

FROM THE OFFICE OF THE ELECTION COMMISSION – FPCCI

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November 16, 2018

Through Courier, Fax & E-mail

SECRETARY GENERAL
GAS HEATER IMPORTER ASSOCIATION OF PAKISTAN
CORNER MISSION ROAD
QUETTA
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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, GAS HEATER IMPORTER ASSOCIATION OF PAKISTAN, AGAINST THE DECISION OF SECRETARY GENERAL OF THE FPCCI, AGAINST THE INCLUSION OF THE NOMINEES OF GAS HEATER 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. GHP-518-007 dated 12th November, 2018.

Written statement of the appellant:

The appellant while contending the decision of the Secretary General of the FPCCI, stated that the nomination form is submitted in FPCCI within due date and the Provisional list of the nominees issued on 27th October 2018. And surprised that in Provisional list the General Body and Executive Committee names are not included. This Association has paid two time annual subscription fee and treat this as completion of two years. According to the Trade Act and Trade Rules this association is eligible for casting of vote in the election of FPCCI 2019, under mentioned rules and regulation.

According to Section 11 of the TOA 2013 the office bearers of all trade organization shall be one year and nominated candidate in the election of FPCCI are well reputed with having more than two years valid memberships. More effective circumstance is that this year the President will elect from Balochistan, why the right of voting is not awarding to the well-reputed businessmen in Balochistan.

In the above circumstances, it is therefore request to please add members of this Association in voter list in the interest of justice fair play and equity.

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 **Gas Heater Importer Association of Pakistan** was granted License No. 249 by the Ministry of Commerce Islamabad on 29th March 2017 and shall complete its two years will be completed on 29th March 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 license:*

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, **Gas Heater Importer Association of Pakistan** was granted license No. 249 by the Ministry of Commerce, Government of Pakistan on 29th March 2017 and as per the aforementioned section of the TOA 2013 narrated above their two years from the grant of license would complete on 28th March 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