



ELECTION RULES FOR THE ELECTION OF THE COMMITTEE OF ADMINISTRATION (COA), CHAIRMAN AND VICE CHAIRMAN OF ALL INDIA GEM & JEWELLERY DOMESTIC COUNCIL, 2018

In exercise of power conferred under Article of Association of the All India Gem & Jewellery Domestic Council, election committee the Committee of Administration hereby makes the following rules, namely:-

1. **Short title and Commencement:-**

1.1. The rules may be called the Election Rules for the election of the Committee of Administration (COA), Chairman and Vice Chairman of All India Gem & Jewellery Domestic Council, 2018

1.2. They shall come into force on the date of adoption by the *Committee of Administration*.

2. **Definitions:**

In these rules, unless the context otherwise requires;-

2.1. “**Act**” means the Companies Act, 2013 and includes any statutory modification or re-enactment thereof, for the time being in force;

2.2. “**Article**” means an article forming part of articles of association of the All India Gem & Jewellery Domestic Council;

2.3. “**Committee**” means the Committee of Administration (CoA) of the All India Gem & Jewellery Domestic Council, constituted, as such, under the articles of All India Gem & Jewellery Domestic Council;

2.4. “**Combined Panel**” means panels amalgamated together based upon the number of members in accordance with the Articles;

2.5. “**Eligible Voters List**” means the list of members included in the voter list entitled to cast vote in the election process of the Committee;

2.6. “**Email**” or “**Email Address**” means E-mail address of the member as provided by the member, available with the GJC and displayed on the GJC website against the name of the member in the “Eligible Voter List;”

2.7. “**Electronic Agency**” means the team/ agency appointed by the election committee of GJC to conduct the process of voting by electronic means under the present rules;

- 2.8. “**Membership Number**” for the purposes of the election shall mean the membership number of the Member, displayed on GJC website against the names of the member in the “Eligible Voter List”;
- 2.9. “**OTP**” means computer generated one time password during online voting process forwarded on the registered mobile number of the member maintained with GJC;
- 2.10. “**Rules**” means the rules of the GJC, framed under the articles or under any enactment for the time being in force;
- 2.11. “**Returning Officer**” means a person appointed by COA upon recommendation of election committee and entrusted to conduct the election of COA;
- 2.12. “**Year**” means the financial year beginning with the 1st April and ending with the 31st March;
- 2.13. Words and expressions used herein and not defined but defined in the Article shall have the meaning respectively assigned to them in the Article.

3. Role & Power of the Returning Officer:-

- 3.1. Returning Officer shall be an independent person.
- 3.2. Returning Officer shall ensure the secrecy of electoral rolls, voter details, confidentiality of information owned by GJC and confidentiality of information of voters.
- 3.3. Returning Officer shall supervise the ‘*Electronic agency*’ during the Election Process.
- 3.4. Returning Officer shall report only to ‘*Committee*’ through its election committee.
- 3.5. Returning Officer shall assume office till the elections are conducted, the new Committee is elected and the first meeting of new COA takes place.
- 3.6. Returning office shall publish the schedule for the election process on the website of GJC in consultation with election committee and which shall also be communicated to members through electronic communication/SMS on their email and registered mobile numbers respectively.
- 3.7. Returning Officer shall notify the number of vacancies identified by the election committee arising in any of the panel/zone as prescribed in article as well as for the post of Zonal Chairman

4. Election of Zonal Chairman:-

- 4.1. Zonal Chairman as mentioned in Articles will be elected from the zones stipulated in the articles.
- 4.2. The Zonal Chairman shall hold its position for the term prescribed in the Articles.

4.3. In case of any vacancy, arises by virtue of retirement of the member in draw of lot conducted as per articles, the same shall be filled from the respective zone in the election process.

4.4. The election of Zonal Chairman shall be held prior to with the elections of to the COA in accordance with the articles and the election rules applicable for the time being in force.

5. Representation to the Committee by Group of Panels/Combined Panels:-

5.1. Subject to the articles and based upon the membership register of GJC, the numbers of the representations from panels and combined panel shall be as follows:-

Sr. No.	Panels/Combined Panel	Allocation of reservation as per article based upon the membership number (Rounded off)	Original/ Combined
1.	Allied + Precious Metal Bullion	1	Merged
2.	Large Manufacture Diamond + Large Manufacture Jewellery + Small & Medium Manufacturer Colour Stones	2	Merged
3.	Large Retailer	3	Original
4.	Large Wholesaler	1	Original
5.	Medium Manufacturer Jewellery	2	Original
6.	Medium Retailer	4	Original
7.	Small & Medium Manufacturer Silver Jewellery	1	Original
8.	Small & Medium Wholesaler	2	Original
9.	Small Manufacturer Jewellery	1	Original
10.	Small Retailer	3	Original
	Total Representation	20	

5.2. The numbers of members to be filed in the election shall be identified by the COA and notified by Election committee considering number of positions lying vacant and the one third number of the existing members of COA who would retire by draw of lot. In any case the total number of members of COA shall not cross 20 in Total.

