Scenario 270

PROHIBITED (FOREIGN) FUNDING CASE

The prohibited (foreign) funding case against the PTI remained a long and complicated tale that played out in the ECP, the courts and in the media. However, with the Election Commission of Pakistan's (ECP) verdict that was released on 2nd August 2022, the matter reached some semblance of a resolution. The case was a major thorn in the side of Imran Khan's party which denied any wrongdoing and maintained the funding was not from prohibited sources.

The case had been pending since November 2014, when a founding member of PTI, Akbar S. Babar — who was no longer affiliated with the PTI — alleged serious financial irregularities in the party's funding from both Pakistan and abroad; see the timeline of how the case was played out.

TIME-LINE OF FOREIGN FUNDING CASE:

On 14th November 2014: A PTI founding member Babar filed a petition with the ECP, seeking an investigation into ***'financial malpractices'*** in the party and accountability of those responsible for it. He also accused the PTI leadership of violating provisions of the Political Parties Order, 2002.

14th January 2015: The ECP issued a notice to Babar, asking him to appear before it and present evidence supporting his allegations of corruption and embezzlement in the party funds.

1st April 2015: The ECP asked the PTI to submit details of funds received from abroad. The electoral watchdog also directed ECP officials to scrutinize afresh PTI's annual statement of assets to ascertain whether or not the party had mentioned funds received from the US.

21st June 2016: The Islamabad High Court (IHC) rejected a petition filed by the PTI seeking early disposal of the case.

1st December 2016: The ECP told the PTI to submit the documents relating to its foreign funding or face consequences. The Chief Election Commissioner (CEC) also held the party responsible for delays in proceeding with the case.

22nd March 2017: The ECP adjourned the hearing of the case after reprimanding the party's counsel for seeking yet another adjournment. The CEC expressed anger and displeasure over the PTI's move to seek adjournments and termed it ***'abuse of the law'***.

3rd April 2017: The PTI's counsel finally appeared before the ECP, but only to challenge the electoral watchdog's jurisdiction to hear the matter.

8th May 2017: The ECP rejected PTI's plea challenging the Commission's jurisdiction in the case. The CEC fixed 17th May as the date for regular hearings of the case and asked the PTI to produce all financial records, sought by the petitioner, as per its earlier orders.

11th September 2017: Unhappy with the constant defiance of its orders, the ECP gave the PTI yet another final opportunity to submit financial documents and details of funds received from abroad, as well as the party's accounts.

17th September 2017: After months of foot-dragging over the issue, the PTI finally submitted details of party accounts and foreign funding received in the last seven years to the ECP. The party's counsel once again urged the bench not to give details of party accounts to the petitioner.

27th March 2018: The ECP constituted a three-member Scrutiny Committee to investigate and audit PTI's accounts and complete the scrutiny within a month. However, the PTI objected to the terms of reference of the committee.

9th May 2018: The PTI changed its lawyer, as Babar Awan took over and Anwar Mansoor Khan left the case on health grounds.

16th May 2018: The PTI filed an application with the ECP seeking secrecy of the scrutiny of its foreign funding. Petitioner questioned why the PTI was worried about its record if it was clean.

30th May 2018: The ECP rejected PTI's appeals to restrain the scrutiny committee and for secrecy of the scrutiny process. In its verdict, the ECP dismissed the party's objections over the terms of reference and ordered the scrutiny committee to continue its work.

2nd October 2018: The PTI's counsel, Babar Awan, withdrew from representing the PTI party in the case.

1st October 2019: The ECP reserved its verdict on four applications by the PTI seeking secrecy in the scrutiny process. During the proceedings, the CEC remarked that '*they just want to increase the burden of work*'.

10th October 2019: The ECP rejected the PTI's four applications for secrecy and directed the scrutiny committee to continue its investigation into the case.

20th November 2019: The ECP ordered day-to-day hearings of the case after receiving an application from the opposition.

21st September 2020: The ECP trashed the report submitted by its scrutiny committee. In its order, the Commission said that the report was neither complete nor well-detailed.

> *[On 27th March 2018, a **Scrutiny Committee** was constituted to examine the PTI's financing. The committee submitted its report on 4th January 2022, after 95 hearings and nearly four years.*
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> *The report, based on **eight volumes of record** requisitioned through the State Bank of Pakistan, proved that the PTI leadership had committed gross violations of funding laws by allowing the collection of millions of dollars and billions of rupees without any source and details from foreigners, including Indian nationals and foreign companies.*
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> *The report confirmed that the PTI received funding from foreign nationals and companies, under-reported funds and concealed dozens of its bank accounts. It also mentioned a refusal by the party to divulge details of large transactions and the panel's helplessness to get details of PTI's foreign accounts and the funds collected abroad. It further called into question the certificate, signed by PTI chairperson Imran Khan, submitted along with the details of PTI's audited accounts.*

According to the report, the party under-reported an amount of Rs312 million over a four-year period, between FY2009-10 and FY2012-13. Year-wise details show that an amount of over Rs145m was under-reported in FY2012-13 alone. The report also referred to the controversy over allowing four PTI employees to receive donations in their personal accounts, but said it was out of the scope of its work to probe their accounts.]

