

# FROM THE OFFICE OF THE ELECTION COMMISSION – FPCCI

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November 16, 2018

Through Courier, Fax & E-mail

SECRETARY GENERAL  
RAWALPINDI WOMEN CHAMBER OF COMMERCE & INDUSTRY  
DD-72/2, STREET NO. 6  
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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, RAWALPINDI WOMEN CCI, AGAINST THE DECISION OF SECRETARY GENERAL OF THE FPCCI, AGAINST THE NON-ACCEPTANCE OF NOMINATIONS OF RAWALPINDI WOMEN CCI, 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. Nil dated 12<sup>th</sup> 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 they realize that on 28<sup>th</sup> December 2018, the Association is completing 2 years on the date of issuance of election circular i.e. 2<sup>nd</sup> October 2018. They further requested the Election Commission of FPCCI to accept the nominations of Rawalpindi Women CCI, by ignoring the gap of the period in completion of two years.

#### Decision of the Secretary General of FPCCI

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

"a. 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.**"

b. Further, as per Trade Organizations Act 2013 Rule 15(1) (a) "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.**"

The Rawalpindi Women Chamber of Commerce and Industry (RWCCI) was granted License No. 229 by the Ministry of Commerce, Islamabad on 29<sup>th</sup> December, 2016 and shall complete its two years on 28<sup>th</sup> December, 2018. Whereas, the Election Schedule approved by the Executive Committee of FPCCI was announced on 3<sup>rd</sup> October, 2018.

Therefore, if their Chamber had completed two years as per rule quoted (A) on or before 3<sup>rd</sup> October, 2018, they would have been eligible to vote for the election of office bearers of FPCCI.

In view of the above their appeal for inclusion of the said names of RWCCI 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:-**

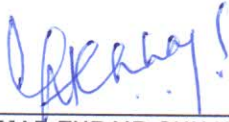
Section 10(3) of the TOA 2013 states that *A chamber or an association which is a member of the Federation of Chambers of Commerce and Industry shall be eligible to vote in the election of office-bearers and committees of the Federation on completion of two years of grant of licence:*

**Unquote**

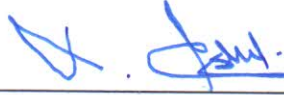
Further, "the Rule(15) (a) of the TOR 2013 clearly states that the members become eligible to vote if the above specified period of two years is completed on the date of the announcement of election schedule."

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.

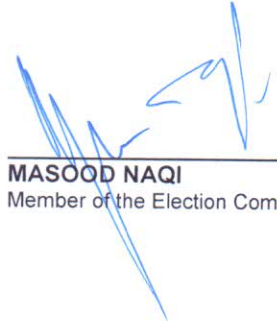
As the law is explicit, in the subject matter, therefore, the Election Commission did not consider it necessary to summon the party for pleading the representation in person.



**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