

THE GEM & JEWELLERY EXPORT PROMOTION COUNCIL

MUMBAI

RULES FOR ELECTION OF THE COMMITTEE OF ADMINISTRATION

Election Rules of the committee of Administration

1. DEFINITIONS:

In these rules, unless the context otherwise requires:

- a. "Act" means the Companies Act, 1956 and includes any statutory modification or re-enactment thereof, for the time being in force
- b. "article" means an article forming part of articles of association of the Council.
- c. "auditors" means person appointed, as such, for the time being by the Council
- d. "Chairman" means the Chairman of the Council
- e. "Vice-Chairman" means Vice-Chairman of the Council.
- f. "Executive Director" means the Executive Director of the Council
- g. "Committee " means the Committee of Administration of the Council, constituted, as such, under articles of association of the Council.
- h. "Council" means The Gem and Jewellery Export Promotion Council, constituted under articles of association of the Council.
- i. "extraordinary general meeting" means an extra-ordinary general meeting of the members of the Council: other than its annual general meeting referred to in article 16.1
- j. "general meeting" means a general meeting of the members of the Council"
- k. "member" means a member of the Council;
- l. "office" means the registered office for the time being, of the Council;
- m. "panel" means a panel of the Council, constituted under Articles of association of the Council.
- n. "prescribed" means prescribed by the Committee, by virtue of a power conferred by these articles;
- o. "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;
- p. "Regional Committee" means a Regional Committee constituted under these Articles of Association of the Council
- q. "Regional Chairman" means a Regional Chairman holding office under the articles of Association;
- r. "rules" means the rules of the Council, for the time being in force, made under these articles or under any enactment for the time being in force;
- s. "small scale industry" means an industry so specified by the Central Government, in its policy of the subject, as announced from time to time and tiny and cottage industries so specified in such policy;
- t. "Election Authority" means any authority entrusted to conduct the election.

"Year" means the financial year beginning with the 1st April and ending with the 31st March.

2. PANEL

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

- i. Diamond Panel
- ii. Coloured Gemstones Panel
- iii. Pearls Panel
- iv. Gold Jewellery Panel
- v. Other Precious Metal Jewellery Panel
- vi. Costume/Fashion Jewellery Panel
- vii. Synthetic Stones Panel
- viii. Sales to Foreign Tourists Panel

2) (b) GROUPS OF PANELS

For the purpose of elections, the above panels have been grouped as follows:

Groups	No. of Seats
A. Diamond Panel	8 (including 4 seats from the category of EH/TH/STH/SSTH)
B. Precious Metal Jewellery (including Gold Jewellery & Other Precious Metal Jewellery)	3 (including 2 seats from category of EH/TH/STH/SSTH)
C. Coloured Gem Stones	2
D. Pearls/Synthetic Stones/Costume Fashion Jewellery & Sales to Foreign Tourist Panel	2 (including 1 from the SSI category).
E Regional Chairmen	5

3.ELECTION AUTHORITY

(a) The Development Commissioner/Joint Development Commissioner (SEEPZ)/Joint DGFT, Mumbai will act as Election Authority and shall be responsible for the proper conduct of elections as well as settlement of disputes, if any, arising in the context of election. The Joint DGFT, Delhi, Kolkata, Jaipur, Chennai, Surat will act as Regional Election Authority / Returning Officers In the Head Office / Region offices as may be required for proper conduct of election.

4. ELECTION

4. 1 Eligibility for Election

Right to vote and contest confined to Ordinary Members:

Only an Ordinary Member shall have the right to vote at, or to offer self as a candidate at elections to various positions in the Council. (as per para 4.1 of articles of association)

4. 2 Eligibility of Ordinary Members:

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

a) Only the authorised representative as given in the membership application (while applying for membership with the council shall) contest, propose or second and vote at the Election.

(b) (i) He, or the entity represented by him, must have to his credit, during the one financial year immediately preceding, exports of gem & Jewellery items of not less than the amount mentioned below.

