



कालीन निर्यात संवर्धन परिषद्
CARPET EXPORT PROMOTION COUNCIL
(Set up by Ministry of Textiles, Govt. of India)

ELECTION RULES

(As Amended upto 24th November, 2020)

RULES FOR ELECTION OF CHAIRMAN, VICE-CHAIRMEN AND MEMBERS OF THE COMMITTEE OF ADMINISTRATION

1. Name :- These rules shall be called "Election Rules of the Carpet Export Promotion Council" hereinafter called as "Election Rules".
2. In these rules unless there-be something in the subject or context inconsistent therewith :-
 - "Council" means the Council called "**Carpet Export Promotion Council.**"
 - "Member" means **Member of the Council** for the time being.
 - "Chairman" means the **Chairman of the Council** for the time being.
 - "Committee" means the **Committee of Administration of the Council** for the time being constituted under the Articles of Association of the Council .
 - "Annual General Meeting" means a **General Meeting of the Members of the Council** held in accordance with the Articles of Association of the Council or adjourned meeting thereof.
 - "General Body Meeting" or "**Extra Ordinary General Body Meeting**" means a **General Body Meeting of Members of the Council** duly called and constituted as per Articles of Association of Council and any adjourned meeting thereof.
 - "Month" means the **Calendar Month.**
 - "Office" means the **Registered Office of the Council** for the time being.
 - "Secretary" means the **Executive Director-cum-Secretary of the Council** for the time being and includes any person acting as such or appointed to perform the duties of the Executive Director-cum-Secretary temporarily.
 - "Government" means the **Union or State Government** as the case may be.
 - "Year" means **Financial Year** from April 1st to March 31st.
 - "Election" means **Election of the Offices of the Chairman, Vice-Chairmen and Members of the Committee of Administration.**
 - "Election Committee" means a **Committee of Three Members of the Council**, including Govt.: Nominees, appointed by the Committee beforehand to supervise/conduct elections, who have opted out not to contest elections to any of the post of the Committee of Administration.
 - "Returning Officer" means **Secretary of the Council and in his absence an officer appointed by**

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Registered Office :-

NOIDA
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the Committee of Administration, as the case may be, to function as Returning Officer for the elections under these rules.

"Scrutinizer" means officer appointed by Secretary of the Council or an officer appointed by the Central Government in the Ministry of Textiles shall function as a scrutinizer.

"Presiding Officer" means the **Officer Appointed by the Central Government** in the Ministry of Textiles as Presiding Officer incharge of the polling booth.

"Polling Officer" means an **Officer Appointed by the Central Government** in the Ministry of Textiles to assist the Presiding Officer at the time of poll and to perform such duties as may be assigned.

"Authorised Representative" means the **Persons Duly Authorised** under Article-20 of the Articles of Association of the Carpet Export Promotion Council.

3. **ELECTION :**

A. Categories and Eligibility :

- I. a) The Members of the Committee of Administration will be elected by all Council Members from amongst the Council Members belonging to the respective Categories. The number of members to be elected from each category is shown against each :
Category (i) : Council Members whose principal place of business/ manufacturing, etc. is in the State of Uttar Pradesh10.
Category (ii) : Council Members whose principal place of business/ manufacturing, etc. is in the State of J & K4.
Category (iii) : Council Members whose principal place of business / manufacturing, etc. is in the States other than Uttar Pradesh and Jammu & Kashmir4.
- b) Deleted
- II. Whereas all exporters shall have the right to become Council Members but the membership of Committee of Administration should be on the basis of export performance of Rs. 25.00 lakhs (Rupees Twenty Five Lakhs) in any one of the three years preceeding the date of application for nomination.
- III. Each eligible Council member shall have only one vote for one vacancy. The number of votes of each eligible Council member in respect of each of the above categories shall not be more than the number of the members allocated to such different categories.
- IV a) As soon as possible and immediately after election Rules are duly approved and adopted, the first General Body Meeting shall be held to elect the Vice-Chairman and COA due for retirement. The Term of the Chairman, and Vice- Chairman shall be 2 years. While that of the COA shall be 3 years.
b.1) The Eligible Members of the Council shall, as soon as possible, after the 01st April each year, elect Members of the Committee of Administration amongst themselves belonging from the respective Category for which the term of Committee of Administration members is due through Web-based Electronic Voting System. The tenure of COA shall be for a fixed period of three years. There is no bar to re-election but there should be a gap of three years after every 3 consecutive terms i.e. after 9 years.