5.3. While identifying the number of members to be filled the COA and Election committee shall keep the reservation of representation from panels/combined panels as stipulated in Articles and Rule 5.1 mentioned herein above.

6. Retirement and Election of Member To the Committee Of Administration:-

6.1. Returning Officer in consultation with election committee and with the support of Election agency shall ensure the expeditious process of the election in accordance with articles for the vacancies identified by the election committee.

- 6.2.** The date of the election shall be fixed by the election committee in consultation with Committee of Administration (CoA) of the GJC.
- 6.3.** In the first meeting of the COA of newly elected members, besides taking the charge from the outgoing COA, the newly elected members shall also elect a Chairman and Vice-Chairman in accordance with the Articles.
- 6.4.** Members who have served for three consecutive terms would be deemed to be ineligible for re-elections or re-appointment to the committee for a period of two years immediately after completion of their three consecutive terms.
- 6.5.** In accordance with the Articles, one third members shall retire on completion of their two year term and their names shall be determined by returning officer by holding draw of lot. The said draw shall be conducted by the returning officer, who shall be at liberty to adopt all such measures to ensure a fair and transparent draw of lot.
- 6.6.** The Returning Officer shall invite nominations for any vacancy arising out of the retirement of the member in accordance with articles and the present rules.
- 6.7.** Election would be from the Panels having no representation, combined panels, the seats declared unreserved and occupied by members appointed by 'Committee' on account of casual vacancy.
- 6.8.** All casual vacant seats shall be filled as per articles.
- 6.9.** A person appointed to fill up a casual vacancy shall hold office only for the remainder of the term of the original member.
- 6.10.** Notwithstanding anything herein, if there arises a vacancy in the Committee due to non-receipt or withdrawal of nomination at the time of election, as the case may be, such vacancy shall be filled in by the Committee in its first or subsequent meeting immediately after the Annual General Meeting following the election. A person appointed to fill up such a vacancy shall hold office only for a period of 2 (two) years till the subsequent election of the Committee
- 6.11.** The Returning Officer with prior intimation through E- mail and SMS on the registered mobile number of the members shall call upon such members or their authorized representative, to remain personally present at the desired place and time during the process of draw of lot.
- 6.12.** The Returning Officer shall notify the result of draw of lots at the office of the GJC.
- 6.13.** The existing COA will continue to discharge its functions till the first meeting of the COA consisting of newly elected.

7. Election Process:-

As per the notified schedule:-

- 7.1. Ordinary Members (Annual and Life Members), who have completed all the formalities of membership eligibility and paid their full subscription of applicable membership to the GJC shall have the right to vote at the election of Committee. These eligible list of names shall be included in the 'eligible voters' list'
- 7.2. Upon preparation of Eligible Voters List, the Returning Officer shall notify to all ordinary members through e-mail and SMS on their registered mobile number, about the availability of the Eligible Voters List for inspection at the head office of the GJC as well as at the website of GJC.
- 7.3. Only the authorized representative whose name is mentioned as such in the membership application submitted to the GJC shall have right to vote at the Election.
- 7.4. Ordinary Member of the GJC shall have one vote each for every single representation for the respective Panel and the respective Zone, as opted at the time of admission. The members from panel not reflected in the Articles shall not be eligible to vote for panels however they will have the right to vote for their respective Zone only. The members from the combined panels shall vote to the said combined panel.
- 7.5. A candidate contesting for any position in the election of the 'Committee' must fulfill the following eligibility criteria:-
 - 7.5.1. A candidate must be the Ordinary Member of the GJC as listed in the list of voters.
 - 7.5.2. Only the authorized representative of any member as mentioned in the membership application form submitted to the GJC shall be entitled to contest, propose or second at the Election.
 - 7.5.3. All candidates or the entity represented by such candidate must fulfill the criteria prescribed under the articles.
 - 7.5.4. A Nomination indicating the name of the authorized representative of the Member eligible for election to any Panel of the Committee of Administration shall be proposed and seconded by members of the same Panel and in the event of nomination for Zonal Chairman, the same shall be proposed and seconded by members of the same Zone.
 - 7.5.5. The nominee, proposer and seconder of all contesting candidate should be eligible to vote.
- 7.6. All the contesting candidates shall submit their duly filled original Nomination **Form 'A'** as attached in Schedule of the present rules with the Returning Officer along with

the prescribed fee and security deposits as determined as per the schedule notified by the returning officer.

