



SILVASSA INDUSTRIES

&

MANUFACTURERS ASSOCIATION

We Hear All And Troubleshoot the Problems

SIMA

SILVASSA INDUSTRIES AND MANUFACTURERS ASSOCIATION

CONSTITUTION AND RULES AND REGULATIONS

- 1. NAME: SILVASSA INDUSTRIES AND MANUFACTURERS ASSOCIATION**
- 2. OFFICE: OFFICE NO.8, DANUDYOG SHOPPING CENTRE, PIPARIA, SILVASSA, D & NH**
- 3. DEFINITIONS:**
 - a. **“Association”** means unless the context otherwise requires, the Silvassa Industries & Manufacturers Association.
 - b. Words importing singular number include the plural number and vice versa
 - c. Words importing the masculine gender include the feminine gender.
 - d. Words importing persons include individual, firms, companies, etc.
 - e. ‘Year’ or official ‘year’ means the Year running from 1st April to 31st March of Subsequent year.
- 4. OBJECTIVES :**

The objects of the Association are:

 - a. To promote the healthy growth and development of Industries and to encourage friendly feelings and relations amongst the industrial community, particularly of Dadra & Nagar Haveli and foster mutual co-operation amongst those engaged in Industry, Trade and Commerce.
 - b. To secure, where necessary, organized and concerted action on all matters and subjects involving the industrial units of Dadra & Nagar Haveli.
 - c. To take all steps necessary to promote the well-being of the industrial community of Dadra & Nagar Haveli and devise ways and means of promoting and protecting their interests.
 - d. To consider problems and difficulties confronting the various types and categories or industries especially small-scale industries, with a view to finding out their solutions and make representation to the authorities concerned on the same.
 - e. To study the legislative, executive and other action of the Union Government, the State Governments as also the municipal, Zilla Panchayat, Village Panchayats and other local authorities affecting a particular industry or industries in general, to

study their effects on the industrial a development of the country and to take such actions as may be deemed necessary to bring to the notice of the authorities concerned, the adverse effects of such action on any particular industry or industries in general.

- f. To collect and disseminate statistical data and other information of interest to the industrial community.
- g. To educate public opinion with regards to the character scope, importance and needs of industrial enterprises in the country.
- h. To purchase, take on lease, or hire, or otherwise acquire moveable or immovable property or any rights or privileges necessary or convenient for the purpose of fulfilling the objects of the Association.
- i. To construct or alter to keep in repair any building required for any use by or for the Association and to pull down or demolish any building not so required.
- j. To sell, improve, manage, develop, lease, mortgage dispose off or otherwise deal with all or any part of the property of the Association.
- k. To subscribe, to become a member of, otherwise with any other Association. Whether incorporated or not, whose objects are wholly or in part similar to those of the Association and to procure from and communicate to any such Association such information as may be likely to further the objects of the Association.
- l. To advance and promote commercial technical and industrial education and found and support establishment and institution for the same.
- m. To institute special enquiry and take suitable action with a view to remove the difficulties in respect of any problem connected with trade, commerce or industry.
- n. To try and settle by arbitration, commercial disputes in any/between members of the Association, if both parties are agreeable to such a course.
- o. To secure, wherever possible, organized and concerted action on all subjects involving the interests of members including regulating conditions of employment of industrial Labours in various industries represented by the member of the Association.
- p. To receive money as donation or gifts, and or to borrow, raise or secure the payment of money or to receive money on deposit with or without interest for the purpose of the Association and at such time or times and in such manner as may be thought, pledge or change the whole or any part of the property of the Association in such manner as may be expedient.
- q. To raise funds and use for discharge of social responsibility of industry collectively in general by taking any social development projects alone, with any other like minded body, government department or individual.