(i)	Small scale Industries	Rs.25 lakhs
(ii)	Others	Rs . 1 Crore

The Ordinary Members of the Council who have opted for inclusion in any one of the aforesaid eight panels at the time of admission as a member shall be eligible to vote only through their nominated authorised representatives as given in the membership application in respect of the candidates from that particular Panel.

b) (ii) Where a person is standing for election as Chairman or Vice-Chairman or Regional Chairman etc. he, or the entity represented by him, must have, to his or its credit, during the one financial year immediately preceding, exports of the product, of not less than rupees 2 crores. In respect of the other items viz. Precious Metal Jewellery (including Gold Jewellery and Other Precious Metal Jewellery, Coloured Gemstones, Pearls, Costume fashion Jewellery, synthetic stones and Sales to Foreign Tourists-the minimum exports should be Rs. 50 lakhs.

c) Each Ordinary Member of the Council shall have one vote for every single representation from the eligible panel **& Region**. (For example, if the panel in which the Member is enrolled has three vacancies, each member of the Council who has chosen that particular panel shall have one vote for each candidate but not exceeding three in all. **In addition to that a member is eligible for a vote to elect the Regional Chairman from his/her/its respective region where the member is enrolled).**

d) Nomination indicating the name of the authorised representative of the Member eligible for election to the Committee of Administration shall be proposed and seconded by different members of the panel. The nominee, proposer and seconder should be otherwise eligible to vote. The nominations shall conform to the proforma prescribed by the Election Authority

e) Any voter/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.

f) A Nomination Form to be valid, must be

(i) the original Nomination Form enclosed to the Notice by the Election Authority / Regional Election Authority,

(ii) duly filled up in all respects, duly signed stamped and complying with the provisions of these Rules hereinbefore and

(iii) filed with the Election Authority / Regional Election Authority so as to reach the Election Authority / Regional Election Authority within 30 days from the Notice Inviting Nominations.

g) A Nomination sent by telex/fax/telegram/e-mail to the Election Authority will be treated as invalid.

h) In the event of the Election Authority / Regional Election Authority having reasons to doubt the veracity of any of the particulars/information contained in any Nomination Form received by it the Election Authority may call for particulars/information from the Secretary/Executive Director of the Council. It will also be at liberty to call for export performance of the member concerned as per the record of the Council from the Secretary / Executive Director.

i) Election Authority / Regional Election Authority, within 7days from the expiry of the period of 30 days mentioned at clause 4.2(f) hereinbefore, 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 the invalid nominations the Election Authority shall cite the reason for rejecting the same. Copies of such lists duly signed by the Election authority / Regional Election Authority shall be displayed at their offices / Regional Offices of the Council for display at the Notice Board.

j) Nomination can be withdrawn by the candidate by letter signed by him within 5 days from the date of aforesaid display of the list of valid nominations by the Election Authority/Regional Election Authority. Withdrawal of nominations by Fax/Telegram/e-mail will be considered or accepted by the Election Authority/Regional Election Authority subject to receipt of original letter of withdrawal within 5 days of receipt of such fax/telegram/e-mail. Such a withdrawal shall be final and no subsequent request, for rescinding such withdrawal shall be entertained by the Election Authority/Regional Election Authority.

k) A member can file nomination and contest election for only one post, as a member of Committee of Administration or as Regional Chairman.

5. VOTERS LIST

(a) An Ordinary Member whose subscription in terms of Articles 13.1 of the Articles of Association of the Council has not been received by the Council on or before the 30th April of the current year shall not be eligible to stand for election or be entitled to vote.

(b) A region-wise list prepared on the basis of the entries in the Register of Members as on the 31st March will be called "Voter Members" of the Council and shall be deemed as such for purposes of election to the Committee of Administration.

