

# **RULES AND PROCEDURES**

## **For BGMEA Election 2011-2012**

( Under DTO Order No. MC/Aba-6/CA-4/2002/422 dated 31 July 2002 ,T.O. Rules 1994 and Articles of Association of BGMEA)

### **1. ELECTION BOARD**

- (a) The Board of Directors shall appoint the Election Board which shall consist of 3(three) members. One of them would be the Chairman of the Board. It shall perform all functions relating to the election of the BGMEA Election 2011-2012. The office of the Election Board shall be located in the BGMEA office, Dhaka.
- (b) Two members of the Board shall form quorum.
- (c) Secretary of the BGMEA shall act as the Secretary to the Election Board and handle all matters relating to the election as assigned to him by the Election Board.
- (d) The Election Board may appoint the Returning Officer(s) for the election and may engage any person to execute the secretarial and other related jobs for election or requisition the services of some officials of the BGMEA, if felt necessary, for the election purpose. However, in all such cases, the Secretary of the Board shall obtain prior consent of the Election Board.
- (e) The Secretary of the Board shall engage necessary hands with the approval of the Election Board and make payment to such persons who would remain involved with the election work having prior approval of the Election Board.
- (f) The Election Board may fix reasonable honorarium for the persons who will assist the Board in conducting the election.

### **2. ELECTION APPEAL BOARD**

The Board of Directors shall appoint an Election Appeal Board consisting of 3(three) members which shall hear appeal pertaining to the matters relating to the Voters' List, Candidates' Nomination Papers and against the result of Election. All such Appeal should be filed within date and time as per the concerned Election Schedule. The decision of the Appeal Board shall be final. The Sr. Additional Secretary (Customs) of the BGMEA shall act as Secretary to the Election Appeal Board. The office of the Election Appeal Board shall be located in the BGMEA office, Dhaka.

### **3. VOTER**

- (a) As per rule 13(3) of the T.O. Rules 1994 only the Ordinary (not Provisional) Member unit of BGMEA is eligible to nominate a voter. Each voter will have one vote.
- (b) A voter whose name appeared in BGMEA Election 2009-2010 Voters' List will automatically be a voter in BGMEA Election 2011-2012 provided subscription including all kinds of dues of BGMEA is cleared in time as specified in the Election Schedule for BGMEA Election 2011-2012. In this case, there is no need to submit any Voter Nomination letter for becoming voter. However, in case of change of management of the unit or change of Voter's Nomination, the fresh nomination letter for becoming voter should be submitted as per Election Schedule for BGMEA Election 2011-2012.
- (c) None other than the following can be nominated as voter:-
  - i. In case of a Limited Company, a shareholder Director.
  - ii. In case of a Partnership Firm, a Partner.
  - iii. In case of Proprietorship firm, the Proprietor.

- (d) For Limited Company and Partnership Firm a resolution in support of the person nominated as a voter must be submitted to the Secretary, Election Board within the time limit mentioned in the Schedule.
- (e) In case of a Proprietorship Firm the nomination of the Proprietor as a voter attested by the concerned Bank shall have to be submitted to the Secretary, Election Board within the time limit mentioned in the Election Schedule.

#### **4. PARTICIPATION IN THE ELECTION**

Ordinary members (not Provisional who have cleared the subscriptions including all kinds of dues upto December 2010 within the stipulated time as mentioned in the Election Schedule published in two national dailies and made known to them by other means and whose names appear in the Final Voters' List shall be eligible to participate in the BGMEA Election, 2011-2012.

Violation of the above shall not be allowed under any circumstances.

Members who have become regular members of BGMEA 120 days prior to the date of election and Members who have cleared subscriptions including all kinds of dues payable to the BGMEA 60 days prior to the date of election are eligible to participate in the BGMEA Election 2011-2012 as per Rule 13(3) of the T.O. Rules 1994.