- r. To invest and otherwise deal with the moneys of the Association in such manner as may from time to time be determined by Executive Committee and to open and operate current, fixed deposit, saving and other accounts with any bank or banks.
- s. To arrange to hold conferences, training and exhibitions from time to time to create awakening and to focus popular attention to matters affecting trade, commerce and industry and economic development of the country in general.
- t. To organize meetings, lectures, study classes and social functions in furtherance of the aims and objects of the Association.
- u. Meeting together for the negotiation and transaction of business and / or in furtherance of the objects of the Association.
- v. To arrange for the establishment and promotion of Museums, Exhibitions, Industrial and Commercial Fairs, Libraries, Research Institutes, etc for the use of the members of the Association in particular and for the industrial community in general.
- w. To facilitate the development of new industries and the extension and expansion of existing once as well as to promote and sponsor industrial township and take such other actions as my deem fit in furtherance of these objects.
- x. To urge or oppose legislation and other measures and to procure change of law and practice affecting labour problems, trade, commerce and industries in Dadra & Nagar Haveli.
- y. To help buy, sell, import, export, distribute and deal in raw materials, accessories, machineries and equipments and products of all types produced by or required by industries.
- z. To engage the services of lawyers, counsels, solicitors and experts on matters of common interests to the member of the Association.
- aa. And generally to do all that may be necessary or incidental to the attainment of the above objects.

5. CLASSES OF MEMBERS AND MEMBERSHIP FEES:

There shall be 4 classes of members, namely:

- i. Ordinary Members
 - ii. Life Members
 - iii. Associate Members
 - iv. Honorary Members
- i. Ordinary Member:**

Any firm or body incorporate whether incorporated in India or abroad, carrying on an industrial activity or interested in such an activity and having a unit at Dadra & Nagar Haveli, shall be eligible to become an Ordinary Member of the Association on

payment of below mentioned subscription every year and the admission fee as mentioned in Rule No.6 . All the subscription are payable in advance during the year.

Registered as a Small/Micro Scale Industry/Service Provider	Rs. 1500/-
Registered as a Medium Scale Industry	Rs.3000/-
Registered as a Large Scale industry	Rs.5000/-

ii. Life Member:

Any individual firm or body incorporated in India or abroad, carrying on an industrial activity or interested in such an activity, shall be eligible to become a life member of the Association on payment of Rs.25000/- as subscription in advance the proceeds of which will be credited to a reserve fund which may be utilized for expenditure of a capital nature unless approved by the General Body.

iii. Associated Member:

Any association of industries in Dadra & Nagar Haveli which subscribes to the objects of the Association and agrees to abide by its policy and programme will be eligible to become an associated Member of the Association on payment of Rs. 10000/- as annual subscription and the admission fee as mentioned in Rule No.6, below.

iv. Honorary Members

Person who have distinguished themselves by public service or who have attained a position of eminence in industry or in a company commerce and who are interested in the aims and objects of the Association, may be elected as Honorary Members of the Association by a general body meeting of the Association by two-thirds of the majority of the member present at the meeting. On the recommendation of the Executive Committee, such member shall be exempted from paying membership fees.

6. ADMISSION FEES:

All the members including ordinary and Life Members will have to pay in advance Rs.250/- as admission fee. The admission fee and subscription fee or any part thereof, once paid shall not be refundable on termination cessation or suspension of membership. Membership fees are payable for the year irrespective of the date of admission of the member to the Association which may be utilized for expenditure of a capital nature unless otherwise approved by the General Body.

7. ADMISSION TO MEMBERSHIP:

An applicant whether any firm or company or an Association, shall sign the application form supplied by the office of the Association and send it to the Honorary Secretary or

Secretary of the Association along with the admission fees and the requisite annual subscription fees with the signature of the proposer and the seconder who must be member of the Association. The application shall be placed by the Secretary before the Executive Committee of the Association at their next meeting for their consideration. The Executive Committee may refuse any application without assigning reasons or may admit the applicant to the membership of the Association. The applicant whose application has been rejected shall be entitled to the refund of the amount of admission fee and the amount of annual subscription, paid in advance. On admission of an applicant to the membership, he shall be bound by the rules and regulation of the Association and shall be entitled to receive a copy thereof for the time being in force. In case of rejection of any application by Ex-committee, in case will be put before the general body for approval with majority.

8. RESIGNATION OF MEMBERSHIP;

A member wishing to resign his membership shall forward his letter of resignation to the Secretary at least one month before the expiry of the official year of the Association with his dues, if any otherwise he shall have to pay his membership fee for the next year also.