(c) List of Voters shall consist of only those who continue to be ordinary members, have paid in full annual membership subscription as above along with the declaration of exports of gem and Jewellery items for the preceding year (i.e. from 1st April/31st March) duly filled in and signed by the proprietor/partner/director as the case may be. The members included in the lists of voters are hereinafter referred to as "Voter Members". Upon preparation of such list of voters the Election Authority shall notify by 31st May to all ordinary members that such list has been prepared Panel wise and will be available for inspection at the office of Election Authority / Regional Election Authority and Head Office and Regional Offices of the Council. This will also be displayed in the Council's web site for the convenience of the members.

Any member not included in the list of voters may, within 30 days from the date of the aforesaid notification, apply to Election Authority / Regional Election Authority, for inclusion in the relevant list of Voters and enclose authentic proof of payment of annual subscription.

The Election Authority/ Regional Election Authority will dispose of the aforesaid applications within 15 days from the last date of receiving such applications. Upon such disposal, the Election Authority shall intimate his decision to such concerned member and shall prepare final lists of Voters and notify the same in the Notice Board of the Election Authority / Regional Election Authority and at Council's Head Office and Regional Offices. Thereafter, only change, if any, of name and/ or of address of members will be entertained provided intimation of such change is received by the Election Authority / Regional Election Authority.

(d) In case of

- Proprietary firm : the Proprietor,
- Partnership firm : the nominated Partner,
- Limited Company : the nominated Director,
- HUF : Karta,
- Association : the Nominated member of its Managing Committee,
- Trust : the nominated Trustee,
- Co-op. Society : the nominated member of the Managing

Committee of the Society and whose name appears in the register shall be considered as representing the said firm, company, association etc. as the case may be. The Election Authority / Regional Election Authority shall be notified of the nomination at the time of applying for membership of the Council. Any subsequent changes in the representation shall be notified on or before the last day of June.

6. CHANGE OF PANEL

If any change of Panel is desired, the members should notify in writing to the Election Authority / Regional Election Authority and such written request shall have been received by the Election Authority / Regional Election Authority after the last date of the preceding year, i.e. if the year closes on 31st March, the change in panel can be after that date in any of the months of the first quarter. The Election Authority/regional Election Authority shall first scrutinize the application and if found eligible shall get the change entered in the Register of Members under his dated initial within 30 days of the receipt of representation.

7. ELECTION OF CHAIRMAN, VICE CHAIRMAN AND REGIONAL CHAIRMAN

(a) Chairman and Vice Chairman will be elected by the Committee of Administration in terms of Article 27 of Memorandum and Articles of Association.

(b) The Regional Chairman will be elected by the members of respective region along with election of members to the Committee of Administration.

(c) A member who does not have qualifying exports as per para 4.2. (b) (ii) above will not be eligible to be elected as Chairman/Vice-Chairman/Regional Chairman.

8. REGIONAL CHAIRMAN

Regional Chairman will be elected from the following regions, and will retire after two years. They would be eligible for re-election:

- (a) Northern Region: (comprising Punjab, Haryana, Uttarpradesh, Uttaranchal, Himachal Pradesh, Jammu & Kashmir, Delhi)
- (b) Jaipur Region: (comprising Rajasthan)
- (c) Eastern Region: (comprising Orissa, Assam, Jharkhand, Bihar & West Bangal and other States of the Region)
- (d) Southern Region: (comprising Kerala, Andhra Pradesh, Karnataka, Pondichery & Tamil nadu)
- (e) Gujarat Region: (comprising Gujarat)

9. ELECTION TO COMMITTEE OF ADMINISTRATION

(i) Election to the Committee of Administration shall be held once every two years and Panel wise in accordance with the groupings shown at 2(b).

(ii) A member who does not have the qualifying exports will not be eligible to be a member of the Committee of Administration of the Council.