#### **5. VOTERS' LIST**

The Preliminary Voters' List shall be published on the date as mentioned in the Election Schedule. Such Voters List shall be placed on the Notice Board of office of the BGMEA. Any objection in respect of such Voters' List may be filed with the Election Appeal Board for the consideration by the Board within the date and time as specified in the schedule. The Appeal Board shall dispose off the appeals within specified time. The final Voters' List shall be published within date and time as per Election Schedule on the Notice Board of the office of BGMEA.

#### **6. VOTER NOMINATION, SPECIMEN SIGNATURES, PHOTOGRAPHS & VOTER ID CARD.**

(a) All new voters shall send their voter nomination, specimen signatures in the prescribed proforma along with two copies of passport size and two copies of stamp size coloured photographs to the Secretary of the Election Board within date and time as per Election Schedule. The specimen signatures and photographs of the voter shall have to be attested/authenticated and sealed in the manner given below:-

- i. In case of a Limited Company if the voter is a shareholder Director, by the Chairman/Managing Director and if the voter is the Chairman/Managing Director, by a shareholder Director. Self attestation shall not be allowed.
- ii. In case of a partnership firm, by another partner. Self attestation shall not be allowed.
- iii. In case of a proprietorship firm by the concerned Bank of the unit. Self attestation shall not be allowed.

Such voter nomination, specimen signatures and photographs must reach the Secretary to the Election Board within date and time as per Election Schedule. If the signature appended in any nomination paper does not tally with the specimen signature of a voter supplied to the Election Board, such nomination paper shall be treated as invalid.

(b) There is no need to send voter nomination, specimen signatures and photographs by the voter whose name appeared in Voters' List of the BGMEA Election 2009-2010. Photographs available with BGMEA will be utilised for BGMEA Election 2011-2012. However, in case the photographs are not

available with BGMEA, special request will be made by the BGMEA to that particular voter to furnish his/her photograph.

- (c) If any voter who was not voter in BGMEA Election 2009-2010 fails to submit specimen signature and photographs within the stipulated time as per schedule as required in para 6(a) he/she shall not be allowed to cast his/her vote.
- (d) Voter ID Card will be issued to all the voters which will bear photograph of the voter and the respective voter shall have to collect the same from the Secretary of the Election Board during the time specified in the Schedule.

## **7. PROPOSAL**

- (a) Every Nomination for the office of the Director of the Board of Directors shall be proposed by one voter and seconded by another voter whose names appear on the Final Voters' List for BGMEA Election 2011-2012. The Nomination Paper shall be signed by the proposer, the seconder and the candidate with their official seals indicating their respective designation.
- (b) If the signature of any of the proposer/seconder or the candidate found different from the specimen signature submitted earlier or it has not been submitted at all to the Election Board the Nomination Paper shall be treated as invalid.
- (c) Any over-writing, erasing or correction by fluid or by any other means shall invalidate the Nomination Paper. Any addition or omission of details other than what is printed in the final Voters' List shall also invalidate the Nomination Paper.
- (d) Nomination Paper is to be obtained from the office of the Election Board and each form (Nomination Paper) must bear the seal and signature of any member of Election Board or of any person authorised by the Board on its behalf in the back of the form (Nomination Paper). Nomination Paper without having such seal and signature shall invalidate the Nomination Paper.

## **8. NOMINATION FOR ELECTION**

- (a) Any voter whose name appears on the Final Voters' List is eligible for election to the Board of Directors.
- (b) The nomination shall be submitted at the office of the Election Board in the prescribed form duly filled in, proposed and seconded in the manner as prescribed in the form itself, either in person or by registered post/postal courier service or by messenger in a close cover, addressed to the Chairman of the Election Board by such date and time as specified in the Election Schedule. Nomination Papers received after the expiry of the scheduled date and time shall be considered invalid.
- (c) Nomination Paper is to be submitted for the office of the Director of the Board of Directors only.

## **9. CANDIDATURE FEE**

Every candidate shall deposit to BGMEA Fund an amount of Tk.35,000/- (taka thirty five thousand only) as Candidature Fee along with the Nomination Paper through Pay Order or Bank Draft from any schedule bank favouring BGMEA, Dhaka, Bangladesh. In case of cancellation of Nomination Paper or withdrawal of candidature, the fee shall be refundable. Failure to submit the aforesaid Pay Order or Bank Draft showing deposit of fee along with the Nomination Paper shall render the nomination invalid at the time of scrutiny.

