

# **Membership & Election Rules of SGEPC, 2015**

## **1. DEFINITIONS:**

In these Rules unless there be something in the subject or context in consistent therewith:-

“COUNCIL”	Means	The Sports Goods Export Promotion Council.
“MEMBER”	Means	A Member of the Council
“CHAIRMAN”	Means	Chairman for the time being of the Council
“COMMITTEE”	Means	Committee of Administration of the Council for the time being, constituted under Articles of Association of the Council.
“SECRETARY”	Means	The Secretary of the Council for the time being and included any person acting as such or appointed to perform the duties of Secretary.
“EXECUTIVE DIRECTOR”	Means	The Executive Director of the Council for the time being and included any person acting as such or appointed to perform the duties of Executive Director.

## **2. CATEGORIES OF MEMBERS AND ELIGIBILITY FOR MEMBERSHIP**

### **2.1 CATEGORIES OF MEMBERS OF THE COUNCIL**

The Council shall have the following categories of members, namely:

- (a) associate Members;
- (b) ordinary Members

### **2.2 ASSOCIATE MEMBER**

A person shall be eligible for admission to the Council as associate Member, on receiving the Import-Export Code Number from the Director General, Foreign Trade, Government of India, in respect of the product with which the Council is concerned.

### **2.3 ORDINARY MEMBER**

In order to be eligible for ordinary membership of the Council a person must satisfy the following requirements namely:-

- I. He/ She or the entity represented by him must have been an associate members of the Council for at least two years.

- (b) He/ She or the entity represented by him must have, to his/ her or its credit during the three financial years immediately preceding average exports in respect of the product of not less than the amount mentioned below:-

(i)	Small Scale Industries	:	Rs. 5 lakhs
(ii)	others	:	Rs. 15 lakhs

## **2.4 CONVERSION INTO ASSOCIATE MEMBERSHIP**

The Committee may, after giving a member reasonable opportunity of hearing, convert the membership of an ordinary member into an associate membership, if his/ her performance as an exporter of the product has, during the financial year immediately preceding been below the average mentioned in clause (b) of 2.3 above

## **3. PROCEDURE FOR MEMBERSHIP**

- (I) The proposal for Membership of the Council shall be made in an application form as may be prescribed by the Committee from time to time and shall be signed by the candidate. The proposal form shall also give the full name, address and such other information as the Committee may require from time to time, and shall contain a declaration signed by the candidate that in the event of his/ her being enrolled as a member of the Council, he/ she shall be bound by the Memorandum and Articles of Association, Rules & Regulations of the Council. The application form shall be accompanied by a cheque (a bank draft payable at New Delhi in case of applications from outstation) for Annual Subscription and Admission Fee as may be fixed by the Committee from time to time.
- (ii) The Committee may call for such further information, documents, statements, clarifications or take such steps to verify the correctness of the details set out in the application form as it may deem necessary in its absolute discretion
- (iii) The Chairman may also enroll ordinary members, subject to such enrolment (s) be ratified and confirmed at a meeting of the Committee held for the first time after such enrolment.
- (iv) Partner(s), Proprietor(s) of a member, who had ceased to be a member of the Council on account of non-payment of dues, if apply for enrolment as member of the Council in any name whatsoever, such application may be considered only at a meeting of the Committee after the arrears due from the erstwhile member have been settled. The Committee, may, on merits of each case, grant such remission of arrears due from erstwhile member, as it may deem proper.
- (v) If the candidate is duly enrolled, the Executive Director/ Secretary shall notify him of the fact and shall issue a Certificate of Membership.
- (vi) The Committee shall decide all questions, which may arise as to the eligibility or otherwise of any candidate for admission as a member of the Council and their decision on these questions shall be final.

(vii) DECISION ON THE APPLICATION

- a) The committee shall take a decision on the application for membership within two months and its decision shall be final.
- b) The decision of the Committee (whether of acceptance or rejection of the application) shall be communicated by the Executive Director/ Secretary to the applicant.

**4. CANCELLATIONS AND REJECTIONS:**

- (i) The Committee may reject any application for ordinary membership of the Council without assigning any reason whatsoever therefore and its decision shall be final.
- (ii) In the event of a candidate being enrolled as a member and it appearing subsequently at any time to the satisfaction of the Committee that any statement contained in the Application form as incorrect in some material respect, the Committee, may after the member an opportunity to explain, cancel the enrolment and the member shall thereupon cease to be a member of the council, provided also that the member whose enrolment may be cancelled under this Clause may again seek enrolment to the Council after a period of not less than six months from the date of such cancellation.

