

Standard Articles in Trade Associations (as prescribed by the Government of Pakistan, Ministry of Commerce)

No 5(2)197
Government of Pakistan
Ministry of Commerce

Islamabad, the 24th April, 1997.

O R D E R

Subject: AGREED AMENDMENTS IN THE MEMORANDUM AND ARTICLES OF ASSOCIATION OF ALL PAKISTAN ASSOCIATIONS:

1. Whereas, an understanding has been reached between F.P.C.C.I and the Ministry of Commerce to stream-line the registration of membership and election procedure of the trade bodies to introduce transparency in their electoral college and resultant elections by amending their respective Memorandum and Articles of Association rules or bye-laws.

2. Now, therefore, in exercise of powers conferred by clause (b) of sub- a section (1) section 8 read with section 9 of the Trade Organizations Ordinance, 1961 (XLV of 1961), the Federal Government is pleased to direct that All Pakistan Associations registered under section 3 of the said ordinance, to immediately rescind, amend or otherwise modify their respective Memorandum and Articles of Association, rules or bye-laws so as to bring these in conformity with the following provisions.

I) A sole proprietorship firm or any other company or a concern shall be eligible for the membership of an All Pakistan Association provided that firm or company deals in the relevant trade of that Association.

II) The membership fee chargeable from each class shall be fixed by managing/executive committee subject to approval of the General Body and DTO.

III) The membership of an All Pakistan Association shall be for a period of one year: renewable on furnishing proof of filing of a return of income or statement U/S 143 B under the Income Tax Ordinance, 1979 for the latest preceding assessment year by the member, whether individual, firm or company. However the Companies/Concerns established after 30-6-1994 shall be exempt from the aforementioned requirement for the first renewal but such, renewal would not grant them the voting right. The members of Association who are exempt from payment of income tax or if their income falls below the, taxable limit will be allowed to produce exemption certificate or copy of tax coupons etc in lieu of filing of return of income or statement u/s 143 B of Income Tax Ordinance.

IV) A member shall be eligible to vote in election of the Association after completion of one year of membership provided the member fulfills the condition stipulate for the renewal of membership and the change of class of membership, if any, has been notified by the Secretary with the approval of managing or executive committee as the case may be, at least three months prior to the announcement of election schedule.

V) Every member eligible to vote shall deposit with the Secretary, the specimen signature card along with his/her photograph indicating his/her status in the firm, company or concern. The right to vote shall be allowed only to the proprietor, partner or the director of the member firm or company, or a person not below the rank of General Manager authorized by the Board of Directors of a public limited company or a Multi-National company, as the case may be.

VI) The proprietor, partner or director of the mem firm or company, concern or a person not below the rank of General Manager authorized by the Board of Directors of public limited company or a multi-national company shall be entitled to cast his/her vote at the time of election only if his or her name has already been registered with the Secretary and his name appears on the list of voters. However, in the case of Associated Bodies, Associations of persons, a society or a trust etc., the member may be represented by an authorized person who is a member of its Governing Body.

VII) The election of the Association shall be conducted according to the procedure laid down in their respective Articles of Association between the first day of July and the 30th day of a due year subject to the following:-

(a) The election of the managing or executive committees be held by secret ballot and their final result shall be officially announced at the general meeting of the Association called for this purpose within fifteen days of the date of polling but before or on 30th September.

(b) On completion of the term the retiring members of the managing or executive committee shall not be eligible to stand for election or co option for the committee in any representative capacity for the next one year. However this provision will not be applicable to those Associations having less than 20 members.

c) Neither postal ballot nor proxy will be allowed.

d) The polling can be held simultaneously at the Head Office Zonal Office or Branch Office of the FPCCI and also in the Offices of Association for the conveniences of the voters.

VIII) The Executive/Managing Committees shall approve the, election schedule and appoint a returning officer, scrutineers and polling officers who shall be other than those contesting the election.

IX) The returning officer as appointed shall be incharge of all arrangements connected with such elections, including counting of votes, and announcement of results.