9. CESSATION OF MEMBERSHIP

A member shall cease to be a member of association if:

- a. In case of a member being an individual, he dies or is adjudged insolvent or if he is adjudged by a competent court to be of unsound mind or is convicted of an offence involving moral turpitude.
- b. In the case of member being a company or an association, an affective resolution is passed or an order made by competent court for winding up the company or association.
- c. The member resigns by giving written notice as stated in Rule no. 8.
- d. The member fails to pay subscription within 12 months from the date of the same becoming due and if the same is not paid within one month after receipt of a written notice requiring the member to make payment of the same.

Provided, however, that the Executive Committee may, on an application made to the Hon' Secretary or the Secretary by any person ceasing to be a member under this rule, readmit such person or such condition it thinks fit.

Explanation: A firm shall not cease to be a member of the Association by reason only of a change in the constitution of the firm occasioned by the admission, retirement

or death of a partner or partners, provided the business of the firm is continued in the same name in which such firm was elected as member.

A firm, joint-stock company or other corporation shall not cease to be member of the Association merely upon any change being made in the conventional or corporate name of the firm, company or corporation. The decision of the Executive Committee as to whether a member has ceased to be a member of the Association or not under this Rule shall be final and conclusive.

10. REGISTER OF MEMBERS:

The Association shall keep a register in which shall be entered:

- a. The name and address of each member.
- b. The nature and type of industrial activity, if any carried on by each member.
- c. Class of membership in which each member is enrolled.
- d. Name of the representative and alternative representative of each member.
- e. The date on which each member was admitted to the membership of the Association.
- f. The date on which any member ceases to be a member.

11. PRIVILEGES OF MEMBERS:

Each member of the association shall be entitled:

- a. To obtain gratis publication of the Association.
- b. To the use of the association Library.
- c. To vote all General meetings of the Association or on any matters referred to the General Body of members by a circular.
- d. To be elected as office-bearers of the Association.

Expansion: Only one representative of the member who is firm, company or Association and whose name is entered in the Registered of the Association as such shall be entitled to exercise the privileges mentioned in (a) (c) and (d) in this Rule.

12. GENERAL MEETINGS:

There shall be held a General Meeting of the members of the Association which shall be called the annual ordinary general meeting within 3 months of the close of the official year of the Association to transact the following business:

- a. To receive and adopt the annual report of the Executive Committee and the audited statement of Accounts of the Association.

- b. To record the declaration of the result of election of the Executive Committee elected by the General Body of the new year.
- c. To appoint an auditor for the new year and to fix his remuneration.
- d. To transact such other business only as the Executive Committee may deem necessary and of which the Hon' Secretary under the directions of the Executive Committee, shall have given notice to the General Body of Members 3 days before the date of the meeting.

There shall be held during the course of the year, in addition to the Annual Ordinary General Meeting, a Half Yearly General Meeting to review the activities of the Association during the first six months of the year and to discuss the general problems. Such Ordinary General Meeting shall also transact such other business of which notice has been given by any member at least 7 days before the date fixed for the meeting and of which the Hon' Secretary, or the Secretary has under directions of the Executive Committee, given notice 3 days before the date of the meeting.

The Executive Committee shall have power to direct the Hon' Secretary or the Secretary, not to circulate the notice of such addition business, if in their opinion the resolution or the motion specified therein does not fall within the scope of the objects or function of the Association or the language employed in the said resolution or motion is of an objectionable nature.

A special General Meeting of the member may also be called whenever the Executive Committee thinks fit and the Executive Committee shall call a special General Meeting on the requisition of at least one-fourth of the total number of the members stating the object of the meeting in clear terms within 30 days of the receipt of such requisition by the Hon' Secretary or the Secretary, the business of Special General Meetings shall be confined to the business for which they are convened and such Special Meetings shall not transact any other business.

13. QUORUM:

No business shall be transacted at any General Meeting unless there is a quorum. One third or fifteen, (whichever is lower) members shall constitute a quorum for the General Meetings. If within 30 minutes of the time appointed for a General Meeting, a quorum is not present, the meeting shall stand adjourned a such date, hour and place as the member present at the meeting may fix.

