

SHELLAC AND FOREST PRODUCTS EXPORT PROMOTION COUNCIL

KOLKATA

ELECTION RULES

These Election procedure shall be termed as “Election Rules” of Shellac and Forest Products Export Promotion Council (in short “the Council”). These rules shall apply to the elections of the Members of the Committee of Administration and the Vice Chairman. However , the Elections of the Committee of Administration (COA) and the Vice-Chairman will be done through E-Voting process as mandated by the Ministry of Commerce & Industry, Department of Commerce, Govt. of India. Department of Commerce, Ministry of Commerce and Industry, Government of India will depute Observer for the Elections for the post Committee of Administration and Vice Chairman of the Council.

2. PREPARATION OF LIST OF VOTERS AND ELIGIBILITY

2.1 The Council will prepare Lists of Voters from the under mentioned Panels, comprising representatives from :

Name of the Panel	Number of seats reserved against each Panel
a) Shellac and Lac based products	3
b) Vegetable Saps & Extracts of Herbs Industry	2
c) Guar Gum Industry	3
d) Herbs Industry	1
e) Fixed Vegetable, Oil, Cake and Other Industry	1
f) Other Vegetable Materials Industry	1
g) Representatives belonging to North Eastern Region.	1

The Lists of Voters shall consist only of those members who are the Ordinary Members as provided in Article 4.2 of the Article of Association of the Council at the time of preparation of the Voters List.

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

- He, or the entity represented by him, must have, to his or its credit, during the one financial year immediately preceding, exports of the products of not less than the amount mentioned below
 - (i) Small Scale Industries Rs. 25 Lakhs
 - (ii) Others Rs. 1 Crore
- Where a person is standing for election as Vice Chairman 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.
- 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.
- The candidate or the Ordinary member represented by him is not disqualified as per Article 19 of the Articles of Association.

However, due to the Covid-19 pandemic the Government of India, Ministry of Commerce & Industry, Department of Commerce, Directorate General of Foreign Trade issued a Trade Notice bearing No. 60/2019-2020 on 31 st March, 2020 stating, inter alia, that Regional Authorities (RAs) of DGFT will not insist on valid RCMC (in cases where the same has expired on or before 31 st March, 2020) from the applicants for any incentive/authorizations till 30th September, 2020 and EPCs will collect the applicable fees for the year 2020-21 on restoration of normalcy.

By a subsequent Office Memorandum bearing No. F. No. J/8/2020-E&MDA-DoC dated 24th September, 2020 the Under Secretary, Government of India, Ministry of Commerce & Industry, Department of Commerce has informed that the matter regarding elections to various vacant posts in the EPCs has been examined and it has been observed as follows:

"DGFT vide its Trade Notice dated 31 st March, 2020 has directed its Regional Authorities to not to insist on valid RCMC (where it expired on or before 31 st March, 2020) for any incentive/ authorization, till 30th September, 2020. EPCs were directed to collect the applicable fees for the year 2020-21 on restoration of normalcy. Consequently, EPCs may not consider non-payment of fees during this period as detrimental to the right of the members to vote and contest in elections".

In view of the above, non-payment of membership fee by 1st or 30th April, 2022 in terms of Article 19 read with Articles 8.1, 8.2 and Article 13 will not disqualify a member to vote and contest in the ensuing election.

- 2.3 Each such voter in the "Voters List" shall be entitled to cast only one vote and is restricted to the Panel which it represents as mentioned in 2.1.

3 Composition of the Committee

- 3.1 The Committee of Administration shall have the following members;

- a) elected members with a minimum of ten and maximum of thirteen.
- b) nominated members, not exceeding three in number.

- 3.2
- (i) All of the elected members of the Committee except Vice-Chairman shall automatically retire on the completion of two years of their term but shall be eligible for re-election.
 - (ii) Retiring Committee Members except vice-chairman shall be eligible for re-elections if he continues to satisfy the requirements.
 - (iii) Any Member having held the post of Chairman and/or Vice Chairman can come back as Vice Chairman only after a gap of four years.
 - (iv) Elections to the Committee (in respect of seats of elected members falling vacant) shall be conducted every two years, well before the expiry of the term of the retiring members.

