

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 20.1)

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
	<p>Following are the definitions, unless or otherwise the context specifies:</p> <p>“Council” means The Plastics Export Promotion Council, constituted under Articles of Association of the Council.</p> <ul style="list-style-type: none">• "Act" means the Companies Act, 2013 or Societies Registration Act, 1860, or any other Act including the rules and regulations, subsequent amendment, modification or re-enactment under which the Council is registered;• “Article” means an Article forming part of Articles of Association of the Council.• “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;• "Chairperson" means the Chairperson of the Council.• Vice-Chairperson” means Vice-Chairperson 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.• “Executive Director” means the Executive Director (ED) of the Council and includes any officer of the Council performing secretarial functions;• “AGM” means Annual General Meeting of the members of the Council (as per Articles of Association clause no. 31.2 and 31.3)• "Extraordinary general meeting" means an extra-ordinary general meeting of the members of the Council other than its Annual General Meeting (AGM) referred to in Article 31.2 of Articles of Association.• “General meeting" means a general meeting of the members of the Council

		<ul style="list-style-type: none"> • “Office” means the registered office for the time being, of the Council. • "Member" means a member of the Council • “MSME” means micro, small and medium enterprise as defined in the Micro, Small and Medium Enterprises Development Act, 2006 including its subsequent amendment, modification, re-enactment, or successor. • “Panel” means a panel of the Council, constituted under Articles of Association of the Council, as per provisions of clause no 22 of Articles of Association. • "Regional Chairperson" means a Regional Chairperson holding office under these Articles; • "Regional Committee" means a Regional Committee constituted under these Articles; • "Prescribed" means prescribed by the Committee; by virtue of a power conferred by these Articles; • "Product" means any goods or services in regard to which the Council has been recognized for the time being by the Central Government; under the relevant provisions of the Export-Import policy of the Central Government; as in force for the time being; • "Secretary" means the Secretary of the Council and includes any officer of the Council performing secretarial functions; • Startup” means an entity as defined under G.S.R 127(E) issued by the Ministry of Commerce and Industry (Department of Promotion of Industry and Internal Trade) or its subsequent amendment, modification, re-enactment or successor(s) policies; <p>Definition of a Startup Unit</p> <p>An entity shall be considered a "startup unit" if it satisfies the following criteria:</p> <ul style="list-style-type: none"> • Incorporation/Registration: The entity must be incorporated as a Private Limited Company, Limited Liability Partnership (LLP), or a Registered Partnership Firm in India. • Age of the Entity: The period of existence and operations should not exceed 10 years from the date of incorporation/registration. • Annual Turnover: The entity's turnover should not have exceeded INR 100 crore in any of the previous financial years since its incorporation/registration.
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2.		<p>Categories Of Members And Eligibility Of Membership</p> <p><u>Categories of members of the Council</u></p> <p>The Council shall have the following categories of members, namely:</p> <p>(a) Associate members;</p> <p>(b) Ordinary members.</p>

3.		<p><u>Eligibility for Associate Membership</u></p> <p>A person shall be eligible for admission to the Council as an Associate member on receiving the Importer - Exporter Code (IEC) from the Directorate General of Foreign Trade (DGFT), Government of India, in respect of the product with which the Council is concerned.</p>
4.		<p><u>Eligibility for Ordinary Membership</u></p> <p>A person shall be eligible for admission to the Council as an Ordinary member of the Council, on meeting the following requirements, namely:</p> <p>(a) The person or the entity represented by the person, must have been an Associate member of the Council for at least two years; and</p> <p>(b) The person or the entity represented by the person must have to its credit during the two immediately preceding financial years average exports in respect of the Product of not less than the amount mentioned below:</p> <p>(i) Micro, Small, Medium Enterprises (MSMEs): Rs. 25 Lakh - Rs. 1 Crore (Micro Enterprises- Rs. 25 Lakhs, Small Enterprises -Rs. 50 lakh and Medium Enterprises- Rs. 1 crore)</p> <p>(ii) Others: Above Rs.1 Crore</p> <p>Note: In order to obviate the necessity of updation / revision of the eligibility criteria, the export criteria as prescribed above shall be automatically enhanced by 10% after every 5 years.</p>
5.		<p><u>Conversion to Associate Membership</u></p> <p>If the average exports of a Product by an Ordinary member is below the pecuniary limits mentioned in clause (b) of eligibility of ordinary membership as mentioned above during the immediately preceding two financial years, the Committee may, after giving the Member reasonable opportunity of being heard, convert the Ordinary membership to an Associate membership, unless specifically exempted.</p>
6.		<p>1. <u>Eligibility to Contest in Elections</u></p> <p>A candidate for election to any position in the Council must satisfy the following conditions, namely:</p> <p>(a) An Ordinary Member shall be eligible as a candidate for elections to various positions in the Council.</p> <p>(b) If applicable, where a person is contesting for election as Regional Chairperson, the person or the entity represented by the person must have minimum average exports of Rs. 2.5 crores of the Product, or such higher limit as may be prescribed by the Council, to its credit during the two financial years immediately preceding the election.</p> <p>(c) Where a CoA member is contesting for election as Chairperson or Vice- Chairperson, the person or the entity represented</p>