X) The Secretary of the Association along with the issuance of the election schedule shall display a list of all members eligible to vote along with their national tax number and, the name, of their representative.

XI) The changes, if any, regarding name of representative appearing in the list of voters shall be sent to the Secretary of the Association along with necessary proof of eligibility within seven days of the announcement of election schedule.

XII) The members who have any objection to the entries/changes in the list of voters shall send their objections in writing to the Secretary within seven days of the issuance of the said list.

XIII) The Secretary will intimate action on the objections or changes sent by members within seven days from the last day under preceding clause.

XIV) In case of any dispute pertaining to the eligibility-of a member the matter may be referred to the Scrutiny Committee of the Association by any person aggrieved by the decision of the Secretary of the Association within three days, which will decide the case within seven days.

XV) Within seven days of the decision of the Scrutiny Committee on such reference and the changes, if any, otherwise allowed by the Secretary, a copy of final list of voters shall be provided to the candidates contesting the election and a copy of such list shall also be submitted to the Director Trade Organizations, forthwith.

XVI) Within seven days of the issuance of the final list of voters, any person who is eligible to contest the election for the vacant post, shall send his nomination duly proposed, seconded, and signed by the candidate to the Secretary on the prescribed form in accordance with the Articles of Association or rules of the Association.

XVII) The ballot papers shall have duly numbered counterfoils and the voters shall sign or affix thumb impression thereon in the presence of agents of the candidates and the returning officer before the issuance of ballot papers to him/her.

XVIII) It shall be the duty of the polling officer to see the original identity card issued by the Association or national identity card or passport or any other mode of identification of the voter and write the number thereof on the counterfoil.

XIX) After comparing the signatures and photographs with the specimen signatures cards the polling officer shall hand over the ballot paper to the voter.

XX) The ballot paper shall be signed by the Secretary or an officer of the Association duly authorized by the Secretary in this behalf and shall also be signed by the polling officer at the time when it is issued.

XXI) The voter shall not be allowed to leave the booth after the ballot paper has been handed over to him until and unless he or she has inserted his/her ballot paper in the box placed before the presiding officer/polling officer and polling agents of the candidates.

XXII) Adequate arrangements shall be made to maintain the secrecy of the polls.

XXII) Proper account shall be maintained by a designated officer in respect of ballot papers including used, unused, tendered, challenged or stray ballot papers.

XXIV) The challenged votes shall be kept in a separate sealed envelop duly signed and sealed by the polling officer.

XXV) The returning officer shall decide about the challenged votes after verifications of necessary information from the member firm, company or concern before the official announcement of the results.

XXVI) Counting of votes shall take place immediately after the polling hours under the supervision of polling officer in the presence of polling agents of the candidates, if any, at the designated sites.

XXVII) Provisional results may be declared by the returning officer immediately after the counting of votes is completed.

XXVIII) In the event of equality of votes between two or more candidates a lot shall be drawn by the returning officer in the presence of candidates or their authorized representatives/polling agents of such candidates and a record of the result thereof shall be made.

XXIX) The announcement of election results within the meaning of Section 9(2)(e) of the Trade Organizations Ordinance shall be that made in the general meeting of the trade organization concerned called for this purpose within fifteen days of the announcement of the provisional results but in no case later than 30th day of September.

XXK) The record of elections shall be opened for inspection upon an application made in this behalf by the candidate within seven days of the date of polling and approved by the Director Trade Organizations.

XXXI) The term of office of the Managing Committee/Executive Committee and office bearers of the Association shall conform as per their Articles of Association. However, the office of Chairman/President of Association shall rotate between North & South zones, wherever the Associations have such zones as per their Articles & Memorandum.

XXXIII) Accounting year of the Association will be closed on 30th June each year and its financial statements duly audited by a chartered Accountant along with a list of members as on the 30th September shall be furnished by Association to the Director, Trade Organizations, on or before the 31st day of December every year.

3. This issues with the approval of Competent authority.

(MALIKZULFIQAR HUSSAIN)
SECTION OFFICER

All Association.