

**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) “*Export House*” means an exporting firm so defined in the Export-Import Policy of the Government of India in vogue
 - (n) “*Trading House*” means an exporting firm so defined in the Export-Import Policy of the Government of India in vogue
 - (o) “*Star Trading House*” means an exporting firm so defined in the Export-Import Policy of the Government of India in vogue
 - (p) “*Super Star Trading House*” means an exporting firm so defined in the Export-Import Policy of the Government of India in vogue
 - (q) “*Ordinary Member*” means a member of the Council as defined in the Articles of Association of the Council.
 - (r) “*Annual General Meeting*” of the Council means the Annual General Meeting as defined in the Articles of Association of the Council.
 - (s) “*Government*” means the Union or State Government as the case may be.
 - (t) “*Western Region*” means the region covered by Maharashtra, Gujarat, Madhya Pradesh, Goa, Chhattisgarh and the Union Territory of Dadra, Nagar Haveli, Diu & Daman

- (u) “*Eastern Region*” means the region covered by West Bengal, Orissa, Assam, Mizoram, Arunachal Pradesh, Sikkim, Andaman & Nicobar Islands, Bihar, Tripura, Manipur, Meghalaya, Jharkhand & Nagaland
- (v) “*Southern Region*” means the region covered by Tamil Nadu, Karnataka, Kerala, Pondicherry, Andhra Pradesh & Lakshwadeep
- (w) “*Northern Region*” means the region covered by Delhi, Rajasthan, Uttar Pradesh, Punjab, Haryana, Himachal Pradesh, Jammu & Kashmir, Uttaranchal & Union Territory of Chandigarh.
- (x) “*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.
- (y) “*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 and announced at the 54th Annual General Meeting of the Council in the year 2009-10
- 5. Eligibility**
- 5.1 All **Ordinary Members** who are not in membership subscription arrears and have cleared their membership subscription by 30th April 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 SSI Units and Rs 100 lakhs in case of others in the immediately preceding financial year. These exports shall represent direct physical exports of items under purview of the Council of the ordinary member.
- 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 April 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 export houses, trading houses, star-trading houses and super star trading 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.

5.9 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 status holders (Export House, Trading House, Star Trading House & Super Star Trading House as per the Foreign Trade Policy in vogue) and SSI.

6. Nominations and Election process

6.1 The Committee at its meeting mentioned in clause 5.9 herein shall appoint a Returning Officer for conducting elections. The Committee, in addition, shall also appoint an Election Committee for conducting the election process as specified in these rules. This Committee, in addition to 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 to 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 and a draft notice approved by the Election 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 1 duly proposed and seconded by an ORDINARY MEMBER who is not in membership and has paid his membership subscription for the current financial year by 30th April 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 will be circulated to all eligible Ordinary Members eligible to vote when the ballot papers are sent out to them.
- 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.
- 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 by candidates 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 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 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 6.37 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 elections shall be held by secret postal ballot.
- 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 Each Ordinary member shall be entitled to cast as many number of votes as the number of vacancies in the respective regions.
- 6.18 The Secretariat, shall intimate the candidates the date and time fixed by the Election Committee for counting the votes at the Council's Head Office. Each candidate OR his nominee shall have the right to be present at the counting of votes. In the event of the candidate nominating a person to attend the counting on his behalf, his nominee shall present himself at the time of counting with an authority letter from the candidate as per format in ANNEXURE 3.
- 6.19 A set of Postal Ballot Papers (comprising of one ballot paper for each region) along with the BIO-DATA of the candidates shall be sent to eligible ordinary members by the Council's Head Office by Speed Post at least (21) days before the last date fixed for receipt of ballot papers. The date of the Speed Post receipt will be reckoned as the date from which the 21 days will be determined. A record note of the number of ballot papers signed by the Election Committee Members shall be maintained as part of the election records.

