

PAKISTAN INTERNATIONAL FREIGHT
FORWARDERS ASSOCIATION

SUB-COMMITTEE FOR DISPUTE RESOLUTION

BY-LAWS



SUB-COMMITTEE FOR DISPUTE RESOLUTION

PREAMBLE: Whereas in pursuit of the complaints received by the members of the Pakistan International Freight Forwarders Association (hereinafter referred to as the 'Association') against disputes pertaining to trade and finances, amongst the members of the Association, shipper and the member of the Association, and third party and the member of the Association, and in view of the lack of appropriate complaint redressal mechanism, the Executive Committee of the Association in its meeting convened on 27.06.2022, under the powers conferred to it vide Article 38(C)&(G) of the Articles of Association, has unanimously agreed and assented to constitute a **Sub-Committee for Dispute Resolution**, to be governed under its own by-laws. Hence, in view of the above, the by-laws of the Sub-Committee for Dispute Resolution are as follows;

I. NAME OF THE SUB-COMMITTEE

The name of the Sub-Committee shall be 'Dispute Resolution Committee'.

II. DEFINITIONS

- 1) **ACT** shall mean the Trade Organization Act, 2013.
- 2) **ARTICLES** shall mean the Articles of Association of the Pakistan International Freight Forwarders Association.
- 3) **ASSOCIATION** shall mean the Pakistan International Freight Forwarders Association.
- 4) **COMPLAINANT** shall mean any aggrieved person (member/ non-member) who has filed a complaint under the prescribed manner, before the Sub-Committee.




- 5) **EXECUTIVE COMMITTEE** shall mean the lawfully appointed executive committee of the Association as prescribed under Article 19 of the Articles.
- 6) **MEMBER** shall mean any individual/ proprietorship, partnership firm, company or corporation, whose membership application has been approved by the Executive Committee of the Association, and has validly paid up-to-date all the membership dues in the office of the Association.
- 7) **MEMORANDUM** shall mean the Memorandum of Association of the Pakistan International Freight Forwarders Association.
- 8) **NORTHERN ZONE** shall mean the Province of Punjab, Khyber Pakhtunkhwa and Federal Areas.
- 9) **OFFICE** shall mean the registered offices of the Association operating in the Southern and Northern Zone, respectively.
- 10) **RULES** shall mean the Trade Organization Rules, 2013.
- 11) **SUB-COMMITTEE** shall mean the committee constituted by the Executive Committee under Articles 38(C) of the Articles.
- 12) **SHIPPER** shall mean and include the shipping line and/or shipping agent.
- 13) **SOUTHERN ZONE** shall mean the Province of Sindh and Baluchistan.
- 14) **SEAL** shall mean the common seal adopted by the Sub-Committee.




15) **THIRD PARTY** shall mean and include non-members of the Association, and the employees of the members of the association.

III. REGISTERED OFFICE AND AREA OF OPERATION

The Sub-Committee for Dispute Resolution shall function and operate simultaneously in both Southern and Northern Zones. The offices of the Sub-Committee for Dispute Resolution for the respective zone, shall be based in the respective zonal office of the Association.

IV. AIMS AND OBJECTIVES OF THE SUB-COMMITTEE

- 1) To resolve the disputes pertaining to trade and finance between the members, member and shipper, and member and third-party.
- 2) To eliminate unfair and unjust practices in the trade amongst members.
- 3) To process and conclude complaints on fast track.
- 4) To take such steps which are beneficial for the redressal of grievances amongst the members, member and shipper and member and third party.
- 5) To recommend to the executive committee to initiate proceedings against members in case if the member is found to be acting in an unlawful, unjust and illegal manner.
- 6) To giving findings on the complaints filed before the committee and intimate all the members of the Association about the proceedings undertaken by the committee.




V. COMPOSITION, TENURE, VACANCIES AND QOURM OF THE SUB-COMMITTEE

- 1) The composition of the Sub-Committee for Dispute Resolution shall be as follows;

Southern Zone	
Post/ Title	Number
Convener	01
Deputy Convener	01
Members	04

Northern Zone	
Post/ Title	Number
Convener	01
Deputy Convener	01
Members	04

- 2) The Convener and the Deputy Convener of the Sub-Committee are to be appointed from amongst the valid members of the Executive Committee. Whereas, the members of the Sub-Committee are to be appointed from amongst the members of the Association.
- 3) The Convener and the Deputy Convener of the Sub-Committee shall hold the office for a period of one year, in line with the annual appointment term of the Association. The Convener and the Deputy Convener shall cease to hold office of the Sub-Committee once the newly appointed Executive Committee of the Association takes charge.