**5. AUTHORIZED REPRESENTATIVE:**

- (i) A member on being enrolled as a Member of the Council shall forthwith notify the Executive Director/ Secretary in writing, name, address and specimen signature of an individual who shall act as an Authorized Representative of the member;
- (ii) Any firm, which is a member of this council, shall, authorize any one of its partners to act as its representative at any meeting of the Council or of the Committee.
- (iii) A sole proprietary firm or Hindu undivided family firm shall be represented by its proprietor or Karta, as the case may be.
- (iv) A body corporate being a member, may by a resolution of its Board of Directors or other Governing Body, authorize such person as it thinks fit to act as its Authorized-Representative.

Authorizations referred to above shall continue to be in force until revoked and/or withdrawn in writing by the member;

- (v) A person authorised to represent an entity by or under clause (ii), (iii) or (iv) of this article shall there upon be entitled to exercise the same rights and powers on behalf of the member whom he/ she represents, as if he/ she were an individual member of the Council, of the same class as the firm, company, society or other corporation, as the case may be.

**6. ADSMISSION FEE, SUBSCRIPTION & CONTRIBUTION**

- (a) Admission fee  
Every member shall pay an Admission Fee Rs. 2000/- or as may be fixed by the Council from time to time.

- (b) Subscription  
Every member shall pay a Subscription of Rs. 8000/- per year or as may be fixed by the Council from time to time. The subscription shall be due in advance for the whole year and shall be payable on or before 30<sup>th</sup> April, each year.

- (C) Contributions:  
Every member, shall pay trade contributions regularly @ 0.05% or as may be fixed by the Council from time to time.

Notwithstanding anything contained in this Clause, nominated members shall be exempt from paying subscriptions, admission fee and contributions.

## **7. CESSATION OF MEMBERSHIP**

- (i) Any member may withdraw from the Council by giving a written notice to the Executive Director/ Secretary of his/ her intention to do so. Provided, however, the member shall continue to be a member until such time the resignation is accepted by the Committee.
- (ii) A member whose subscription, contributions and any other dues are not paid upto 30<sup>th</sup> April each year, shall cease to be a member of the Council. Provided, however, the Chairman may at his/ her discretion, grant extension of time. The defaulting member as aforesaid shall be notified by the Executive Director/ Secretary of his/ her removal from the membership of the Council by a Registered letter addressed to the last known address in India of such member.
- (iii) A member who fails to submit returns of his/ her exports regularly as may be prescribed from time to time under the Foreign Trade Policy shall cease to a member of the council.
- (iv) A member who fails to settle the complaints received against him by the Council and also does not abide by the findings of the Committee shall cease to be a member of the Council.

Nothing contained in Clause 7(iii) and (iv) above shall be effective unless a show cause notice is issued under the signature of the Executive Director/ Secretary and sent to the member by registered post at his/ her last known address in India and until the expiry of the time specified therein to show cause.

- (v) A member who has resigned / deregistered shall nevertheless continue to be liable to the Council for all amounts due from him to the Council and for any other liability, which he/ she might have incurred towards the Council.

## **8. DISQUALIFICATION FOR MEMBERSHIP OF COUNCIL**

### **8.1 DISQUALIFICATION**

A person shall be disqualified for being, or for continuing, as a member of the Council if:

- (a) He/ she is found to be of unsound mind by a competent court;
- (b) He/ she applies to be adjudicated as, or is adjudicated as, an insolvent;
- (c) He/ she is convicted by a court of an offence involving moral turpitude and is sentenced, on such conviction, to imprisonment for not less than six months;<sup>1</sup>
- (d) He/ she, or any firm in which he is a partner, or any private company of which he is a Director, commits a violation of section 295 or section 299 of the Act;
- (e) He/ she, becomes disqualified by an order of the court under section 203 of the Act;

- (f) He/ she ceases to be a member of the entity which he represents or such entity ceases to be a member of the Council; or
- (g) his/ her name is removed from the register of members under article 8.2

## **8.2 REMOVAL BY THE COMMITTEE**

The Committee may, after giving a member reasonable opportunity of hearing, remove the name of that member from the Register of Members, either for a specified period or indefinitely:-

- a) if he/ she has violated any condition for membership or
- b) if he/ she has been in arrears in regard to the payment of membership fee or of any other amounts due from him to the Council for more than six months; or
- c) if he/ she has been guilty of disorderly conduct at meeting of the Council or of the Committee; or
- d) if he/ she has otherwise been guilty of conduct unbecoming of a member; or
- e) if he/ she has become disqualified under article 8.1.