14. ADJOURNED MEETING:

A General Meeting which is adjourned for want of a quorum can transact the business for which it is called without a quorum, when it is called again.

15. CHAIRMAN:

The President or in his absence, the Vice President shall preside at every General Meeting. If the President and the Vice President both are absent the members present may elect one from amongst them to be in the Chair at the meeting.

16. METHOD OF VOTING AT THE GENERAL MEETING:

Resolution put to vote at General meeting shall be decided by show of hands unless a ballot is demanded by at least 5 members. When a ballot is demanded by at least 5 members. When a ballot is so demanded the Chairman shall direct the ballot to be taken. In case of a tie the Chairman shall have a casting vote in addition to his own vote. The ballot shall be taken according to relevant portions of procedure laid down in Annexure – 'A'.

17. EXECUTIVE COMMITTEE:

The Executive Committee of the Association shall consist of the President, Vice-President, Hon' Secretary, Hon' Joint Secretary, Hon' Treasurer, and twelve members. All members of the Executive Committee will be elected under the provisions annexure to these bylaws. Member of the executive committee will elect following office bearers as procedure laid down in the said annexure.

18. AFFAIRS OF THE ASSOCIATION:

The affairs of the Association shall be managed by the Executive Committee which may exercise all such powers of the Association as are not expressly stated or are not required by the Rules to be exercised by the Association in General Meeting. The Executive Committee may delegate any of their powers to sub-committee consisting of such members of the Association as they may deem fit. The Executive Committee may frame their proceedings and may amend or raise the same as and when they deem fit.

19. COOPTION:

The Executive Committee may at their first and second meeting after annual General Meeting, co-opt out of the General body of members as advisory body to advise to the Executive Committee. Such co-opted members shall hold office till the holding of the next Annual General Meeting.

20. NON-ATTENDANCE IN COMMITTEE MEETINGS:

The Hon' Secretary or the Secretary will first send a reminder to the member who has absented himself the Executive Committee for three consecutive meetings, without the requisite permission of the Executive Committee. If a member remains absent from the meeting of the Executive Committee for four consecutive meetings without obtaining leave of absence from the committee, his seat may be declared vacant by the Executive Committee.

21. VACANCY ON THE EXECUTIVE COMMITTEE:

Any vacancy in the offices of President, Vice – President, Hon Secretary, Hon Joint Secretary, Hon Treasurer will be filled by the remaining members as per procedure laid down in the annexure to these bylaws.

22. LEAVE OF ABSENCE OFFICE:

The President can get from the Executive Committee leave of absence from work of his office for a period of not exceeding 3 months. During such absence of the President, Vice President will officiate the function. He will enjoy authority vested in the office of the President.

23. RETIREMENT FROM THE COMMITTEE:

The Executive Committee shall be a continuing body. However, one third members of the committee will be retiring each year. Retirement would be based on life in the committee. The senior most member in the committee will retire first. Seniority will be counted from the date of assuming the membership of committee. When more than one member will have identical seniority, the member elder in physical age will retire first. In no case any member will serve in the society for more than three years. A retiring member will be eligible for re-election again as a member. In case of any such re-election, seniority for the purpose of retirement would be counted in future years from the date of such re-election.

24. SECRETARY / MANAGER AND OTHER STAFF:

The Executive Committee may appoint any person as the Secretary / Manager on such remuneration and conditions of service as they may deem proper and prescribe his duties and functions. The Executive Committee may also appoint any person and persons to work under the secretary with such designation and on such remuneration and conditions of service as they may determine.

25. MEETING OF THE EXECUTIVE COMMITTEE:

The Executive Committee shall meet at least once a month and more often if necessary to dispense all pending business. Five members of the Executive Committee shall form the quorum for meeting of the Executive Committee. At the meeting of the Executive Committee, every member shall have vote only.

In case of tie, the Chairman shall have a casting vote in addition to his own vote.

Not less than four clear days notice shall be given to every member to call an ordinary meeting of the Executive Committee. A special meeting of the Executive Committee can be called on a notice of 24 hours.

