

**FROM THE OFFICE OF
THE ELECTION COMMISSION - FPCCI**

Federation House, Main Clifton, Karachi
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23th November, 2020

Through Courier, Fax & E-mail

MR TARIQ HALEEM
PAKISTAN SHIP AGENTS ASSOCIATION
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Appellant

MS TAHIRA NASEEM
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Respondent

**SUBJECT: APPEAL TO THE ELECTION COMMISSION OF THE FPCCI BY MR TARIQ HALEEM, REPRESENTING PAKISTAN SHIP AGENTS ASSOCIATION
OBJECTION ON NOMINATION OF WOMEN CHAMBER OF COMMERCE AND INDUSTRY LAHORE DIVISION.**

Written Statement by the Appellant (MR. TARIQ HALEEM)

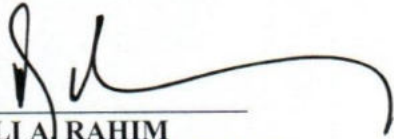
Objection on the nomination of Mst Tahira Naseem, Representative of WCCI Lahore Division for the FPCCI Election 2021

Decision of the Secretary General of FPCCI

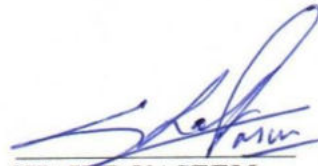
Objection was not substantiated with any prudent evidences and accordingly the objection(s) is declined.

Decision of the Members of the Election Commission of FPCCI:

Since there is verdict passed by the Honorable Islamabad High Court in a similar case where the two years mandatory requirements of membership has been held to be compulsory for being eligible of becoming a voter, hence the membership of M/s. Tahira Enterprises not being the member of the Chamber for consecutive two years hence the same cannot be entertained as a voter for the Election of FPCCI for the year 2021.



ALI A. RAHIM
Member of the Election Commission
FPCCI 2021



SHAHID VASEEM
Member of the Election Commission
FPCCI 2021

The question arose on the nomination as a REPRESENTATIVE (Mst. Tahira Vaseem) member of Trade Body (Women CCI, Lahore Division) and the matter has been put before the undersigned for consideration of its merit before conclude any decision in such regard it will be needful to find out the true intention of legislator for a member and a Voter / representative in respective law and rules

Section 10(3) of the Trade Organization Act, 2013 postulates that;

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

Article (5) of Federation of Chamber of Commerce and Industry define the eligibility to Vote;

The MEMBER of the Electoral College shall be eligible to vote only if they fulfill condition laid down in section 10 of the Trade Organization Act,2013 and Rules therein.

After careful reading of above provisions of law it is well settled principle that the right of vote conferred only to the MEMBER who have completed their tenure i.e. two year in such Organization (Federation of Chamber of Commerce and Industry) and in this particular case the Women Chamber of Commerce & Industry, Lahore Division is a valid MEMBER of FPCCI and they have reserve the Right to Vote as a member of Federation of Chamber of Commerce and Industry.

Now it is important to point out the definition Clause of "Representative" as laid down in Article of FPCCI at Article No. 1 (XXII) & Article 9(1)(b) of the articles Of FPCCI ;

Article 1 (xxii)

The term "Representative" used in this Article for the purpose of election to various bodies, committee or Organ of the FPCCI or for the purpose, shall mean **person(s) duly authorize by a Member Body** through resolution of its Executive Committee authorizing such **Person(s) to represent the Member Body**.

Article 9(1)(b)

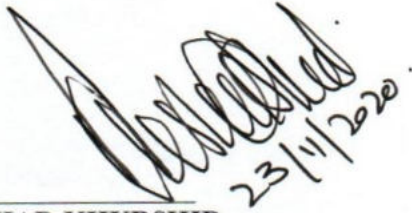
9(1) The General body of the FPCCI shall comprise representatives Nominated by the member bodies in the manners prescribed hereinafter:-

9(1)(b) The representative shall be the **member** of the nominating trade Body.

A bare reading of aforesaid transcribed provision of law makes it abundantly clear that the only authorized Person(s) of a Member Body has right to cast their vote subject to delegate the authority and to participate in the activity of FPCCI , if the Member Body tenure as in accordance with the time frame as specified in Section 10(3) of Trade Organization Act, 2013.

After perusal of the reported provision it is quite evident that there is a cavity in relation to the tenure of the Representative in their Member Body in FPPCI Article, I conclude the matter in light of the ratio decided by the Apex Court in Writ Petition 4172/2019 (Aftab Ahmed Baralas Vs Director General Trade Organizations and Other(s) thus the nomination of applicant is not to be entertain / consider as a Valid Voter and rejected accordingly .

The Applicant has right to prefer an appeal before Director General Trade Organization



ARSHAD KHURSHID
Member of the Election Commission 2021
ARSHAD KHURSHID
Member
Election Commission
FPCCI - 2021

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



Bulk Shipping & Trading (Pvt.) Ltd.

Date: November 09, 2020.

The Secretary General,
Federation of Pakistan Chambers of Commerce & Industry (FPCCI),
Federation House, Main Clifton, Block-5,
Abdullah Shah Ghazi Road,
Karachi.



Ref: Provisional list of Nominees for the year 2021.

Sub: Objection on the Nomination of ~~Mr. Mst. Tahira Naseem~~
Representative of WCCI Lahore Division.
For the FPCCI Election 2021.

Dear Sir,

With reference to the Provisional list of Members nominated by the Trade Bodies on the General Body (GB) Executive Committee (EC) of the FPCCI.

In this connection, I would like to record my objection on nomination of Mr. Tahira Naseem and you are requested to reject his paper on the following grounds.

- ① Her name is not in the final voter list of WCCI Lahore 2020,
 - ② Her business Tahira Enterprises does not fulfill requirement of Corporate Member.
 - ③ She is not eligible for Corporate membership as at the same time she was ^{was last year} Associate Member of Handicraft Association of Pakistan.
- Truly Yours, ④ Thira Enterprises the member company of Tahira Naseem is not member of WCCI for continuous period of 2 years.

Tariq. H :

Name: TARIQ HALEEM

Association: PAKISTAN SHIP AGENTS ASSOCIATION



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