

FROM THE OFFICE OF THE ELECTION COMMISSION – FPCCI

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November 16, 2018

Through Courier, Fax & E-mail

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PAKISTAN TRANSPORT ASSOCIATION
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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, PAKISTAN TRANSPORT ASSOCIATION, AGAINST THE DECISION OF SECRETARY GENERAL OF THE FPCCI, AGAINST THE INCLUSION OF THE NOMINEES OF PAKISTAN TRANSPORT ASSOCIATION 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. 157/3/2018 dated 10th November, 2018.

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 annual subscription fee twice. Under the provisions contained in Section 11 of the TOA 2013 read with Rule 15 of the trade organizations rules 2013, the tenure of office bearers of all trade organization shall be one year and the pre-requisite for nomination a candidate or the election of FPCCI shall be having two years valid memberships as on the date of announcement of election schedule by the Executive Committee of the Trade Organization.

He further went on to add that this year the President of FPCCI will be from the province of Baluchistan, hence, exclusion of name from the voters list for the coming elections of FPCCI for the year 2019, shall fair play but would also be contrary to the spirit of above referred provisions of relevant statues. It is humbly request to include the names of the members of the association in the voters list prepared for the forthcoming FPCCI election 2019.

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.**"

The Pakistan Transport Association was granted License No. 241 by the Ministry of Commerce Islamabad on 14th 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, **Pakistan Transport Association** was granted license No. 241 by the Ministry of Commerce, Government of Pakistan on 14th February 2017 and as per the aforementioned section of the TOA 2013 narrated above their two years from the grant of license would complete on 13th February 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