Date of the Speed Post receipt pertaining to dispatch of envelopes containing the ballot paper and other enclosures will be considered as adequate evidence of dispatch of the notices.
- 6.20 Each ballot paper, in a format as per ANNEXURE 4, shall bear the signature of all the members of the Election Committee.
- 6.21 The set of ballot papers, shall comprise of the ballot papers; a cover marked as BALLOT PAPER (and no other marks); another cover addressed to the Council and also bearing the name and address of the concerned member as per the Council's record. The BIO DATA of all candidates will also be enclosed in the set.
- 6.22 Ballot paper envelopes returned undelivered will be kept in the office of Council with an inward stamp and entry in the Inward Register. The returned envelopes will be maintained in a separate file as a part of the election records.
- 6.23 Ordinary Members shall cast their vote through the ballot papers sent by Speed Post and bearing the signatures of the Election Committee Members. The ballot papers shall be suitably folded and sealed in the envelope marked BALLOT PAPER after casting the vote as per instructions therein. This envelope shall be subsequently enclosed in the envelope addressed to the Council.
- 6.24 Ordinary members shall return the ballot papers duly packed in a manner specified in 6.23 above by post and or courier to the Council's Head Office or drop it personally in the Council's

- Head Office after the Council's Official makes an entry into the register as specified in para 6.29 herein.
- 6.25 The Head Office in Mumbai shall get ballot boxes securely sealed in the presence of the Election Committee members. This ballot box shall be placed in the Council's Head Office within two working days of dispatch of the ballot papers.
- 6.26 Ballot papers in their original sealed covers received by post/courier/hand delivery in the Head Office shall immediately on receipt be recorded in a register indicating name of the Member and the date of receipt and put in the ballot box maintained at Head Office. The relevant pages of the register will form a part of the election records.
- 6.27 The Secretariat shall maintain a List on the Council's web site of members whose ballot paper covers have been received after one week of dispatch of ballot papers and will be updated after close of working hours on each working day till the last date fixed for the receipt of ballot papers.
- 6.28 The ballot box shall be immediately sealed at the close of working hours on the last day fixed for the receipt of ballot papers. The sealed boxes shall be opened in the presence of the Election Committee members and the candidates or their authorized nominees, if any, when the counting begins.
- 6.29 The ballot papers shall be scrutinized and counting of votes carried out by the Returning Officer & Election Committee with the assistance of the Council's Officials in the presence of the candidates or their authorized representative, if any. Before the counting is begun, all the outer envelopes shall be separated from the inner envelopes. The counting process will begin after removing the ballots from the inner envelope marked "BALLOT PAPER"
- 6.30 The following votes shall be considered as invalid:
- If the ballot paper bears any mark that reveals the identity of the voter.
 - If the voter polls votes in excess of the vacancies
 - If the voter does not poll any vote at all
 - If the marking on the ballot paper is felt to be ambiguous by the Returning Officer in concurrence with the Election Committee Members
 - If the ballot paper is mutilated
 - If the ballot paper is received beyond the last date fixed for the receipt of ballot papers
- 6.31 The results shall be recorded under the signature of the full Election Committee and all others present at the time of counting immediately after the 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.
- 6.32 In case of tie(s), winning candidates shall be decided on the basis of lots in the presence of the Election committee.
- 6.33 The decision of the Election Committee in matters pertaining to scrutiny of nominations, counting of votes and validity of ballots not adequately covered herein shall be final and binding.
- 6.34 All election records shall be immediately sealed and kept at the Head Office of the Council for a period of six months after which the same shall be destroyed.
- 6.35 The results of the elections 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 ballot papers received.
 - Total number of Invalid votes declared rejected.
 - Votes polled by each candidate

- Declaration of winning candidates
- 6.36 The dates of sending and receiving nomination papers, postal ballot papers, 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.
- 6.37 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 Chairman, Vice Chairman and Regional Chairmen