4. SCRUTINIZER

In terms of Article 27.8 of the Articles of Association, the Committee of Administration (COA) shall appoint one independent Scrutinizer for the purposes of E-Voting process as mandated for the election of Committee of Administration (COA) and the Vice-Chairman , who may be Chartered Accountant in practice , Cost Accountant in practice, or Company Secretary in practice or an Advocate , but not in employment of the Council and is a person of repute who, in the opinion of the COA can scrutinize the E-Voting process in a fair and transparent manner . However the scrutinizer so appointed may take assistance of a person who is not employment of the Council and who is well-versed with the E-Voting system . The Scrutinizer will conduct the election

process and the results declared along with the Scrutinizer's report shall be placed on the website of the Council and also be displayed at the Notice Board maintained at the office of SHEFEXIL.

5. PROCEDURE OF ELECTION THROUGH COMPULSORY E-VOTING :

- 5.1. The Scrutinizer, shall send list of Voter Members of the concerned Panels and also list of eligible Members of the concerned Panels to hold any position in the Committee of Administration and invite nominations from the eligible Members of the concerned Panels for election of their representatives as members of the Committee of Administration.
- 5.2 (a) The nominations shall be invited in a form as per **ANNEXURE "A"** duly proposed and seconded by an ORDINARY MEMBER of the concerned panels who is not in membership arrears. 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.
 - (b) It is clarified that Rule 5.2 (a) of the Election Rules of the Council will not apply to the election of a Panel if the number of Ordinary Members in total are not 3 or not exceeding their seat(s) reserved against panel. In such case the eligible Member shall propose himself as a candidate for election to the said Panel.
- 5.3 The Scrutinizer shall issue notice to the eligible Ordinary Members primarily classified in the Panels for which Elections are being held, inviting nominations for election of the members to the Committee from amongst the eligible Ordinary Members for the respective panel such Member primarily represents. Such a notice, along with a Nomination Form bearing stamp of the Scrutinizer as per **Annexure 'A'** hereto shall be dispatched by Speed Post only to all such Ordinary Members. Omission of service of such a notice shall not, however, invalidate the election proceedings.
- 5.4 An Ordinary Member, under the signature of its Chairman/Managing Director or Director/Partner/Proprietor, as the case may be, can nominate its representative for election only from such panel in which it is primarily registered. The representative to be nominated by a member shall be its Chairman or Managing Director or Director in the case of Limited Company/ Partner in the case of Partnership firm / Proprietor in the case of Proprietorship firm, as the case may be, or such other person as the Limited Company / Partnership Firm / Proprietorship concern may decide.

- 5.5 Any Ordinary Member whose licence to import or export goods has been cancelled by the Licensing Authority for misuse or violation of law under the Foreign Trade Policy, will not be eligible to file nomination for election to the Committee of Administration. Therefore, on the Nomination Form itself a Member will have to submit a declaration in writing signed by its Chairman/Managing Director, Director/Partner/Proprietor, as the case may be, that it/he is the holder of a valid licence to import or export goods under the Foreign Trade Policy.
- 5.6 A Nomination Form to be valid, must be:
- (a) the Original Nomination Form enclosed to the Notice by the Scrutinizer, and
 - (b) duly filled up in all respects, duly signed and stamped and complying with the provisions of these rules along with a Chartered Accountants certificate as annexed to Annexure "A" to this Election Rules and such duly completed nomination form must be returned to the Scrutinizer so as to reach the Scrutinizer within 14 days from the date of the Notice inviting Nomination.
- 5.7 Nominations sent by telex/telegram/fax/e-mail to the Election Authority will be treated as invalid.
- 5.8 In the event of the Scrutinizer having reasons to doubt the veracity of any of the particulars/information contained in any Nomination Form received by him / her, he/she may call for particulars/ information from the Ordinary Member. He/she will also be at liberty to call for the export performance of the member concerned as per the record of the Council.
- 5.9 The Scrutinizer, shall within 3 working days from the expiry of the period of 14 days mentioned in Rule 5.6 hereinbefore, enter the names of the Nominees, Panel-wise, in a Register and, after due scrutiny, prepare a list of valid nominations, a list of invalid nominations received and publish the same on the official website of SHEFEXIL. In case of invalid nomination the Scrutinizer shall inform all candidates individually about the results of their nominations citing the relevant Rule/Reason for rejecting the same, which will also be intimated to the candidate concerned both by email and hard copy.
- 5.10 Nomination can be withdrawn by the candidate/person signing the nomination form by letter signed by him/her within 5 working days from the date of intimation of the list of valid nominations by the Scrutinizer.