		<p>by the person must have minimum average exports of Rs. 10 crores of the Product, or such higher limit as may be prescribed by the Council, to its credit during the two financial years immediately preceding the election.</p> <p>d) Young Entrepreneurs means persons below 40years of age as on 31st March of the year of the Election.</p> <p>e) Women Entrepreneur means a women entrepreneur as an enterprise owned and controlled by a woman with a minimum financial interest of 51% of the capital.</p> <p>(f) A certificate issued by a Chartered Accountant shall be required for the purposes of paragraph (b), (c) and (d) of this Article.</p> <p>g) More than one member from any firm/entity shall not be eligible to be an elected member in the same COA in any capacity.</p> <p>(h) For the purpose of determining whether an industry is a Micro, Small or Medium Enterprises, the MSME certificate issued by the Ministry of Micro Small and Medium Enterprises shall be conclusive.</p> <p>(i) For a startup, the certificate issued by the Department for Promotion of Industry and Internal Trade (DPIIT) shall be conclusive.</p> <p>j) Only the authorized representative, whose name is mentioned as such in the RCMC/IEC, while applying for membership with the Council shall be eligible to contest, propose or second at the Election.</p> <p><u>Note :</u> 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).</p>
7.		<p>Conduct of Elections</p> <p><u>Method of conducting election</u></p> <p>In order to make the Council participative in nature and for better governance and transparency, the Council, as registering authority, shall adhere to the following criteria for conducting elections:</p> <p>(a) Election of the Committee and for the post of Vice-Chairperson/Chairperson of the Council shall be conducted through e- voting, as provided for in the relevant Act or the Foreign Trade Policy.</p> <p>(b) A reputed agency may be appointed by the Council to conduct the election in a free and fair manner.</p>

		<p>(c) Observer(s) for the election(s) for the post of Committee of Administration and for Vice-Chairperson/Chairperson will be deputed by the Government from the Department of Commerce, DGFT or any other Ministry/ Department/Organisation as may be decided by the Government.</p> <p>(d) The CoA shall appoint one or more scrutiniser, who may be Chartered Accountant in practice, Cost Accountant in practice, or Company Secretary in practice or an Advocate, or any other person who is not in employment of the Council and is a person of repute who, in the opinion of the CoA members can scrutinise the voting and remote e-voting process in a fair and transparent manner.</p> <p>(e) The provisions under this article shall be subject to the provisions of the relevant Act, Rules, Regulations, Foreign Trade Policy (FTP) and instructions, guidelines, advisories issued by Government of India from time to time.</p>
8.		<p><u>Nomination Form</u></p> <p>a) Nomination indicating the name of the authorized representative of the Member eligible for election to any of the Committee of Administration shall be proposed and seconded by Ordinary Member. In the event of nomination for Regional Chairperson, the same shall be proposed and seconded by members of the same Region. In case of nomination of Chairperson, Vice Chairperson, the same can be proposed and seconded by any ordinary member.</p> <p>b) The nominee, proposer and seconder should be eligible to vote. The nominations shall conform to the format prescribed by the Election Committee.</p> <p>c) 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 Chairperson / Managing Director / Director / Partner/ Proprietor as the case may be that it is not debarred / black-listed under the aforesaid Policy.</p> <p>d) The candidate filling nomination should have a valid Director Identity Number (DIN) or give undertaking to the effect for obtaining a valid DIN on his/she being elected immediately to CoA.</p> <p>e) Nomination Form to be valid, must be</p>