## **10. SCRUTINY**

The Election Board shall scrutinise the Nomination Papers on the date and time specified in the Election Schedule and shall announce, by making a list of the valid nominations, to the voters through the Notice Board only. Any candidate or any

authorised person may remain present at the time of scrutiny of the Nomination Paper on behalf of the candidate, if he/she so desires.

#### **11. WITHDRAWAL OF CANDIDATURE**

- (a) Any candidate whose Nomination Paper has been found valid, may withdraw the candidature by giving a notice in writing to the Election Board within such time and date as specified in the Election Schedule.
- (b) No prayer for cancellation of the withdrawal of Nomination Paper shall be entertained after submission of an application for withdrawal of candidature.

#### **12. MANNER OF ELECTION**

After withdrawal of Nomination Papers if the total number of candidates with valid nomination is found to be equal to the number of Directors to be elected, then the candidates shall be declared elected uncontested. If the total number of candidates with valid nominations is found to be less than the Directors to be elected, then the candidates shall be declared elected and the remaining offices shall be filled in through an election at a later date as to be fixed by the Election Board in consultation with the BGMEA Board of Directors. If however, the total number of candidates with valid nominations is found to be more than the offices to be filled in, a poll shall be held on the date fixed for such purpose.

#### **13. BALLOT PAPERS**

The Ballot Papers shall be prepared and made available according to the instruction of the Election Board. No Ballot Paper shall be considered valid unless it is so signed and bears the seal of the Chairman of the Election Board.

#### **14. POLLING CENTRE**

Polling of votes for the voters of Dhaka region will be held within the office premises of the BGMEA office at BGMEA Complex, 23/1 Panthapath Link Road, Kawran Bazar, Dhaka. Separate polling of votes for the voters of Chittagong region shall be held in the polling centre to be set up in the BGMEA Regional Office, BGMEA Bhaban, 669/E, Jawtala Road, Kulshi, Chittagong. The polling of votes for the voters of Chittagong Region would be conducted by one of the members of the Election Board as nominated by the Chairman, Election Board for BGMEA Election'2011-2012.

#### **15. CODE OF CONDUCT OF CANDIDATES AND THEIR SUPPORTERS**

- (a) After declaration of the Election Schedule no activity/gathering by any contesting group/candidate shall be allowed that would influence the ensuing BGMEA Election'2011-2012 but in case of holding any general meeting organised by BGMEA the matter shall have to be approved by the Board of Directors of BGMEA.
- (b) From declaration of the Election Schedule till the Election activities is over the contesting candidates shall have to comply with the following procedure failing of which his/her candidature should be cancelled by giving a notice in writing to defend himself personally or through some one nominated by him for the purpose.
- (c) After declaration of the Election Schedule the candidate or his/her supporters or his/her panel shall make no advertisement, poster, wall writing, banner in favour of the candidate for election campaigning.
- (d) Procession and canvassing for Election is completely prohibited. Under no circumstances the contesting candidates or his/her supporters or his/her panel shall make procession and canvass in favour of the candidate.

- (e) Candidate may send manifesto along with activity report of the candidate to the voters on A-4 size black and white paper. But sending of gift to the member voters is prohibited.
- (f) No projection meeting can be held by any candidate or his/her supporters or his/her penal in any hotel, restaurant or community centre for election campaigning directly or indirectly and invite the member voters for entertainment.
- (g) All type of Election campaigning should be suspended at least 48 hours before the holding of the Election.
- (h) On the Election day any gathering of the contesting candidates or his/her supporters, wearing of pannel badge and carrying of posters within 100 yards of the area fixed for the polling centre is prohibited.
- (i) No voter or contesting candidate shall be allowed to remain present or re-enter into the polling area after casting his/her vote.
- (j) Candidates contesting as a member of any group or panel or as an individual candidate for the BGMEA Election 2011-2012 may hold introductory meeting(s). The meeting shall be presided over by the Chairman or any other member he nominates.