## **9. REGISTER OF MEMBERS:**

- i) The Council shall keep a register of its members and enter therein the following particulars: -
  - (a) Name and address of each member;
  - (b) Date on which the name of the member was entered in the Register;
  - (c) Date on which the member ceased to be member;
  - (d) Name, address and specimen signatures of the Authorized Representative of the members, who shall be either a Proprietor or Partner or Director or Secretary or Manager in case of a Corporate Body or Co-operative Society.
- ii) The Committee may from time to time close the Register of Members for periods not exceeding ten days at any one time. Notice of atleast seven days for such closure shall be given to all members by post or by advertisement in one of the of Newspaper circulating in the neighbourhood of the Registered office of the Council, as may be decided by the Committee. Changes in the particulars of Members and Authorized Representatives shall not be incorporated in the Register of Members during such period of Closure.
- iii) All persons whose name shall appear in the Register of Member, as Authorized Representative shall be entitled to attend and vote at the general meeting, subject to fulfillment of other conditions of right to vote.

## **10. ELECTION:**

- (i) The Committee shall, at any time before the Annual General Meeting appoint an Election Committee comprising three of its members who shall also act as scrutinizers and one of them shall be designated as a Retuning Officer. Alternatively, council may make a written request to Govt. of India to nominate a Gazetted officer as returning Office to supervise the election process.
- (ii) At an Annual General Meeting, members shall elect from among themselves, members of the Committee in place of those who shall retire by rotation and such other vacancies as are to be filled up by election. Members of the Committee shall deem to continue in office until their successors are elected.
- (iii) The Committee shall elect, at its first meeting held after the Annual General Meeting a Chairman and Vice-Chairman each year.

Notwithstanding anything herein contained, the existing Committee shall deem to have been elected under these rules and shall continue to be in office.

## **11. ELECTION PROCEDURE**

### **11.1 RIGHT TO VOTE, ETC. 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.

### **11.2 ELIGIBILITY OF ORDINARY MEMBERS**

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

- a) he/ she or the entity represented by him, must have, to his/ her 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. 50 lakhs

### **11.3 ELIGIBILITY FOR ELECTIONS**

- i) A duly authorized representative of a member shall be eligible to contest any election;
- ii) No two representatives of the same firm, company or undertaking or of affiliated firms or of an association shall be eligible to contest any election.
- iii) A member from whom any amount is due to the Council on any account whatsoever, if not paid upto the last date of receipt of nominations, shall not be eligible to contest, propose, second and vote at any election of the Council.
- iv) A candidate must have Director Identification Number (DIN) duly approved by Ministry of Corporate Affairs. In case of candidate not having DIN at the time of nomination, they should obtain the same by the date of AGM.

## **12. NOMINATIONS**

- i) The Executive Director/ Secretary shall issue a notice to members together with nomination forms (as per performa annexed) inviting nominations in respect of vacant seats on the Committee. Nomination forms duly completed should reach the Executive Director/ Secretary within fourteen days from the date of the issue of the notice.
- ii) a) Nominations not signed by the authorized representatives as candidate, proposer and seconder shall be rejected.  
b) Nominations received after the prescribed date and time shall stand rejected.
- iii) All nominations received within the prescribed date and time shall be entered in a register maintained for the purpose. Election Committee shall scrutinize all nominations received and prepare a list of valid nominations.
- iv) A candidate who has been validly nominated, can withdraw his/ her name within three days from last date fixed for receipt of nominations.
- v) Within four days from the last date of withdrawal of nominations, the Executive Director/ Secretary / Returning Officer shall notify to the members of valid nominations received by the Council; if the number of valid nominations received are equal to the number of vacant seats then the candidates so nominated shall stand elected.
- vi) In the event of an election taking place, the Electronic Processing Agency (under the supervision of Returning Officer) shall be Authorized to issue the Ballot Paper on the registered E-mail ID of concerned members. In the event of voting in person, the ballot paper will be issued by Returning officer after checking the voting status of the member. Voting status will be prepared by the council after closing of electronic voting.

### **13. PREPARATION OF ELECTORAL ROLL**

- i) Before issuance of electronic ballots, SGEPC shall prepare an Electoral Roll (Voter List) of the members of SGEPC as per the records available and place it on SGEPC website under the title „Electoral Roll“.
- ii) For the first time, all members will be asked to fill up fresh authorization forms (as at Annex- II) so as to register Email ID's and mobile phone numbers of the authorized representative.
- iii) Authorizations referred to above shall continue to be in force until revoked and/or withdrawn in writing by the member.
- iv) The details once finalized and listed in the final electoral roll shall be considered as registered details of member and shall be considered as authentic and registered record.