		<ul style="list-style-type: none"> • 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. <p>f) 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 of the Council.</p> <p>g) 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.</p> <p>h) Election Committee within two working days from the expiry of the nomination filing day, shall enter the names of the Nominees, 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.</p> <p>i) Nomination can be withdrawn by the candidate by giving a letter signed by him/her/them 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 be considered or accepted by the Election Committee. Such a withdrawal shall be final and no subsequent request, for rescinding such withdrawal shall be entertained by the Election Committee.</p> <p>j) A member can file nomination and contest election for only one post.</p> <p>k) In order to stand for the election to the post of Regional Chairperson from a particular region, the address of the Member registered with the Council for the purpose of membership must be with that region.</p> <p>l) Any person holding the post of an elected COA member, willing to file nomination for Chairperson, Vice Chairperson, Regional Chairperson shall have to</p>
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		resign from the existing post from COA before filing of nomination for election.								
9.		<p><u>No Change In Address Registered With Council During Electoral Process</u></p> <p>No member shall be permitted to change 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.</p>								
10.	Members Who Can Vote	<p><u>Eligibility to Vote</u></p> <p>a) An Ordinary Member or an Associate Members who is having average exports of Rs 2.5Lakhs to their credit during the preceding three financial years whose subscription has been received by the Council on or before 30th June of the year of election shall not be eligible to vote in terms of clause 11.1 of the Articles of Association of the Council.</p> <p>b) Any member not included in the list of Ordinary Members or Associate Members fulfilling the criteria 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.</p>								
11.	Composition of the Committee	<p><u>Composition of the Committee</u></p> <p>a) The Committee of Administration shall be elected by the Council. The CoA members shall have a maximum of two terms of three years each followed by a cooling off period of two years.</p> <p>b) The Committee of Administration shall be composed of the following:</p> <p>i. Elected members with a minimum of twelve (excluding the Regional Chairpersons).</p> <p>ii. Nominated members not exceeding three (for COA with a size up to 20 members) or five (for COA with a size of beyond 20 members), from the prescribed categories as per Article 24.3(c)</p> <p>c) Subject to paragraph (a), the number of members of the Committee shall be in accordance with the rules made by the Committee. When minuting the passing of this rules reference be made to this clause specifically in order to emphasize the powers of the COA to make the rules within the over al guidance.</p> <table><tr><td>Chairperson</td><td>1</td></tr><tr><td>Vice Chairperson</td><td>1</td></tr><tr><td>Regional Chairperson</td><td>4</td></tr><tr><td>MSME</td><td>5</td></tr></table>	Chairperson	1	Vice Chairperson	1	Regional Chairperson	4	MSME	5
Chairperson	1									
Vice Chairperson	1									
Regional Chairperson	4									
MSME	5									

		<table><tr><td>Export House</td><td>5</td></tr><tr><td>Women Entrepreneur</td><td>1</td></tr><tr><td>Start-up/ Young Entrepreneurs</td><td>2</td></tr><tr><td>North-Eastern/Hilly Region</td><td>2</td></tr><tr><td>Nominated*</td><td>5</td></tr><tr><td>Total</td><td>26</td></tr></table> <p><u>NOTES</u></p> <p><i>*The Nominated person will be recommended by the Chairman and approved in the first CoA meeting to be held immediately after the AGM every year.</i></p> <p><i>The Nominated Members shall be a part of the CoA. The term of Nominated Members will be of 3 years and the retirement of the Nominated Members will also be in line with the other elected members.</i></p> <p><i>A Member who qualify both as MSME and Export House can choose only one category of their own choice</i></p> <p><i>No Change in the Constitution of the CoA unless it is approved by the Members in the Annual General Meeting.</i></p> <p><i>The Elected Members of CoA would be approved in the AGM held each year after the Election process and their term would commence from the date of the AGM.</i></p>	Export House	5	Women Entrepreneur	1	Start-up/ Young Entrepreneurs	2	North-Eastern/Hilly Region	2	Nominated*	5	Total	26
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12.	Retirement of Elected Members	<p><u>Retirement of Elected Members</u></p> <p>a) One third of the elected members shall retire annually, but shall be eligible for re-election, as per laid down procedure.</p> <p>b) For the purpose of para (a), the names of the members who shall retire, shall be determined by lot/in accordance with the seniority (long serving members of COA will retire first).</p> <p>c) Election process of the retiring members may be started three months before the AGM of that year.</p> <p>d) There shall be a “cooling off” period of two years after two consecutive terms of the elected member of CoA.</p> <p>e) If a Member gets elected to Vice-Chairperson in their second term of COA and eligible to succeed the post of Chairperson on completion of their Term, they shall be deemed member of the COA during the Member’s period as Chairperson of the Council.</p>												
13.	<u>PANEL</u>	<p>a) The Panels would be finalized by the CoA.</p> <p>b) The Panel Chairperson shall be appointed from amongst the newly elected CoA Members at the first CoA meeting that will be held on the day of AGM immediately thereafter.</p>												

14.		<p><u>Principle Of One-Man-One-Post:</u></p> <p>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.</p>
15.		<p>MODE OF ELECTION</p> <ol style="list-style-type: none"> 1. 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 person 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. 2. 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. 3. The Election Committee shall, within two days from the last date of withdrawal of nominations, dispatch a Notice by Speed Post / Registered AD or by Email informing the Voter Members about the electronic voting system and the procedure to be followed for voting. 4. 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 or any agency appointed by the Council for this purpose to that email address registered with the Council. 5. 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. 6. 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. 7. 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.

		<p>The person receiving the highest number of votes from each Region / Ordinary Members will be declared as elected from the respective Chairperson, Vice Chairperson, / Regional Chairperson 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 Chairperson, Vice Chairperson / Regional Chairperson. The Election results will be displayed on the Notice Board maintained at the office of the Council and on the Council's website.</p> <p>The results of the elections conducted above shall only be announced at the Annual General Meeting / Adjourned Annual General Meeting of the Council when the agenda item pertaining to the constitution of the new committee 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:</p> <ul style="list-style-type: none"> • Total number of electronic votes cast • Votes polled by each candidate • Declaration of winning candidates <p>8. The Election Committee shall arrange to communicate to all contesting members of the Council, the results of Elections.</p>
16.		FINAL DECISION OF THE ELECTION COMMITTEE
		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.
17.		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.