- b.2) All the Eligible Members of the Council shall, as soon as possible, after the 01st April in every two (2) years, elect Vice-Chairman from the Existing Committee of Administration through Web-based Electronic Voting System. A member having held the post of Vice-Chairman can come back as Vice-Chairman only after the gap of four years.
- b.3) The election of Chairman of the Council shall be via Vice-Chairman route. The tenure of Chairman shall be for a fixed period of two years. There is no bar to re-election but there has to be a gap of four years. On the expiry of the term of the Chairman, the Vice-Chairman shall automatically become Chairman. There shall be no election to the Office of the Chairman as the Vice-Chairman will automatically become Chairman. However, the Vice-Chairman will take charge of Chairmanship on the date of completion of 2 years Term of Chairman from the date of his appointment, unless he decline to accept the post of Chairman or he is removed from the post of Vice-Chairman by a no- confidence vote of not less than 2/3rd of the COA members. The resolution regarding no-confidence will have to be put to vote on the same pattern of direct election as followed during the time of election to the post of Vice-Chairman. In case all eligible Members of the Council approve the no-confidence resolution then all eligible Members of the Council shall elect Vice-Chairman from the existing Committee of Administration, Vice-Chairman will take charge of Chairman immediately. The term of the Chairman and Vice-Chairman shall be two years while the Members of the Committee of Administration shall be three years.
- b.4) All the Eligible Members of the Committee of Administration shall have the right to stand for election as Vice-Chairman. Whereas Eligible Council Members shall have the right to stand for election as Members of the Committee of Administration from amongst themselves belonging from the respective Category for which the term of Members of the Committee of Administration is due.
- b.5) In case of COA member elected to the office of Vice-Chairman will have to relinquish the charge of COA member in the event of declaration of Election Results. The resultant vacancy will be filled by "By Election" for which date to be decided by COA. Such Election will take place as per procedure prescribed in Election Rules.
- b.6) However, as soon as possible and immediately after the Election Rules are duly approved and adopted, the General Body shall have to be held -
 - a. Each year to elect 1/3rd Members of the Committee of Administration from amongst the General Members of the Council through Web-based Electronic Voting System.
 - b. Every two years when the elections of Vice-Chairman is due to elect, firstly as Member of the Committee of Administration from the General Members of the Council (once the full Committee of Administration is in place then those Members of the Committee of Administration who wish to offer themselves for the post of Vice-Chairman may do so) and, Secondly to elect as Vice-Chairman from the Members of the Committee of Administration, through Web-based Electronic Voting System and in case, if the Committee of Administration Member is not elected as Vice-Chairman he will continue to hold the office of the Member of the Committee of Administration.
- V. i) At the first Annual General Body Meeting of the Carpet Export Promotion Council held next after the date of the General Body Meeting at which the first Committee Members are appointed and at every

subsequent Annual General Body Meeting, one-third of such of the members for the time being as are liable to retire by rotation, or if their number is not three or a multiple of three, then, the number nearest to one-third shall retire from office.

