form

Place: 

Date: 

The Plastics Export Promotion Council
Crystal Tower, Crystal Co-operative Housing Society
Gundivali Road No 3, Off Sir M V Road
Andheri East, Mumbai – 400069

Dear Sirs

Elections to the Committee of Administration for the year ..............

I propose Shri/Smt ________________________________
of M/s __________________________________________
as a candidate for election as a Member of Committee of Administration of the Council for the year --
------- from ------------------ (specify North, East, West or South) Region.

STAMP OF THE FIRM

Name/Designation of Proposer

Name & Address of the Firm (Signature of Proposer)

I second the nomination

STAMP OF THE FIRM

Name/Designation of seconder

Name & Address of the Firm (Signature of Seconder)

I agree to my nomination. I further certify that the FOB value of direct physical exports of the company/firm represented by me for the year ______ was Rs ______ (Rupees _______). A Chartered Accountant’s Certificate certifying these figures as per your format is also enclosed.

I wish to contest under the reserved category of ----------- (state SSI or Status Holder – self-certified photocopy of which is enclosed). An authorisation, if applicable, as per Article 5.3(b) of the Election Rules and my BIO-DATA as per Article 6.6 of the Election Rules is/are also enclosed.

STAMP OF THE FIRM

Name/Designation of nominee

Name & Address of the Firm (Signature of nominee)
ANNEXURE 2 (Contd....)

FORMAT OF CHARTERED ACCOUNTANT’S CERTIFICATE

This is to certify that the FOB value of direct physical exports of M/s ______________________ for the year ___________ was Rs __________(Rupees _________) which has been verified through various export documents of the company like invoices, shipping bills, bank certificates etc. The details of the exports are as under:

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<th>Sr. No</th>
<th>Broad description of export product (only those under purview of the Council)</th>
<th>FOB Value in Rs</th>
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GRAND TOTAL

(TOTAL RUPEES ______________________)

Name of Chartered Accountant/Chartered Accountant Firm
Address
Telephone/Fax/Email
Membership Number
SEAL
ANNEXURE 3: NOMINATION FORM FOR ELECTION OF VICE CHAIRMAN

Place: 

Date: 

The Plastics Export Promotion Council
Crystal Tower, Crystal Co-operative Housing Society
Gundivali Road No 3, Off Sir M V Road
Andheri East, Mumbai – 400069

Dear Sirs

Elections to the post of VICE CHAIRMAN for the term ...

I propose Shri/Smt ________________________________
of M/s ________________________________
as a candidate for election as VICE CHAIRMAN of the Council for the term .........

STAMP OF THE FIRM 

Name/Designation of Proposer

Name & Address of the Firm 

(Signature of Proposer)

I second the nomination

STAMP OF THE FIRM 

Name/Designation of seconder

Name & Address of the Firm 

(Signature of Seconder)

I agree to my nomination.

STAMP OF THE FIRM 

Name/Designation of nominee

Name & Address of the Firm 

(Signature of nominee)