

FROM THE OFFICE OF THE ELECTION COMMISSION – FPCCI

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November 16, 2018

Through Courier, Fax & E-mail

SECRETARY GENERAL
SUBMERSIBLE PUMP IMPORTER ASSOCIATION OF PAKISTAN
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----- Appellant

SECRETARY GENERAL
The Federation of Pakistan Chambers of Commerce & Industry
Federation House
Karachi

----- Respondents

SUBJECT: APPEAL TO THE ELECTION COMMISSION OF THE FPCCI BY SECRETARY GENERAL, SUBMERSIBLE PUMP IMPORTER ASSOCIATION OF PAKISTAN AGAINST THE DECISION OF SECRETARY GENERAL OF THE FPCCI, AGAINST THE INCLUSION OF THE NOMINEES OF SUBMERSIBLE PUMP IMPORTER ASSOCIATION OF PAKISTAN IN THE PROVISIONAL LIST OF VOTERS, FOR THE YEAR 2019

The appellant aggrieved with the decision of the Secretary General of the FPCCI under Rule 18(6) of the TOR 2013 made representation to the Election Commission of the FPCCI vide letter no. 789/03 dated 12TH November, 2018 on the grounds mentioned therein.

Written statement of the appellant:

The appellant while contending the decision of the Secretary General of the FPCCI, stated that the referred Association has paid two times annual subscription fees which should be treated as completion of two years. He further went on to add that this year the President of FPCCI will be from the province of Baluchistan, therefore, it would be somewhat unfair, if the voting rights of the Association are curbed. That, as per Rule 15 of the Trade Organizations Rules 2013, the old members can cast vote on the condition that if they do not have any outstanding dues and that the referred Association does not have any outstanding dues, therefore, it may be considered for the voting rights.

Decision of the Secretary General of FPCCI

The Secretary General rejected the initial representation made by the appellant on the following reasoning:

"As per Trade Organizations Act 2013, Section 10(3):

A Chamber or an Association which is a member of the Federation of Chambers of Commerce and Industry shall be eligible to vote in the election of office-bearers and committees of the Federation on completion of two years of grant of license:

Submersible Pump Importer Association of Pakistan was granted License No. 245 by the Ministry of Commerce Islamabad to on 15th February 2017 and shall complete its two years on 14th February 2019. Therefore, the appeal for inclusion of names of the said Association cannot be entertained."

Decision of the Members of the Election Commission of FPCCI:

While concluding the matter the Members of the Election Commission of FPCCI decided as under:

That, the Trade Organizations Act 2013 is explicit about the eligibility criteria pertaining to the voting rights exercised by the licensed Trade Organization in the Annual Elections of the FPCCI. In this respect Section 10(3) of the Trade Organizations Act 2013 and Rule 15(1) (a) of Trade Organizations Rules 2013 are reproduced below for perusal:

Quote:-

Section 10(3) of the TOA 2013 states that *A chamber or an association which is a member of the Federation of Chambers of Commerce and Industry shall be eligible to vote in the election of office-bearers and committees of the Federation on completion of two years of grant of licence:*

Unquote

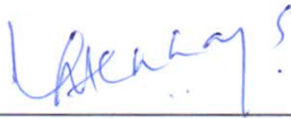
That, Section 10(3) of the TOA 2013 clearly determines eligibility criteria of the licensed Trade Organizations that, they shall only be eligible to vote in the election of Office Bearers, subject to completion of two years of grant of license.

Further, the Rule(15) (a) of the TOR 2013 clearly states that the members become eligible to vote if the above specified period of two years is completed on the date of the announcement of election schedule.

In the instant case it is noticeable that the Appellant, SUBMERSIBLE PUMP IMPORTER ASSOCIATION OF PAKISTAN was granted license No. 245 by the Ministry of Commerce, Government of Pakistan on February 2, 2017 and as per the aforementioned section of the TOA 2013 narrated above their two years from the grant of license would complete on February 1, 2019.

Thus, in the light of the above quoted Section 10(3) of the TOA and Rule (15) (a) of TOA 2013, the **said representation is hereby declined, and the decision of the Secretary General is hereby upheld.**

As the law is explicit, in the subject matter, therefore, the Election Commission did not consider it necessary to summon the party for pleading the representation in person.



MOHAMMAD ZUBAIR CHHAYA
Member of the Election Commission



CAPT. ABDUL RASHID ABRO
Member of the Election Commission



MASOOD NAQI
Member of the Election Commission

Dated: 16 November 2018

Copy to: Regulator, Trade Organizations, Islamabad
Secretary General FPCCI