- ii) The members of the Committee of Administration to retire by rotation at every Annual General Body Meeting shall be those who have been longest in office since their last appointment, but as between persons who became members on the same day, those who are to retire shall, in default of and subject to any agreement among themselves, be determined by lot.
- iii) At the Annual General Body Meeting at which a member retire as aforesaid, the Council may fill up vacancy by appointing the retiring member or some other person thereto.
- iv) a) If the place of the retiring member is not so filled up and the meeting has not expressly resolved, not to fill the vacancy, the meeting shall stand adjourned for the same day after one hour at the same place, or such other day and time as the Committee of Administration may determine.
b) If at the adjourned meeting also, the place of the retiring member is not filled up and that meeting also has not expressly resolved not to fill the vacancy, the retiring member shall be deemed to have been re-appointed at the adjourned meeting, unless:
 - i) at that meeting or at the previous meeting a resolution for the reappointment of such member has been put to the meeting and lost;
 - ii) the retiring member has, by a notice in writing addressed to the Council or its Committee of Administration, expressed his unwillingness to be so re-appointed.
 - iii) He is not qualified or is disqualified for appointment.
 - iv) A resolution whether special or ordinary, is required for his appointment or re-appointment in virtue of any provisions of these rules.
- VI) A retiring member of the committee shall be eligible for re-election but there should be a gap of three years after every 3 consecutive terms.
- VII) The Members of the Committee shall be deemed to continue in the office until their successors are elected and take over.
- VIII) A Proprietor or duly authorised Partner or Director of a joint stock Registered Company or Corporation shall be eligible to contest and/ or vote in the election. No two representatives of the same firm, company or undertaking or affiliated company or association shall be eligible to contest any election.
- IX) A member from whom amount is due to Council on any account whatsoever and is not paid as on the date of issue of notification for Council's Election or a member otherwise disqualified shall not be eligible to contest, propose, second or vote in the elections of the Council.

B. PROCEDURE :

- I. The Committee shall at any time before the Annual General Meeting appoint an Election Committee comprising of three Members including Government Nominees who opt out in writing under their letter-head and seal not to contest coming elections for any of the offices of the Vice-Chairman/Committee Members. The Election Committee will supervise the conduct of election. The Secretary of the Carpet Export Promotion Council shall be authorised to process the nomination papers filed for election for the offices of Vice- Chairman/Members of the Committee of Administration and function as Returning Officer alongwith supervisors appointed by him.

- II. The Committee shall also fix, place, date and time of the election.
- III. In case Committee of Administration fails to appoint an Election Committee or to fix date and schedule of Election, the Office of the Development Commissioner (Handicrafts) shall have the powers to appoint the Election Committee and to give directives and schedule for conducting Elections.
- IV. The Central Government in the Ministry of Textiles shall be requested to nominate one Presiding Officer not below the rank of Group-B (Gazetted) and two Polling Officers of Group-C categories or equivalent.
- V. The elections to the offices of Vice-Chairman and Members of the Committee of Administration shall take place on the date, place, time and schedule to be previously notified by the Secretary as the case may be.
- VI. After the date, time and place of the General Body Meeting for election and/or Annual General Meeting in which elections are to be held, have been fixed, the Secretary shall issue a notice (Form I) to all the members alongwith the nomination papers (Form II) inviting nominations in respect of vacant offices of Vice-Chairman and Members of the Committee of Administration as the case may be, after the Election Committee if formed and place, date and time fixed and the Returning Officer and the Scrutinizers are appointed. The Secretary shall notify the names of other election personnel at a date not later than a week before the date of Poll.
- VII. The appointment of the election personnel shall be binding and not subject to question.
- VIII. Separate nomination papers on the prescribed form of the candidature for any or all the offices for which elections are intended to be contested, duly complete in all respects should reach the Secretary within 21 days from the date of issue of notice which will be the date on which the notice has been dispatched as per records of the Office of the Council.
- IX. Nomination paper not filed by a candidate with proposer and seconder alongwith declaration of acceptance and other required details as prescribed shall be rejected. Nomination received after the prescribed date and time shall also stand rejected.
- X. All nominations received within prescribed date and time shall be entered into a register maintained for the purpose in the office of the Council.
- XI. A candidate nominated can withdraw his name within 5 days from the last date for receipt of nomination in Form-III either through the Registered Post or in person so as to reach the Council's Office in time.
- XII. The Secretary on a date and time fixed and notified in advance shall scrutinize all nomination papers received and prepare lists of valid nominations and notify on the notice board of the Council's Office. In case the work is not completed on the 1st day, it would be continued on the following days till the work is over.
- XIII. Within a week of the completion of the scrutiny of nomination papers, the Secretary shall notify (Form-IV) to the members the valid nominations for each vacancy received by the Council. If the number of valid nomination for a vacancy or category received are equal to number of available seats, the candidates so nominated shall stand elected but the result shall be declared by the Returning Officer who will be provided with all details by the Secretary on the date fixed for announcement of results.
- XIV. In the event of elections taking place, Web-based Ballot Paper shall be issued to the members and be made available on the electronic mails as procedure defined thereof.

