



Government of Pakistan
Ministry of Commerce,
Directorate General of Trade Organizations
(Office of Regulator of Trade Organizations)
State Life Building No. 7, 2nd Floor, Blue Area,



F. No. 9(23)/2020-TO

Islamabad, the 20th August, 2020

ORDER IN ORIGINAL NO.11/2020

Passed by Mr. Riaz Ahmed, Regulator of Trade Organizations

*In pursuance of direction passed by Honorable Peshawar High Court Peshawar,
dated 05.08.2020 in Writ Petition No. 3420/2020,
filed by All Pakistan Commercial Exporters Association and Others*

*V/s
Government of Pakistan.*

Present in the hearing.

1. Mr. Muhammad Iqbal (President)
Kohat CC&I
2. Syed Minhajudin (Chairman)
APCEA
3. Muhammad Tahir Khan (Secretary General)
Mohamand CC&I
4. Mr. Sartaj Khan (President)
Chitral CC&I
5. Qaisar Khan (Vice President FPCCI)
6. Mr. Muhammad Muzamil (Advocate)
(on behalf of Complainants)

Appellant/ Complainant

Date of Hearing: 12-08-2020

Place of Hearing: OFFICE OF REGULATOR OF TRADE ORGANIZATIONS
DIRECTORATE GENERAL OF TRADE ORGANIZATIONS,
STATE LIFE BUILDING NO.7, 2ND FLOOR, BLUE AREA,
ISLAMABAD.

Date of issuance of Order: 20-08-2020


RIAZ AHMAD
Regulator of Trade Organizations
Directorate General of Trade Organization
Ministry of Commerce, Islamabad

By this order the undersigned intends to dispose of a petition filed in the office of the DGTO by the complainants in pursuance of direction Peshawar High Court Peshawar dated 05-08-2020.

FINDINGS:

1. The Counsel of the Complainant has highlighted that due to the extra ordinary situation of Pandemic of Covid-19 various organizations including SAARC and Bar Councils of Pakistan have extended their date of renewals of membership and election schedules. Furthermore, they have attempted to show that the respective local administrations across Pakistan are prohibiting large gatherings of people. Therefore, the complainant is of the view that the Regulator should extend the date of renewal of membership till 31st August, and have also requested the Regulator during the hearing that election of all trade bodies may be postponed for four months. It is a fact that Rule 18 (19) (a) and (b) clearly stipulates that the election is to be conducted according to a specific timeline. The Rule is reproduced below for ready reference:

“Rule 13 which states that the elections of trade organizations shall be held on annual basis in case of the Federation, during the period of October to December of the year; and in case of all other trade organizations, during the period of July to September of the year”.

2. It is also pertinent to mention here that the office of the Regulator has already received a majority of election schedules and their related appeals from registered Trade Organizations, thereby indicating that the majority of Trade Organizations have completed process of renewal of membership and they are on a trajectory to complete election processes according to Trade Organizations Act, 2013 and Trade Organizations Rules, 2013.

3. Furthermore, it is also a fact that lock-down due to Covid-19 was initiated in Pakistan on 25th march, 2020, after which the government moved towards strategy of smart lock-down which has now been replaced with a policy that allows the public to go about their daily activities provided SOPS are observed. The Trade Organizations Act, 2013 and Trade Organizations Rules, 2013 do not provide for any eventuality in which dates of elections are extended, and considering the matter was not a part of the appeal filed with DGTO or the Honorable High Court, the matter needs no further elaboration.

4. Regarding the renewal of membership the complainant argued that because of lockdown many individuals have been unable to get their membership renewed/granted which deprives them of their fundamental right of Association. In this regard it is pertinent to note that the date of renewal of membership according to Rule 11 (5) (a) was 31st March. The office of DGTO, being cognizant of the difficulties faced by members of Trade Organizations in getting their membership renewed/granted, extended the date of renewal of membership vide three notifications published in national gazette till June 15 2020. Essentially, in lieu of the six days last due to lockdown implemented on 25th March, 2020, Trade Organizations were provided 75 days to satisfactorily complete the process of the renewal /grant of membership. Furthermore, DGTO vide notification dated 01-06-2020 intimated to all Trade Organizations that no further extension in grant/renewal of membership shall be provided.

ORDER:

Arguments heard, record perused and relevant provisions of law examined. In light of the above, the following order is passed:

- i. Regarding the request for date in extension of elections of Trade Organizations, no provision of Trade Organization Act and Rules 2013 allows for extension in elections, which is a time-bound process. All Trade Organizations are directed to ensure SOPs related to Covid-19 shall be followed in the conduct of elections to minimize the risk of transmission of the disease.
 - ii. The date of renewal/grant of membership remains 15 June, 2020. Any individual who has submitted documents by this date shall be considered for membership, and all individuals retain the right to file an appeal against the Secretary General of their respective associations if their case has been wrongfully rejected.
2. The matter is disposed of accordingly.

Announced Dated:-20-08-2020


(Riaz Ahmed)
Regulator (TO)

RIAZ AHMAD
Regulator of Trade Organizations
Directorate General of Trade Organization
Ministry of Commerce, Islamabad