26. MINUTES:

The Executive Committee shall keep or cause to be kept, minutes of the proceedings of its meetings as also of the meeting of the General Body. Such minutes shall be open for inspection during the office hours by any member of the Association who shall give at least 24 hours notice to the Hon' Secretary or the Secretary, and such member shall be entitled to take such extracts there from as he may require.

27. SUB COMMITTEE:

The Executive Committee may appoint Committee, or sub-committee for various subjects or branches of activity and such Committee or sub-Committee shall consist of such members of the Association as the Executive Committee may deem proper.

28. ELECTION OF THE EXECUTIVE COMMITTEE:

Election of the Executive Committee members shall be held as per rules mentioned in annexure 'A' to these bylaws.

29. ELECTION OF THE PRESIDENT, VICE-PRESIDENT, HON SECRETARY, JOINT SECRETARY, HON' TREASURERS AND JOINT TREASURERS:

The Election Officer within 15 days of the election of the Executive Committee shall call the first meeting of the Executive Committee so formed annually wherein President, Vice-President, Secretary, Joint Secretary, Treasurer, Joint Treasurer will be elected for the year. The various committee and sub-committee can be formed by the Executive Committee for the smooth and effective function of the Association.

President, Vice-President, Secretary, Joint Secretary, Treasurer and Joint Treasurer can hold the post for the period of 3 years consequently only.

30. BORROWING POWERS:

The Executive Committee may raise a loan on such terms and conditions as may be deemed necessary for a specific purpose with the prior approval of the General Meeting.

31. FUNDS OF THE ASSOCIATION:

All moneys and funds of the Association shall be received by the Hon. Treasurer or Secretary who shall pay the same into an account opened in the name of the Association with a bank or banks approved by the Executive Committee. All the cheques shall be signed by any two of the office bearers namely the President and Hon. Secretary and the Hon. Treasurer.

32. ALTERATION IN THE CLAUSES OF THE BYLAWS:

The foregoing rules and regulations shall be kept in a book along with the records of the Association. Printed copies of the same shall be forwarded to all members and no alteration or addition shall be made therein or thereto save and excepted by a majority of two –third of the members present of the Association present at a general meeting specially convened for the purpose by a notice issued at least ten days before holding of such a meeting and in which all the terms of proposed alterations or additions shall have been clearly set forth. The meeting will be conducted as per procedure laid down in the bylaws 12.

33. EXPULSION OF MEMBERS:

The Association reserves to itself the right of expelling any member, but action on that behalf shall only be taken on the Resolution of a General meeting where at least two – third of the members present have voted in favour of such resolution to expel any member, in case he does an act or pursues any activity that is in contravention of the Rules of the Association or detrimental to its credit or in any way harmful to its welfare and interest or for any other good and sufficient reason. It is thought desirable to remove him from the membership of the Association.

34. ARBITRATION:

The Association may form a Tribunal of Arbitration to decide such disputes and differences as may be referred to the Association or the Tribunal. The Executive Committee will frame rules for such tribunal from time to time.

35. GENERAL INDEMNITY:

The Executive Committee, the office bearers, the Secretary or any representative of the Association appointed for the specific purpose, shall be indemnified for the specific purpose, shall be indemnified for anything done in a bonafide manner and shall not be personally liable for any bonafide action on behalf of the Association.

36. AUDIT AND ACCOUNTS:

True accounts shall kept of the sums of money received and expended by the Association and the matter in respect of which such receipt and expenditure takes place and of the property, credits and liabilities of the Association. The accounts shall be examined and correctness of the balance sheet ascertained by qualified Auditors. Such Auditors shall be appointed at the annual general meeting each year. Any casual vacancy in the office of the Auditor may be filled by the Executive Committee.

37. NOTICE :

All notices required to be given to any member shall be deemed to have been duly given if posted to the members address appearing in the register of the members, under postal certificate.

38. DISSOLUTION:

The Association may be dissolved by a Special General Meeting of the Association convened on the recommendation of the Executive Committee or on requisition of not less than one-fourth of the members and a meeting to dissolve the association must be composed of not less than three-fourths of the members of the Association and the resolution upon the dissolution shall not be effective unless passed by a majority consisting of three-fourths of the members present and entitled to vote and voting at such special general Meeting of the Association.