However, in case the candidate is an employee of the Voter Member, it can not be withdrawn by himself/ herself but only by the nominating member. Withdrawal of nominations by telex/ fax/ telegram/ e-mail will not be considered or accepted. Only letters will be considered and accepted by the Scrutinizer. A format of Withdrawal of Nomination is Annexed "B" hereto. Once withdrawal of a Nomination is finalized, no subsequent request for rescinding such withdrawal shall be entertained by the Scrutinizer. The Final List will be published within 3 days from the Last date of withdrawal of nomination.

5.11 The Election shall be held by e-voting in terms of e voting Agreement dated 21.03.2016 entered between CDSL and SHEFEXIL.

5.12 Eligible Ordinary Members from voters list shall vote for candidates who have valid nomination.

5.13. The procedure of e-voting shall be completed in 3 days.

5.14. After the e voting is closed by CDSL immediately the Scrutinizer accesses to the website of e-voting and after scrutinizing declare the result. The person receiving the highest number of votes from each Panel will be declared as elected form the Panel. The Scrutinizer shall declare the Election Rules stating the names of elected candidates from each panel. The decision of the Scrutinizer in this regard shall be final and binding on all concerned. The Election Results will be displayed in the Notice Board maintained at the office of SHEFEXIL, the Scrutinizer and shall also be published by the Scrutinizer in the official website of the Council.

5.15. In case of tie(s), the present Vice Chairman who will be endorsed as Chairman, shall cast his casting vote in the presence of the Scrutinizer.

5.16. The Scrutinizer shall arrange to communicate to all contesting members of the Council the result of the Elections and also shall notify the same to the Executive Director.

5.17. The Winning candidates – either unopposed or elected through election, may be given a letter as per format prescribed vide Annexure "C" hereto to the effect that he has been declared elected.

5.18. 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.

5.19 Only the City Civil Court or the Hon'ble High Court at Kolkata shall alone have the jurisdiction to the exclusion of all other courts, with regard to any matter arising out of the election of the Committee of Administration of the Council.

5.20 The dates of sending and receiving nomination papers, E-Voting 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 be considered to be authentic. In case of any doubt or dispute, the decision of the Scrutinizer shall be final and binding.

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

6. Election of Vice Chairman of the Council.

6.1 Once the committee is formed, any elected members of the COA can offer himself for the post of Vice-Chairman in terms of Article 27.7(b) by submitting Nomination Form as per "D" hereto.

6.2 E -Voting for the post of Vice-Chairman should be done by all the members eligible to vote, irrespective of sub-divisions of panel.

6.3 It is clarified that Rule 6.2 will not apply if any one Committee member offers himself for the post of Vice-Chairman. In such case the sole COA members offering himself to the post of Vice-Chairman will be elected uncontested as the Vice-Chairman.

6.4 In case of a tie, the present Vice Chairman who will be endorsed as Chairman, shall cast his casting vote in the presence of the Scrutinizer

6.5 The winning candidate – either unopposed or elected through election, may be given a letter as per format prescribed vide Annexure "E" hereto to the effect that he has been declared elected.

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

6.7 In case of any contradictions between these rules and the Articles of Association, the Articles of Association shall prevail.

6.8 The Committee shall decide on matters not adequately covered under these rules.

6.9 All legal matters shall be subject to the jurisdiction of Kolkata Court only.

ANNEXURE - A**NOMINATION FORM**

Place:

Date:

Shri _____
 Scrutinizer,
 The Shellac & Forest Products Export Promotion Council
 "Vanijya Bhawan", ITFC,
 1/1, Wood Street, 2nd Flr.,
 Kolkata – 700 016.

Dear Sirs

Elections to the Committee of Administration for the Financial year 2021-22

I propose Shri / Smt.
 of M/s.
 as a candidate for election as a Member of Committee of Administration (COA)
 of the Council for the year 2021-22.

STAMP OF THE FIRM

Yours faithfully

Name/Designation of Proposer

(Signature of Proposer)

Name & Address of the Firm

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
 average exports of the company / firm

 ... represented by me during the 3 financial years immediately preceding i.e,
 2018-19, 2019-20 & 2020-21 was Rs. (Rupees
). A Chartered Accountant's Certificate
 certifying these figures as per your format is also enclosed.