C. **VOTING:**

- I. The voting shall be through Web-based Electronic Voting System.
 - II. Each member eligible to vote shall have one vote for each vacancy as per Article-22 of the Articles of Association of the Council.
 - III. The Voting for the posts of Vice-Chairman and Committee Members shall be by Electronic means. However, the Member shall also be entitled to vote at the time of Election of Committee Members/ Vice-Chairman by voting in person, if he/she opt so in the prescribed manner.
- a. Voting by Web-based remote Electronic means.

Voting by Web-based remote Electronic means shall be available to those members whose Electronic Mail ID have been declared in the Electoral Roll and notified for the purpose along with the other details of the organization. Such E-mail IDs are deemed to be considered as registered E-mail ID with CEPC.

One Time Password will be issued through the SMS gateway on the registered mobile number of the voter.

It is further clarified that only one E-mail ID (In case of two E-mail IDs, the first ID in sequence of address will be considered for Electronic means only) of a Voter organization shall be considered.

Explanation : Those eligible member Voters who opt for exercising their right in person shall be excluded from the electronic process. No Paper Ballot shall be issued to any Members in any circumstances and the voting in Person shall also be done through Electronic means, only.

Only Electronic Ballot Paper shall be issued to the members and be made available on the electronic mails as per procedure defined thereof. The voter while casting vote electronically is deemed to have read the declaration, terms and conditions available on the system and thereafter shall become eligible to cast vote and consequent upon confirmation of the declaration, terms and conditions, the electronic process will further be operative. A member may also be asked to provide his/her Membership/Registration number or any such additional details which bonafide his/her right of exercising the vote through Electronic means.

The entire procedure and related information will be available on the CEPC website under the Column "ELECTION PROCESS". The member may first look into the instructions and thereafter may cast their vote through relevant Web-based remote Electronic Voting System as per the procedure.

A member shall be responsible for security/safety as provided in the instructions, to ensure that voting is done through electronics means only by a authorized person and shall not hold the Council or agency involved in the voting by electronic means responsible for any misuse thereof.

A member can cast his vote by electronic means any time, any day within 7 (Seven) days from the date of commencement of remote Electronic voting to eligible Members or as notified in the Election and immediately thereafter the process to cast vote through remote electronic means shall be closed. In case a member is unable to access to this process, he/she can exercise his/her right to vote through voting in person by electronic means, as per procedure.

On completion of the process of voting by remote Electronic means, the Electronic Processing Agency shall hold the data captured in the system without declaration to the members. Such data will be finalized and handed over to Returning Officer for announcement along with counting of votes by other system of voting such as Voting in Person through electronic means.

Impersonation or any other offence shall attract the related provision of the enactment of the Cyber Law and

other related provisions of Court of Law on the subject.

In case Member opts for Voting in person through electronic means, the member shall give his option in writing by the date as specified in the Election Notice, i.e. within 10 days from the date of issue of Election Notice, alongwith his attested signatures from their Bankers in the prescribed format under these Rules.

The procedure for Voting in Person shall be as provided under Para 3.C.III.(a) of the Election Rules. Accordingly, 72 hours shall be given to the eligible Member Voter opted for Voting in Person from the date and time of closing of Electronic Voting Process.

b) VOTING IN PERSON:

- (i) In case a member in the list of voters by way of electronic voting has not been able to exercise his/her right by voting through electronic means due to any reason, the member can represent in writing to the Returning Officer with full fact and details and the reason of his inability to exercise his vote through electronic means. Such representations should reach at least 72 hours prior to the date and time notified for Voting in Person. Such representation shall have to be accompanied with the attested signature from their Bankers in the prescribed format of the authorised person exercising such right to vote in a manner as prescribed in the Rules for authorization.
 - (ii) The polling hours shall be from 10.00 A.M. to 2.00 P.M. without break.
 - (iii) When the poll will be nearing closure, all remaining voters present at the booth shall report to the Presiding Officer/Polling Officer within 15 minutes of the close of the poll and they will be provided with chits signed by the Presiding Officer, allowed to stand in Queue for their turn to cast votes. All such voters shall be allowed to exercise the voting rights even beyond the hour fixed for close of the poll.
 - (iv) No Voter shall be allowed to enter the polling booth after 2.00 P.M. except as provided and his request to be allowed to cast vote shall be entertained.
- (IV) The candidate or his authorised representative shall be allowed to watch his interest during the poll and counting, but only one of them can remain during the poll or the counting at a time.
 - (V) After the voting is over the Ballot Boxes shall be sealed immediately in presence of the candidates or their authorised agents and taken to the premises of counting if the premises are different from the place of poll. Normally, the premises for the poll and counting should be the same.
 - (VI) The Presiding Officer shall work under control and supervision of Returning Officer and Polling Officers shall likewise be controlled and supervised by the Presiding Officer.

D. COUNTING, TABULATION OF VOTE AND DECLARATION OF RESULT :

- I. The counting of electronic votes will be held electronically as per system.
- II. The Counting of votes shall start after 2.00 P.M. in the presence of the Election Committee and under supervision and control of the Returning Officer, who will be assisted by the Scrutinizers and other staff provided by the Executive Director-Cum-Secretary, Carpet Export Promotion Council.
- III. In case there is no objection to the counting the result based on the principle of person getting the largest number of votes to be declared elected, shall be announced and such candidate declared elected (Form VIII).

- IV. Before announcing the result on the basis of counting, the results of candidates automatically elected under Para-3 B(XIII) above shall also be announced (Form-VIII).
- V. After results have been announced, the members of each category and office shall be given certificates of being so elected by the Secretary in Form-IX.

E. THE VOTES TREATED TO BE INVALID:

- I. If secrecy have not been maintained, i.e. the voter has made any such mark on the Ballot Paper so that he/she could be identified.
- II. If there are names of more candidates marked than required to be marked on the Ballot Paper.
- III. If there is no marking in the Ballot Paper at all.
- IV. If the marking is such that it cannot be decided as to in whose favour the marking has been done.
- V. If there is marking in the blank area.
- VI. If the marking is outside the marking area.
- VII. If the Ballot Paper is torn or mutilated.
- VIII. If the Postal Ballot is received beyond the closing time of the day.

F. COUNTING GENERAL:

- I. There will not be more marks than the number of candidates of the Members of the Committee of Administration of one category while there will be only one mark to be put in the Ballot in respect of Vice-Chairman.
- II. In case of mark in common areas of two candidates, the intention of the voter will be judged by the Returning Officer and the votes shall be counted in favour of one candidate accordingly.
- III. In case of a tie, lots shall be drawn and the candidate winning the lot shall be declared elected.
- IV. The Returning Officer shall be the final authority to declare a vote, valid or invalid i.e. to accept or reject vote. His decision shall be final and not questionable.
- V. The votes shall be tabulated against the names of each candidate getting largest number of votes for a particular office shall be declared elected.
- VI. All election records shall be sealed immediately after all the results have been announced and signed by the Returning Officer and the Secretary.

G. GENERAL

- I. The record of the elections shall be kept in the office of the Carpet Export Promotion Council duly sealed for six months after the election and then destroyed.
- II. The dates of sending and receiving Nomination Papers, Withdrawal, all Notices and Papers etc. shall be taken to be authentic and final as per records of the Office of the Carpet Export Promotion Council and by the address relevant to such paper or documents. In case of any doubt or dispute, the decision of the Secretary, Carpet Export Promotion Council shall be final in this regard.
- III. In case of any petition to be filed within 30 days from the declaration of results against the decisions in disputes on any of the matters above, decision of the Development Commissioner (Handicrafts), Ministry of Textiles, Govt. of India, shall be final and binding.
- IV. All legal matters shall be subject to jurisdiction of Delhi Courts only.