- 7.7.** A Nomination form submitted by telex/fax/telegram/e-mail to the Returning Officer shall be treated as invalid.
- 7.8.** In the event of the Returning Officer having reasons to doubt the veracity of any of the particulars/information contained in any Nomination Form received, It may call for particulars/information from the Office of GJC. The Returning Officer will also be at liberty to call for any documents from the member.
- 7.9.** Returning Officer shall enter the names of the Nominees panel-wise, in a Register and after due scrutiny, prepare lists of valid and rejected nominations from all the nominations received. The Returning Officer shall ensure that lists of valid and rejected nominations along with the reasons of rejections is displayed on the website of GJC without any delay.
- 7.10.** Any candidate will be permitted to withdraw its Nomination by a written communication sent to returning officer at the office of GJC or through their registered e-mail at email of the returning officer as per the notified schedule pub GJC Website. Withdrawal of nominations by Fax/Telegram/e-mail will be considered or accepted by the Returning Officer. Such withdrawal shall be final and no subsequent request, for rescinding such withdrawal shall be entertained by the Returning Officer.
- 7.11.** The Returning Officer shall, dispatch a Notice by Email/SMS on registered mobile number of Voter Members informing them about the electronic voting system and the procedure to be followed for voting.
- 7.12.** A member can file nomination and contest election for Zonal Chairman as well as for Panel Member simultaneously. In case of a member being elected as a Zonal Chairman, he / she shall be not eligible to represent the Panel.
- 7.13.** Election shall be held for the Zones and the Panels/Combined Panels as per the Articles.
- 7.14.** Subject to the articles, Zonal Chairman shall be elected first by method of electing the one who has obtained highest number of votes in the Zone.
- 7.15.** In case elected Zonal Chairman exceeds maximum vacancy on a panel, one who has obtained the least percentage in his respective zone shall automatically be eliminated.
- 7.16.** Once the election of Zonal Chairman is completed, election for all panels/combined panels shall commence by way of draw of lots. In such draw the Returning Officer will seek the name of the candidate who has secured highest number

of votes in that panel from the *election agency* in sequence of highest votes. The information of votes received by all candidates from the notified panels/combined panels will be kept ready by election agency. The cards of notified panels/combined panels will be placed in a covered box from which the Returning Officer will remove one card at a time and call out the name of the panel to which the election agency after required verification will declare the name of the candidate who has secured the highest number of votes. It is important to note that first the results of all notified panels/combined panels shall be called out by the Returning Officer in round 1. In case there are any issues of vacancies in any panel there will be a Round 2 or Round 3 in which each panel could be discussed and clarified. If all the desired vacancies of all notified panels/combined panels have been filled and a candidate's name is declared then that panel will not be called out for subsequent rounds.

- 7.17.** If there are no candidates for a notified panel/combined panel and if 20 members are not available/eligible/elected to the COA then that vacancy for that panel/combined panel will be declared as unreserved and will be filled up in accordance with provisions of Articles.
- 7.18.** In case only one valid nomination is received for any vacancy, then there will be no election for that vacancy / post and the nominee will be declared as elected.
- 7.19.** 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 as per notified schedule.
- 7.20.** The electronic votes cast by the members shall be stored in a secure server. Only the Returning Officer shall be allowed access to the said votes after the voting has ended and votes are ordered to be retrieved.
- 7.21.** The total count of votes on the server will be noted and verified by the Returning Officer through his access to the secure sever where the votes have been stored.
- 7.22.** The Returning Officer shall maintain secrecy of the votes received. Only the Returning Officer or person authorized by him, and the candidate or a person authorized by him, shall be allowed to observe the process of scrutiny and counting of voting results at the office of GJC.
- 7.23.** The returning officer shall permit the representative of Government of India to observe the election process.
- 7.24.** The person receiving the highest number of votes from each Panel / Zone will be declared as elected from the respective Panel / Zone. In the case of a tie, the result will be determined by drawing lots by the Returning Officer. The Returning Officer shall declare the election result stating the names of elected candidates from each Panel /

Zone. The decision of the Returning Officer in this regard shall be final and binding on all concerned. The Election results will be displayed at the website of GJC and shall be communicated to all members by way of E-mail on the registered E-mail ID and/or through SMS on the registered mobile number of the member. The Returning Officer shall declare the result in the following manner:-

7.24.1. Total number of Votes received;

7.24.2. Number of Votes secured by the contesting candidates;

7.24.3. The name of candidate securing the highest number of votes and declared elected.

7.25. The Returning Officer with the assistance of electronic agency shall conduct electronic voting process.

7.26. The system of Electronic agency shall get its process audited independent Security Auditors, in consultation with Returning Officer and election committee.

8. DISPUTE RESOLUTION:-

8.1. All disputes with regard to any matter arising out of the election of the Committee of Administration, Chairman and Vice Chairman of the GJC shall be resolved by way of arbitration of a sole Arbitrator appointed by the GJC in accordance with the Arbitration and Conciliation Act, 1996 as may be amended from time to time. The decision of the arbitrator shall be final and binding on the parties. The arbitration proceedings shall be at Mumbai

8.2. The Courts at Mumbai shall have jurisdiction for all purposes.