- 4) The Members of the Sub-Committee shall be appointed by the Convener of the Sub-Committee, and shall hold office for a period of one year, in line with the annual appointment term of the Association.
- 5) In case when the Convener of the Sub-Committee of the relevant zone is unable to attend the hearing, the Deputy Convener shall preside the hearing and perform the role and functions of the Convener.
- 6) In case if the seat of the Convener and the Deputy Convener of the Sub-Committee falls vacant, the Executive Committee by consensus shall appoint a Convener and Deputy Convener from the valid Executive Committee members.
- 7) In case if a seat held by a member of the Sub-Committee falls vacant, the Convener of the Sub-Committee shall appoint a member on such seat.
- 8) 1/3rd of the composition of the Sub-Committee shall constitute the quorum. In case if at the date of hearing the quorum does not stand constituted, a next date of hearing shall be given to the concerned parties.

VI. COMPLAINTS REDRESSAL MECHANISM

- 1) The Complainant shall file a detailed complaint along with all the relevant documents and details of the Respondent in the office of the Sub-Committee. The complaint has to be accompanied with an indemnity bond on a Rs.200/- Stamp paper, whereby the Complainant shall indemnify the Sub-Committee and the Association against all the legal consequences that may follow as a consequence of resolving the dispute of the Complainant. Further, the complaint has to be accompanied with a Pay-Order of Rs. 10,000/- in favor of the Association, as complaint redressal fee.




- 2) Upon receiving the complaint, the members of the Sub-Committee shall evaluate the complaint and the accompanying documents. If the complaint is filed by a member of the Association, the member of the Sub-Committee shall seek confirmation from the Secretary General of the Association, as to whether the relevant member has paid up-to-date all the dues of the Association. In case, if the dues of the Association are outstanding, the member of the Sub-Committee shall send a notice to the Complainant to clear the dues of the association within 07 days so that the complaint can be processed and heard. If on the 10th day from the date of notice by the member Sub-Committee, the Complaint has still not cleared the outstanding dues of the association, the complaint shall be discarded and the fee submitted along with the complaint shall be forfeited in favor of the Association.
- 3) In a situation where no dues of the Association stand against the Complainant, and the member of the Sub-Committee after preliminary evaluation is of the view that the complaint is admissible, a notice of hearing of the complaint shall be issued to all the concerned parties from the office of the Convener of the Sub-Committee, intimating a date of hearing, which has to be fixed within 05 days from the date when the complaint is received in the office of the Sub-Committee.
- 4) In case if after service of notice on the complaint no one appears from the Respondent's side, the Sub-Committee through its member shall attempt to contact the Respondent on the phone number as provided by the Complainant, to appear before the Sub-Committee and/or convey terms of settlement. Whereas, if even despite the above, the Respondent choose neither to appear before the Sub-Committee, nor to convey an amicable resolution, the Sub-Committee as a matter of indulgence, shall again issue a notice to the Respondent to appear before the Sub-Committee within 5 days from the date of receipt of the notice. However, if even after the above, the Respondent continues to




avoid appearance before the Sub-Committee and neither offer any amicable method to resolve the issue, the Sub-Committee on the 07th days from the date of receipt of notice, shall give its findings on the complaint and circulate it amongst its members as a public knowledge. In continuation to the above, in case if the Respondent is a member of the Association, the Sub-Committee shall write to the Executive Committee to suspend the membership of the Respondent and initiate proceedings there against. Whereas, in case if the Respondent is a Shipper, the Sub-Committee shall communicate the complaint and its findings to the Ship Agents Association for further action. In the aforesaid scenario the Complaint then shall be at liberty to pursue all legal remedies available to it before any court of law.

- 5) In case if after service of notice of hearing of the complaint, both the concerned parties appear before the Sub-Committee, the Sub-Committee shall give equal opportunity to both the parties to present their side. Further, the Sub-Committee shall attempt to resolve the dispute in question. The Sub-Committee after hearing both the parties shall give its findings, which are to be complied by both the parties.
- 6) If the Respondent is a member of the Association, yet refuses to comply with the findings/directions of the Sub-Committee, the Sub-Committee through its Convener shall write to the Executive Committee to suspend the membership of the Respondent and initiate proceedings against the relevant member. Whereas, if in case the Respondent is a Shipper, the Sub-Committee through its Convener shall write to the Ships Agents Association requesting them to seek compliance from its member.




VII. INDEMNITY

Every individual who is part of the Sub-Committee shall be indemnified out of the assets of the Association against any liability incurred by him in defending any proceedings, whether civil or criminal.

VIII. RESTRICTION ON LEGAL PROCEEDINGS AGAINST THE SUB-COMMITTEE

Notwithstanding anything contained in any law for the time being in force or in the articles or memorandum of the Association, no suit, petition and/or complaint, whether civil or criminal, shall lie against the Sub-Committee before any forum.

IX. AMENDMENTS TO THE BY-LAWS

The Sub-Committee through its Convener shall propose amendments to these by-laws to the Executive Committee, from time to time, as and when required.

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