

FROM THE OFFICE OF THE ELECTION COMMISSION – FPCCI

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15th December 2018

Through Courier, Fax & E-mail

MR. MUHAMMED SHOAIB KHAN
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Nominee of MOHMAND AGENCY CHAMBER OF COMMERCE & INDUSTRY (formerly Tribal Areas CCI)

----- Appellant

SUBJECT: **OBJECTION/APPEAL, UNDER RULE 18 SUB RULE 12 OF TRADE ORGANIZATION RULES 2013, ON THE CANDIDATES FOR THE OFFICE BEARERS**

Consequent upon Appellant's written representation/appeal dated Nil received in FPCCI Head Office Karachi on December 15, 2018 on the above subject, a hearing was held on December 15, 2018 before the Members of the Election Commission of the FPCCI which was attended by the appellants authorized representative Mr. Akbar Khan.

Hearing Proceeds:

The appellant through his written representation and authorized representative contended that the appellant had submitted his nomination papers as candidate for the post of Vice President (Federal Areas). The worthy office of DGTO issued letter no. 17(13)/2008-TO dated December 11, 2018 on the insistence of FPCCI issued clarification conveyed by Ministry of Commerce, the FATA has been merged into KPK. By reason of issuance of the referred clarification, the right of undersigned as a contesting candidate stands prejudiced. Thus, the right of election has been virtually taken away. Thus, to ensure the process of law, justice and fundamental right of participation in the election process, the nominations of Mr. Muhammed Shoaib as already submitted for Vice President Federal Area Slot be considered as nomination papers for Vice President.

Decision of the Election Commission:

The Election Commission of the FPCCI after thorough scrutiny of the written representation(s) and subsequent hearing has unanimously concluded the said matter as following:

1. That in compliance to the clarification received from the office of Regulator Trade Organizations vide letter no. 17(31)/2008-TO dated December 11, 2018 with respect to the merger of FATA into KPK province, the FPCCI had issued notification no. FPCCI.EL-2019/2018/ dated December 12, 2018 thereby apprising all the licensed Trade Organizations about the said development and subsequently a copy of the same was also endorsed to the office of Regulator for information purposes.
2. Resultantly, the nomination papers received from Mr. Muhammad Shoaib Khan, representing, Mohmand Agency CCI, for the post of Vice President, representing CCIs from the Federal Area were not entertained, since Mohmand Agency CCI no more falls under the jurisdiction of Federal Area.
3. In addition to the above, it is also pertinent to mention here that the aforementioned clarification did not explicitly mention that any nominations from the FATA based Chamber(s) for the post of Office Bearer representing 'Federal Area Jurisdiction' should automatically be considered for the post of Office Bearer representing 'Khyber Pakhtunkhwa'. That, the Election Commission of FPCCI has no madate to shift the nominations from one Jurisdiction to another.

Therefore, in the light of the aforementioned facts, the very representation is hereby declined.


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: Saturday, 15th December 2018

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