- 7.1 There shall be a Chairman, a Vice Chairman and two Regional Chairmen of the Council.
- 7.2 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.
- 7.3 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
- 7.4 The Office of the Chairman shall be held by a Committee Member by rotation between the regions in a manner that the Western Region gets every alternate turn. As such, the rotation shall follow the following pattern from the year 2005-2006: Eastern Region-Western Region-Northern Region-Western Region-Southern Region-Western Region and so on.
- 7.5 As such, at the conclusion of the 50th Annual General Meeting in the year 2005-2006, the Vice Chairman (belonging to the Eastern Region) shall assume the office of the Chairman.
- 7.6 At the Committee meeting to be held immediately after the conclusion of the Annual General Meeting, the Committee shall elect the Vice Chairman and the Regional Chairmen. The Vice Chairman shall belong to the Region as per the sequence specified in Clause 7.4 above. The Regional Chairmen shall belong only to the regions not represented by the Chairman and the Vice Chairman.
- 7.7 The Chairman shall preside over the elections of the Vice Chairman and the Regional Chairmen at the Committee Meeting to be held immediately after the Annual General Meeting. In case of more than one candidate being nominated for each of these positions, elections shall be held by a show of hands or a secret ballot as decided by the Committee Members.
- 7.8 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.
- 7.9 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.
- 7.10 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 7 and applicable to the concerned office bearer.

8. Regional Committees

- 8.1 Regional Committees shall be constituted in each Region.
- 8.2 The Chairman & the Vice Chairman shall also function as the Regional Chairman of the region they represent.

- 8.3 The Regional Committees shall comprise of the Committee members of the respective regions under the Chairmanship of the respective Chairman/Vice Chairman/Regional Chairmen as the case may be.
- 8.4 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 coopted members shall hold office till the ensuing Annual General Meeting.
- 9. Changes to these rules if any shall be made by the Committee in a manner as decided by the committee. .
- 10. The Committee shall decide on matters not adequately covered under these rules.
- 11. These rules shall come in to force from the 54th Annual general meeting and will be applicable for Elections to be held for the year 2009 – 2010.
- 12. All legal matters shall be subject to the jurisdiction of Mumbai courts only.

ANNEXURE 1: 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

Yours faithfully

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 2008-2009 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:

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

(TOTAL RUPEES _____)

Name of Chartered Accountant/Chartered Accountant Firm
 Address
 Telephone/Fax/Email
 Membership Number
 SEAL

ANNEXURE 3: Authority Letter for nominating representative at counting of votes

(To be furnished on letter head of firm represented by the candidate)

Ref :

Date :

The Executive Director
The Plastics Export Promotion Council
Crystal Towers, Gundivali Road No 3
Off Sir M V Road, Andheri East
Mumbai – 400069

Dear Sir

I wish to nominate Shri/Smt _____ as my representative to witness the counting of votes in your office on _____. Signature of Shri/Smt _____ is appended below.

Thanking you

Yours faithfully

for (Name of Company)

Name, Designation & Signature of the candidate

(Name & Signature of authorised nominee)

THE PLASTICS EXPORT PROMOTION COUNCIL

Annexure 4: Format of Ballot Paper

BALLOT PAPER – REGION (Year)

..... CATEGORY – Number of Vacancies: .. (in words)

Name of Candidate	Place “X” (Maximum ..)
Candidate Name, Company Name, City	
Candidate Name, Company Name, City	
Candidate Name, Company Name, City	
Candidate Name, Company Name, City	

..... CATEGORY – Number of Vacancies: .. (in words)

Name of Candidate	Place “X” (Maximum ..)
Candidate Name, Company Name, City	
Candidate Name, Company Name, City	
Candidate Name, Company Name, City	

The following votes shall be invalid:

- If the ballot paper bears any mark that reveals the identity of the voter.
- If the voter polls votes in excess of the vacancies
- If the voter does not poll any vote at all
- If the marking on the ballot paper is felt to be ambiguous by the Returning Officer in concurrence with the Election Committee Members
- If the ballot paper is mutilated
- If the ballot paper is received beyond the last date fixed for the receipt of ballot papers

(Election Committee)

(Refer to instructions overleaf)

Annexure 4: Format of Ballot Paper (Contd...)

Notes/instructions

- The last date fixed for the receipt of ballot papers is
- Please cast your vote by placing a “X” against the candidate whom you wish to cast your vote for. The maximum votes you can poll against each category shall be as many as the number of vacancies.
- Please fold the ballot paper appropriately and place the same in the envelope marked “BALLOT PAPER” and seal the envelope securely. Place this envelope in the bigger envelope addressed to us and bearing your address as sender and seal the same securely. Submit the same to us at the above address to reach us positively by the
- You may refer to the election rules in this regard which are available at **www.plexconcil.org/ElectionRulesJuly2009.pdf**.