



GOVERNMENT OF PAKISTAN
MINISTRY OF COMMERCE
DIRECTORATE GENERAL OF TRADE ORGANIZATIONS
(Office of Regulator of Trade Organizations)
State Life Building No. 7, 2nd Floor, Jinnah Avenue,
Blue Area.

Immediate
By Fax / Courier



F. No: 6(1)/2014-TO

Islamabad, 18th August, 2014.

ORDER IN ORIGINAL NO. 07/2014

Passed by Mr. Sajid Hussain, Director General Trade Organizations

NB: Section 14, Sub-Section 3 (e) of Trade Organizations Act, 2013 stipulates that the Regulator shall exercise the power to act as a final forum of appeals against the decisions of any person, committee or office bearers of a trade organization in matters relating to electoral process before conduct of election.

Mr. Sahibzada Muhammad, Mr. Shahwali, Mr. Wali Khan and Haji Maqbool Elahi Bhatti

Versus

***Chamber of Commerce & Industry, Quetta ,
Chamber Building, Zarghoon Road, P. O. Box 117, Quetta***

Present in the hearing on 18-08-2014:

- i) ***Mr. Sahibzada Muhammad***
- ii) ***Mr. Shahwali***
- iii) ***Mr. Wali Khan***
- iv) ***Haji Maqbool Elahi Bhatti***

.....Complainants

- i) ***President, Chamber of
Commerce and Industry, Quetta***
- ii) ***Secretary General, Chamber of
Commerce and Industry, Quetta***

.....Respondents

Date of Hearing: **18-18-2014**

Place of Hearing: **Directorate General of Trade Organizations, State Life
Building No. 7, 2nd Floor, Jinnah Avenue. Blue Area,
Islamabad**

Date of issuance of Order: **18-18-2014**

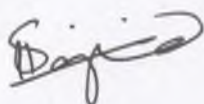
SAJID HUSSAIN
Regulator of Trade Organisations
Ministry of Commerce
Government of Pakistan Islamabad

By this Order, I intend to dispose of complaints filed by Mr. Shah Wali, Mr. Haji Maqbool Elahi Bhatti, Mr. Sahibzada Muhammad and Mr. Wali Khan against Chamber of Commerce and Industry, Quetta.

2. The complainants, inter alia, have alleged that Election Commission of Chamber of Commerce and Industry, Quetta has not been constituted in accordance with Rule 16 of Trade Organizations Rules, 2013. It has also been alleged that election schedule was not displayed on the web site as required under the law. They further alleged that memberships of those members who were the members of Chamber of Small Traders and Small Industry, Quetta were not renewed by the Chamber arbitrarily. It has further been alleged that voters list of Corporate members issued by the Chamber is not in accordance with Trade Organizations Act, 2013, Trade Organizations Rules, 2013, M&AOA of the Chamber and Companies Ordinance, 1984. Majority of the members are the representatives of the Private Limited Companies and their names are not included in Board of Directors as required to become eligible voters. Documentary evidence has also been furnished by the complainants in this regard. It has also been alleged that a number of executive committee members of corporate class were not eligible to become members of the executive committee, as they were not on the board of directors of the respective companies. It has also been alleged that Chamber is required to take renewal fee in accordance with its M&AOA however excessive fee has been received from the members at the time of renewal of membership. Original receipts indicating that excessive fee was taken from the members at the time of renewal of memberships were also furnished by the complainants to the undersigned.

3. In order to decide the above referred complaints, all the parties were directed to appear before the Regulator of Trade Organizations for personal hearing on 11-8-2014, which was later on adjourned to 18-8-2014 on the request of the respondents. In compliance thereof, President and Secretary General of the Chamber, appeared before the undersigned. The complainants also appeared in person.

4. During the course of hearing, the complainants reiterated the stance taken in their complaints. The Secretary General of the Chamber stated that Election Commission was constituted in accordance with Rule 16 of Trade Organizations Rules, 2013. The members of the Commission are impartial and fulfill the mandatory



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requirements of Rule, 16 of Trade Organizations Rules, 2013. However, the Secretary General conceded that it has been the practice of the Chamber of allowing representatives of companies to vote on behalf of the companies. He also admitted that majority of the members of Corporate Class are the representatives of the Private Limited Companies including incumbent President of the Chamber and their names do not appear in the list of Board of Directors of respective companies. The Secretary General of the Chamber further stated that memberships of those members who are members of Chamber of Small Traders and Small Industry, Quetta were not renewed as one member could not become the member of both the Chambers at one time. The Secretary General further conceded that Rs 1500 has been taken from Associate member and 2000 from the corporate member at the time of renewal of memberships.

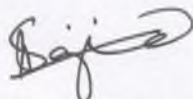
5. After hearing the arguments at length, taken into consideration the relevant provisions of law and rules and relying on documentary evidence; this forum holds as under:-

i. That the Election Commission of Quetta Chamber of Commerce and Industry was constituted in accordance with Rule, 16 of Trade Organizations Rules, 2013. Hence, objections raised by the complainants are unfounded and are not covered under the law.

ii. That the voters list issued by the Chamber for Corporate Class is not in accordance with relevant law and rules. Sub Rule 3 of Rule 15 of Trade Organizations Rules, 2013 reads as follows:-

“That the proprietor, partner or director of the member firm or company or a person not below the rank of general manager authorized by the board of directors of public limited company or a multinational company shall be entitled to cast vote at the time of election if name of such person has already been registered with the secretary general and his name appears on the list of voters”.

From the perusal of above it is clear in case of Private Limited Company; only directors are eligible to cast vote if their names appear in the list of voters issued by the



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Chamber. In this case, majority of the members whose name does not appear in Board of Directors of Private Limited Company are included in eligible voters list for the year 2014-15. Hence provisional voters list of corporate members for 2014-2015 is declared as null and void. The Secretary General and Election Commission are directed to prepare fresh voters list in strict compliance of above referred provision of Trade Organizations Rules, 2013, and to the satisfaction of the complainants within seven days positively. The election schedule be amended accordingly. The process shall be supervised by Mr. M. Anwar, Assistant Director of Trade Development Authority of Pakistan, Quetta.

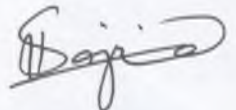
iii. Election would also be held on seats of those members of the executive committee of corporate class who are not directors of their nominating companies, at the moment.

iv. That the members whose memberships were not renewed due to having dual membership i.e. of Quetta Chamber of Commerce and Industry and Chamber of Small Traders and Industry of Quetta, are eligible to become members of Quetta Chamber of Commerce and Industry subject to the fulfillment of conditions of renewal of membership as required under Trade Organizations Rules, 2013. In this regard, this Office had already given a clarification which is enclosed with this Order. The Secretary General of the Chamber is directed to do the needful within seven days and members be informed to renew their memberships, by depositing fee in the Chamber's account in the designated branch of the Chamber so that their names could be included in voters list for the year 2014-15. No fee shall be accepted by hand.

v. That the Secretary General is directed to issue the notification of fee to be charged for associate and corporate class members on the website and notice board of the Chamber immediately in accordance with the M&AoA of the Chamber.



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