Candidates may be allowed to address the voters for a specified period of time as may be prescribed by the Chairman of the Election Board. Prior permission from the Election Board shall have to be taken at least 48 hours before holding such meeting.

No such meeting shall be held within 48 hours before the Election date.

Personal vilification, indecent remarks or political statements shall remain prohibited. False malicious statement against any contesting candidates or political speech is prohibited in the Election Manifesto.

Candidates or any panel or group of candidates shall under no circumstances give promise to give any voter any gratification or gifts in order to include his/her support.

- (k) Any dispute or objection for violation of code of conduct for election or objection on any matter relating to election may be lodged against the contesting candidate(s). A notice shall be issued against the concerned candidate(s) to enable him/her to be present at the hearing and defend himself/herself personally or through some one nominated by him for the purpose. The Election Board may take any action as deemed fit for violation of the above code of conduct. The victim candidate may file an appeal to the Election Appeal Board against the decision of the Election Board taken in this regard. The decision of the Election Appeal Board on receipt of the appeal in this regard shall be final.
- (l) A common seating arrangement, shall be made in front of BGMEA office at Dhaka and at Chittagong by the BGMEA Secretariat.
- (m) Each candidate is allowed to nominate only one voter as his/her polling agent to remain present inside the polling centre. The name of polling agent has to be submitted to the Election Board two days prior to the election. Only the candidates and their polling agents can remain within the polling centre during the time of the poll.

- (n) The Election Board may take any action as deemed fit for violation of the above Code of Conduct.

**16. POLLING TIME**

- (a) Polling shall continue from 8 a.m. till 4 p.m. on the day fixed for the poll.
- (b) No voter shall be allowed to enter the polling centre after polling time is over. The voters who will enter the polling centre in time shall be allowed to cast their votes.

17. Ballot Papers shall be signed with seal by Chairman of the Election Board before issuing the same to the voters at the polling centre. No Ballot Paper shall be considered valid unless it is so signed with seal by the Chairman, Election Board.

**18. MANNER OF VOTING**

Votes at election shall be cast directly in person only. Voting by proxy or by postal ballot is not allowed. A voter on receipt of the Ballot Paper shall go to the polling booth fixed for marking the ballots and shall cast votes by putting cross marks (X) against the names of the candidates of his/her choice. Every voter must cast vote for 20 (twenty) candidates of Dhaka Region and 7(seven) candidates of Chitagong region. In case of short or excess casting of votes for election of candidates in any region than the requirement as stated above the Ballot Paper to that extent shall be treated as invalid.

A voter having votership against factories both at Chittagong and Dhaka will be allowed to cast his vote in any Polling Centre of Dhaka or Chittagong on production of his/her voter ID Cards.

**19. COUNTING OF VOTES**

- (a) The Election Board, shall, after the close of the polling, commence counting of votes in presence of the candidates or their polling agents and shall declare the result of the poll immediately after completion of counting the votes at the respective polling centre. The final result of the Election'2011-2012 would be announced by the Election Board as per schedule after consolidating the results of polling of votes in both the polling centres of Dhaka and at Chittagong. However, the result of the election shall be formally announced in the Annual General meeting of the Association.
- (b) Candidates who will secure the highest number of votes in serial order in the respective regions shall be declared elected. In the event of a tie or equality of votes the Election Board shall arrange drawing of lottery for declaring the winner. However, in case of such tie any candidate may withdraw/concede in favour of the other.

**20. UNFORSEEN**

If any of the scheduled programme of the election cannot be adhered to on account of any reason or situation beyond control or on account of civil commotion, strike etc. then the same shall be held on the subsequent working day and the Election Schedule shall be revised to complete the election process.

**21. SAVING**

Any matter not covered by these Rules, shall be decided in accordance with the provisions of the DTO Order No. MC/Aba-6/CA-4/2002/422 dated 31 July 2002, provisions of the T.O. Rules 1994, Companies Act-1994 and Memorandum & Articles of Association of the BGMEA.

**The End**