STAMP OF THE FIRM

Yours faithfully

Name/Designation of Nominee

(Signature of Nominee)

Name & Address of the Firm

FORMAT OF CHARTERED ACCOUNTANT'S CERTIFICATE

This is to certify that we have verified Books of Accounts and other records of M/s. having their Registered Office at.....

..... and certify that their FOB value of physical export of _____ products [Rs. in Crores] during the year (s) indicated hereunder is as follows :-

Year	FOB value of physical export of _____ products (Rs. in Crores)
-----	-----

1. (2018-19)

2. (2019-20)

3. (2020-21)

Place : _____ Name of the Chartered Accountant or his Company

Date :

(Signature)

Note: CA Certificate of FOB value of physical exports of _____ products made by the member firm in each of the three years (3rd party and deemed exports not to be included) from statutory auditors certifying export performance in Rs. In Crores (Photostat copies or Certificate not signed manually are not acceptable.)

Name of the person signing:
Designation
Membership No.
Official Stamp

ANNEXURE - B

SPEED POST WITH A/D

(To be typed on the letterhead of the Firm represented by the candidate)

**Withdrawal format for the candidature for Election to the COA of SHEFEXIL for
FY 2021-22**

To
Shri _____
Scrutinizer,
Shellac & Forest Products Export Promotion Council
“Vanijya Bhawan”, International Trade Facilitation Centre
1/1, Wood Street, 2nd Floor, Kolkata – 700 016

Sub : For Election of Committee of Administration of SHEFEXIL for FY 2021-22

Panel : _____

Madam,

With reference to my candidature for the Election to the COA of Shellac & Forest Products Export Promotion Council for FY 2021-22 in respect of Panel : _____.

I/We am/are to say that I/We hereby withdraw my/our candidature from the same.

I/We hereby declare and affirm that the above withdrawal is final and irrevocable and I/We fully own responsibility for the same, and the same has been made voluntarily, without any coercion or undue pressure.

Signature & Seal of the Candidate /
Authorised Person of the Co. / Firm / Organisation of the Nominating Member

ANNEXURE - C

(To be typed on the letterhead of the Scrutinizer for conducting election to the Committee of Administration of SHEFEXIL)

Ref. No.

Dt.

To
Name of Person,
Designation,
Company's name with
Office Address

Dear Sir,

Sub : For the Committee of Administration Election of Shellac & Forest Products Export Promotion Council for _____

This is to inform you that you have been declared as elected fromPanel for the Committee of Administration of the Council in terms of the Election Rules of Shellac & Forest Products Export Promotion Council.

Thanking you,

Yours faithfully,

Signature of the Scrutinizer
With stamp

ANNEXURE - D

NOMINATION FORM FOR ELECTION OF VICE CHAIRMAN

Place:

Date:

Shri _____

Scrutinizer,

The Shellac & Forest Products Export Promotion Council

"Vanijya Bhawan", ITFC,

1/1, Wood Street, 2nd Flr.,

Kolkata – 700 016.

Dear Sirs,

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

I propose to offer myself as a candidate for election as VICE CHAIRMAN of the Council for the term

STAMP OF THE FIRM

Yours faithfully

Name/Designation of Proposer

(Signature of Proposer)

Name & Address of the Firm

I declare that I comply the requirement of export criteria of not less than Rupees 2 (Two) Crores during the financial year immediately preceding the said term as per Art. 4.2(b) of the Articles of Association of the Council.

STAMP OF THE FIRM

Name/Designation of Nominee

Name & Address of the Firm

(Signature of Nominee)

ANNEXURE - E

(To be typed on the letterhead of the Scrutinizer for conducting election of the Vice Chairman of SHEFEXIL)

Ref. No.

Dt.

To
Name of Person,
Designation,
Company's name with
Office Address

Dear Sir,

Sub : Election of Vice-Chairman

This is to inform you that you have been declared as elected fromPanel for the Vice-Chairman of the Council in terms of the Election Rules of Shellac & Forest Products Export Promotion Council.

Thanking you,

Yours faithfully,

Signature of the Scrutinizer
With stamp