(iii) Election of members to the Committee of Administration shall be held after August every two year but not later than 27 months from the date of last election.

iv) The date of the election shall be fixed by the Committee of Administration of the Council keeping in view the requirement of Article 9.

v) At least **two** months before each Annual General Meeting, every second year the Election Authority shall notify the number of vacancies arising in each of the four groups mentioned in 2(b) above. The Election Authority shall invite nominations the respective group/panel giving time up to thirty days from the date time for filing their nominations.

(vi) As per Articles 9.1 & 27.7 of the Memorandum and Articles of Association of the Council one third members of the Committee will automatically retire on the completion of two years term but shall be eligible for re-election.

The Election shall take place

(i) In place of those who have completed their terms.

(ii) In place of those retiring as determined by draw of lots by the Election Authority;

(iii) In place of those, retiring from the Committee of Administration, having been longest in office;

(iv) from the Panels then having no representation.

In case of members amongst whom lots are to be drawn, in terms of Rule 9 (vi) (b) above the Election Authority shall request such members to be present personally or through their duly authorised representative at the time, date and venue of drawing lots. The Election Authority will intimate these details i.e. time, date and venue of drawing lots to such members by courier/under certificate of posting /E- mail well in time. Lots will be drawn by the Election Authority at the specified time, date and venue. The Election Authority shall notify the result of draw of lots to the Executive Director of the Council for informing the Members of the Council.

The Committee of Administration shall consist of the Members as detailed in Article 27.3 of the Articles of Association of the Council.

10. MODE OF ELECTION

(i) The Election Authority shall, within seven days form the last date of withdrawal of nominations, dispatch pre-printed Voting papers bearing serial numbers and the stamp and signature of the Election Authority in the Standard Form (to be suggested by the Council) here to the Voter Members of the respective panels under Certificate of Posting. No duplicate Voting Paper shall be issued by the election Authority under any circumstances whatsoever. In case only one valid nomination is received from any particular panel, no

Voting Paper will be issued to the members of that panel and the nominee will be declared as elected from the said Panel.

(ii) The original Voting paper received from the Election Authority shall be filled up and signed by any of the persons having a designation mentioned in 5(d) hereinbefore and shall be returned to the Election Authority in a sealed envelope marked "Voting Paper" so as to reach the Election Authority within the time and date specified in the Paper. This period shall be three weeks from the date of issue of Voting Paper.

(iii) The election Authority shall maintain one Ballot Box in his /their / its office at Mumbai. All Voting papers received by post or otherwise shall be dropped in the Ballot Box.

(iv) After expiry of the time for receipt of Voting Papers by the Election Authority as mentioned in the Voting Paper, the election Authority shall seal the Ballot Box in presence of candidates or their authorised representatives by inviting them under prior written notice with acknowledgment. The Election Authority shall maintain the secrecy of the Voting Papers received. Except his / their / its authorized person, or candidate or his / her representative, no outsider shall be allowed by the Election Authority to participate in or observe the process of scrutiny or counting of Voting Papers.

(v) Within seven days from the last date of receipt of the Voting Papers, the Election Authority shall scrutinize the voting papers. The person receiving the highest number of votes from each Panel will be declared as elected from the Panel. In the case of a tie, the result will be determined by drawing lots by the Election Authority. The Election Authority shall declare the election result stating the names of elected candidates from each Panel. The decision of the Election Authority in this regard shall be final and binding on all concerned. The Election result will be displayed in the Notice Board maintained at the office of the Election Authority and shall also be communicated to the Executive Director of the Council. The Election Authority shall declare the result in the following manner:-

- (a) Total number of voting papers received;
- (b) Number of Voting papers rejected;
- (c) Number of votes secured by the contesting candidates;
- (d) The name and candidate securing the highest number of votes and declared elected.

vi) The Election authority shall arrange to communicate to all contesting members of the Council, the results of the Elections and also shall notify the same to the Executive Director

11. ARBITRATION / DISPUTES

Only the City Civil Court at Mumbai or the Honble High Court at Mumbai shall have the jurisdiction to the exclusion of all courts with regard to any matter arising out of the election of the Committee of Administration of the Council