### **14. VOTING**

- i) Voting shall be usually by Electronic means. Those voters who do not voted electronically will be eligible for voting in person at the venue of actual poll.
- ii) The entire process of instructions for electronic voting will be made available on the SGEPC website under the Column “ELECTION PROCESS”. The member may first look into the instructions and thereafter may cast their vote through relevant Electronic means as per procedure.
- iii) A member can cast his/ her vote by electronic means any time, any day prior to close of electronic voting as prescribed in voting procedure to be notified before every election. In case a member is unable to access this process, he/ she can exercise his/ her right to vote through voting in person as per procedure.
- iv) Member eligible to vote, may, if so desire, cast his/ her vote through the authorized representative in person at the Annual General Meeting who shall be given the necessary ballot paper by the Returning Officer for casting the vote in person except those have exercised their voting rights by way of Electronic means. Such information shall be provided by the Executive Director/ Secretary / Returning Officer in coordination with the Electronic Agency.
- v) On completion of the process of voting by Electronic means, the Electronic Processing Agency shall hold the data captured in the system without declaration to the members.
- vi) Voting by proxy shall not be allowed and each member shall cast his/ her vote electronically or in person.
- viii) No member can cast more than one vote in favour of any one candidate. However, the number of total votes to be cast by a member shall not exceed the number of vacancies to be filled up by election. A ballot paper containing vote in excess of the number of vacancies to be filled by election shall be treated as invalid.

### **15. COUNTING OF VOTES AND RESULT**

- i) The counting of electronic votes will be held electronically as per system. Such data will be finalized and handed over to Returning Officer.
- ii) All votes cast in person shall be scrutinized and counted by the scrutinizers and the result shall be declared by the Returning officer at the meeting after combining with the result of electronic poll.
- iii) Candidate(s) receiving the largest number of votes shall be declared elected. In the event of equal number of votes having been cast in favour of any two candidates, the result shall be determined by draw of lots.
- iv) The decision of the Chairman in all matters relating to nominations and elections shall be final and legally binding.

**NOMINATION PAPER**

To

The Executive Director/ Secretary,  
Sports Goods Export Promotion Council,  
1-E/6, Swami Ram Tirth Nagar,  
(Jhandewalan Extension)  
New Delhi-110055

Dear Sir,

We,.....the authorized  
representative of .....and.....  
... the authorized representative of.....do,  
hereby , propose and second the name of Shri.....authorized  
representative of.....who are the  
members of the Sports Goods Export Promotion Council (hereinafter referred to as Council) for the  
membership of the Committee of Administration of the Council;.

We also, hereby solemnly declare that we are the duly authorized representative of the Members mentioned  
above and from whom no money is due to the Council on any account. We further declare that our  
authorization still subsists.

Signatures:

Proposer.....

Seconder.....

I hereby agree to be a candidate for Membership of Committee of Administration of the Council.

Signatures of the Candidate.....

DIN:

Date.....

Place.....

Note: The Candidate for nomination to COA shall have DIN (Director Identification Number) duly approved by Ministry of Corporate Affairs. In case DIN is not available, please apply at [www.mca.gov.in](http://www.mca.gov.in) and send the copy of DIN approval letter to the council before the AGM.



**AUTHORISATION LETTER**

*NAME & ADDRESS OF THE FIRM* \_\_\_\_\_

Dated : \_\_\_\_\_

To,

The Executive Director,  
Sports Goods Export Promotion Council,  
1E/6, Swami Ram Tirth Nagar,  
**New Delhi-110055**

Dear Sir,

In pursuance of Para 5(i), (ii),(iii), (iv), & (v) of the membership Rules of the Council, we hereby authorise Shri/Smt. \_\_\_\_\_ to represent us and take part in the deliberations of General Meeting including Annual General Meetings of the Sports Goods Export Promotion Council to be held from time to time.

This Authorisation shall continue to be in force until revoked or withdrawn by us in writing. His/Her specimen signatures are attested below.

The official email address and mobile number of the authorized representative is also mentioned below.

**Email address:** \_\_\_\_\_

**Mobile number:** \_\_\_\_\_

Yours faithfully,

Specimen signature of the  
Authorised Representative

Signature \_\_\_\_\_

Name \_\_\_\_\_  
(In Block Letter)

\_\_\_\_\_  
\_\_\_\_\_

(Attested)

Designation \_\_\_\_\_

\_\_\_\_\_  
(Seal and Signature of the firm)