



## PHARMACEUTICALS EXPORT PROMOTION COUNCIL

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### RULES FOR ELECTION OF MEMBERS OF THE COMMITTEE OF ADMINISTRATION

(As approved by the Committee of Administration in the meeting held on 5.8.2005)

In exercise of the powers conferred by Article 9.3 of Memorandum and Articles of Association of Pharmaceuticals Export Promotion Council (Pharmexcil), the Committee of Administration makes the following Rules. These rules shall be termed as '**Election Rules**' of Pharmaceuticals Export Promotion Council and should always be read with relevant provisions of the Memorandum and Articles of Association of the Council

In view of the situation that the present Committee of Administration being ad hoc and also the proposed amendments to certain provisions of Articles of Association of the Council, to remove the ambiguity, these Election Rules shall be applicable to the 1<sup>st</sup> Elections of the Council to elect the Members of Committee of Administration. Regular Elections Rules shall be framed by the newly elected Committee after taking into consideration the proposed amendments to the Articles of Association. Till further Rules are made, these rules will be applicable for conducting the elections.

#### 1. Composition of the Committee

The composition of 1<sup>st</sup> Committee of Administration shall be sixteen members, as per the details given hereunder:

Sl. No.	Category	No. of seats reserved
a.	Small Scale Manufacturers	4 (four)
b.	Non-SSI Manufacturers	4 (four)
c.	Status holder category (Star export houses) as per the Current Foreign Trade Policy	4 (four)
d.	Merchant Exporters (not falling in category c above)	1 (one)
e.	Herbal, Unani, Ayurvedic & Homeopathic manufacturers	1 (one)
f.	R & D, Clinical/Contract Research Organizations and Biotechnology	1 (one)
g.	Others	1 (one)

## **2. Appointment of Returning Officer:**

The Committee shall appoint any officer of the Council or Government or any person, as it deems fit, as 'Returning Officer'

## **3. Election Schedule:**

The following process & time schedule shall be adopted.

The Committee shall decide the following, required for conducting the elections:

1. Issue of Notification
2. Last date for receipt of nominations: 15 days from the date of notification
3. Scrutiny & Finalization of eligible contestant: one day after receipt of nominations
4. Last date for withdrawn of nominations: 3 days after scrutiny
5. Forwarding Ballot papers to members: 3 days after withdrawal date
6. Last date for receipt of ballot papers: 15 days from the date of sending ballot papers
7. Counting of votes and declaration of results: Same day or next day of the scheduled date for receiving the ballot papers

## **4. Election Procedure:**

- i) Eligibility to vote at the Elections: Only Ordinary Members who are not in membership subscription arrears shall be eligible to vote at the elections, as per Article 3.3 and 11.1 of Articles of Association.
- ii) (a) Eligibility to contest at the Elections: Eligibility of the members to contest at the elections shall be determined as per Article 4.2 of Articles of Association of the Council.  
  
(b) An eligible member, if falling in more than one category of Sl. No. a to g under 1 above, he shall be entitled to contest only from one category of his choice and shall submit his nomination for election accordingly.
- iii) The Secretariat shall issue a notice inviting nominations for filling up the vacancies as determined above and fixing the last date for receipt of nominations which shall be at least fifteen days (15) after the notice is issued.
- iv) The nomination shall be invited in the form as per Annexure I duly proposed and seconded by Ordinary members who are eligible to vote.

- v) In addition to the documents mentioned in the notice inviting nominations, the Council reserves the right to demand additional documents to check the fulfillment of requirements of an eligible candidate.
- vi) The Returning Officer shall within a maximum of five working days after the last date for receipt of nominations, scrutinize and declare the eligible candidates for contest. The decisions taken by the Returning Officer with respect to declaring the validity of nominations shall be final.
- vii) Candidates may withdraw from the elections by writing a letter to the Executive Director, in the format as per Annexure II. Such communication should reach the Executive Director before the stipulated date.
- viii) Elections shall be held for those vacancies where the nominations are in excess of the vacancies in each category.
- ix) The elections shall be held by ballot.
- x) Each Member shall cast his vote as per number of vacancies in each category
- xi) Ballot Papers shall be sent to all the Ordinary Members by the Secretariat at least 15 days before the last date fixed for receipt of voted Ballot papers at Head Office. Validity of the votes exercised by the Members would depend on the information relating to members' eligibility under Article 3.3 of Articles of Association of the Council, submitted by them.
- xii) The ballot paper, accompanied by a cover marked as BALLOT PAPER (and no other marks) and another cover addressed to the Council and also marked as 'Ballot Cover' on top of the cover shall be sent to all members at least 15 days before the last date fixed for the receipt of voted ballot papers The Ballot paper shall be sent by the Council to any one of the persons indicated in the application for RCMC.
- xiii) Members shall cast their vote through ballot paper. The Ballot paper shall be suitably folded and sealed in the envelope marked Ballot Paper. This envelope further placed in the envelope marked as 'Ballot Cover, addressed to the Council, duly putting the address stamp of the Member.
- xiv) Members shall return the ballot paper by post/courier to the Council's Head Office or drop it personally in the securely sealed Box specifically kept in the Head Office of the Council for this purpose.
- xv) The Ballot Covers received by post/courier shall also be placed in the same securely sealed Box by the Secretariat of the Council.

- xvi) The secretariat of the Council shall prepare the list of eligible Ordinary Members well before the scheduled date for issue of election notification, which shall be made available at the web site of the council.
- xvii) The Secretariat shall intimate the candidates about the date and time fixed for counting the votes. The candidates shall have the right to be present at the counting of votes. The candidates also have the option of nominating a person to attend the counting provided that his nominee present himself at the time of counting with an authority letter from the candidate as per format in Annexure III.
- xviii) The sealed boxes shall be opened in the presence of Returning Officer and the candidates/their nominees, if any. The Returning Officer, if he so desires, may also request any other person/member to be present at the time of counting.
- xix) On the basis of list of Ordinary Members eligible to vote prepared by the Council, the Returning Officer shall decide the Ballot Covers to be considered for counting.
- xx) The decision of the Returning Officer in matters pertaining to counting and validity of ballots shall be final and binding.
- xxi) The results shall be recorded under the signature of the Returning Officer. The results shall also include candidates elected unopposed. A copy of the results thus declared shall be sent to each candidate duly certified by the Executive Director
- xxii) The elected members of the Committee shall meet within one week of announcement and elect the Chairman, vice Chairman and Regional Chairmen.
- xxiii) In case of tie(s), winning candidates shall be decided on the basis of lots in the presence of Returning Officer.
- xxiv) All Election records shall be immediately sealed and kept at the Head Office of the Council for a period of three months after which the same shall be destroyed.
- xxv) The new Committee of Administration shall be announced at the Annual General Meeting of the Council when the Agenda item pertaining to the elections is taken up for discussion.