39. These rules and regulations shall binding on the Association and the members thereof, to the same extent, as if they had respectively been signed and sealed by each members and contained covenants on the part of each member to observe all the provision thereof.

ANNEXURE – ‘A’

Election Rules governing the Election of the Executive Committee under Clause No. 29 of the Constitution.

(a) Electoral Roll

The Secretary shall prepare every year a list members of the Association showing therein the name of the member, name of representative and alternate representative and address in alphabetical order as on 31st December. All changes in the name of representative addresses, etc. shall have to be notified in writing to the Secretary on 30th September for the purpose of incorporation in the list. The alternate representative will have a right to vote at the general meeting and in the election only in the absence of the representative. He will; however has no right to stand in the elections.

- i. The list so prepared will be considered the Electoral Roll of the Association and shall be deemed as such for purposes for the election to the Committee.
- ii. The electoral roll shall be prepared and published by the Office of the Association on or before 31st January every year. One copy of such electoral roll be supplied to the members free of cost. Extra copies of the list may be supplied on payment of fees of Rs.25/- per copy.
- iii. A list showing the attendance of members of the Executive Committee at their meetings during the preceding year shall be circulated by the Secretary to all the members along with the electoral roll at the time of inviting nominations. Annual election will be held on in the month April every year. The election will be conducted by an Election Officer appointed by the Executive Committee. The Election Officer so appointed by the Executive Committee. The Election Officer so appointed will not be a member of the Association nor he would be a representative appointed by any member organization. He would be a person of repute.
- iv. Till an Executive Committee is elected as per procedure set in above, the members as shown in the annexed list will act as an executive committee member.

(b) Members eligible

- i. For purposes of election to the Executive Committee, only those, whose names are thus registered as on 31st of December shall be entitled to vote.
- ii. A members name whose membership fee is in arrears on 31st December will be marked with an asterisk in the Electoral Roll.

- iii. He will however be allowed to stand for, propose, second or vote at any election held either by the Association or by the Executive Committee only if the member pays all the arrears within one month after 31st December of i.e. on or before 31st January of the succeeding year.
- iv. A member who has failed to pay the subscription as here in above mentioned and also one who has ceased to be a member thereafter shall be debarred from standing for, proposing, seconding, voting at any election held either by the Association or by the Executive Committee even through his name may be on the electoral Roll.
- v. Election Officer will initiate the process of election by issuing a notification of his intention to conduct the elections for all positions of executive committee members which are vacant or likely to fallen vacant by 31st May of the year. He will notify the schedule for following steps.
- vi. Last date of submission of the notifications (not before expiry of period fifteen days from the date of initial notification issued by the Election Officer).
- vii. Scrutiny of the nominations (next day of last date of submission of the nominations)
- viii. Last date of withdrawal of the nominations (Third day from the scrutiny of the nominations)
- ix. Conducting secret ballots if nominations are more than the numbers of vacancies notified. (Not before seventh days and not later than fifteen days from the last date of withdrawal of the nominations.)
- x. Election officer will ensure that following are notified at notice board of Association immediately:
 - a. Initial Notification
 - b. List of nominations received
 - c. Result of scrutiny
 - d. List of nominations withdrawn
 - e. List of nominations remained after withdrawal
 - f. Results of poll
- xi. Secret ballot will be conducted through a ballot paper which will contain the names of all eligible contestants. Members eligible to vote will have to give their choices in order of preference equal to the number of vacancies. Votes will be counted preference wise. Contestant seeking highest number of preferences will be declared elected first. Thereafter, next contestant seeking second highest preferences will be declared elected. This process would continue till all the vacancies in the Executives are filled.

- xii. Election Officer can appoint any person(s) of his choice to assist him as polling officers for smooth conduct of the elections.
- xiii. Vacancies taking place during the year will not be filled in except when number of total vacancies becomes more than five and next election is not due within a period of three months. Vacancies will be filled in by following the procedure laid down above in para v to xii. Voter list and eligibility would be as notified based previous elections.

Silvassa Industries & Manufacturers Association