14th January 2021: An alliance of opposition parties decided to march to the ECP office in Islamabad in order to record their protest in front of the electoral body and to demand a quick verdict in the case.

20th January 2021: As the opposition held protests and criticised the ECP for delaying its verdict, Imran called for an open trial and challenged the leadership of all opposition parties to face proceedings too.

18th February 2021: The PTI released details of millions of rupees of funds transferred from the United Kingdom to the PTI party's account that year.

16th March 2021: The ECP issued notices to PTI and its own scrutiny committee to explain their position over secrecy of scrutiny in the case.

9th April 2021: Petitioner Babar demanded the ECP committee to validate the authenticity of documents presented by the PTI in presence of both the parties during the scrutiny process to make the evidence more credible.

[**The fact** *remained that the foreign funding case against the PTI had become a never-ending tale - dragging on for years and after dozens of hearings it was still nowhere near concluding. The case pertained to a complaint by Akbar S. Babar – much later, the ECP had appointed a scrutiny committee to go over all the relevant documents and determine if the case could actually be proved against the PTI.* ***For its part, the PTI had also accused the PPP and PMLN of illegal funding*** *– but the CEC never bothered to consider that.*

At so belated stage, the hearings of the case bogged down in minor details like the use of laptops for data uploading and whether printouts of this data could be allowed in the hearing or not. The whole exercise turned to be dissolving into a ridiculous project given the unnecessary delays without substantive reasons for both sides. That phenomenon gave rise to an adverse impact on the credibility of the ECP. The Chief Election Commissioner (CEC), thus needed to rap the scrutiny committee on the lumps for its unjustifiable sluggishness and delay. The committee could have moved swiftly to determine if the documentary evidence being presented was based on facts. The CEC could have emulated the decisive deadlines that had been given by his predecessor to decide the case either way.

Taking light from the daily DAWN dated 7th May 2021: *It was never easy for any institution to hold the ruling party to account. That must be one reason why the ECP was not pushing the case as firmly as it should. However, given the time already elapsed, and the high stakes involved, nothing less than the personal intervention of the ECP chief could expedite matters. The nation wanted to know the truth of the matter under scrutiny. The PTI also deserved a decision so that the matter could be taken as settled once and for all.*]

30th November 2021 The scrutiny committee submited another report to the ECP after a delay of six months from the last deadline.

9th December 2021: The ECP defered a briefing by its DG (law) on the case because of the absence of one commission member from Balochistan.

- **4th January 2022:** ***The damning report compiled by the scrutiny committee confirmed the PTI received funding from foreign nationals and companies, under-reported funds and concealed a number of its bank accounts***.

19th January 2022: The ECP ordered the declassification of all critical documents linked to the foreign funding case.

2nd March 2022: Petitioner Babar called out Imran and the PTI for allegedly submitting fake transaction documents in front of the ECP between 2009 and 2013. He called for putting the PTI chief on notice over violating political funding laws.

14th April 2022: The PTI's counsel claimed that the PPO allowed taking funds from any international source unless it's from a multinational. He also claimed that the PTI took no funding from illegal sources and that all funding came through a clean channel.

19th April 2022: the ECP bench resumeed hearing the foreign funding case, where the PTI counsel claimed that foreign funding was lawful and that the PTI had abided by all rules and regulations of keeping their transactions fair.

- **23rd April 2022:** The PTI moved the Islamabad High Court (IHC) seeking the scrutiny of the funds of at least 17 major political parties, including the PMLN and PPP.

PROCEEDINGS IN THE IHC:

On 18th May 2022: The Islamabad High Court questioned the ECP over the eight-year delay in coming to a conclusion and announcing a verdict on the prolonged case. With the Shehbaz Sharif-led coalition in power, the government sought to expedite the foreign funding case against the PTI. The IHC asked the ECP to explain the nearly eight-year delay in deciding the Pakistan Tehreek-i-Insaf's (PTI) foreign funding case. While observing that a case should not be kept pending for such a long period, IHC Chief Justice Athar Minallah questioned whether all political parties had submitted their sources of funding and the ECP got scrutinised them every year. The ECP's Director (LAW) apprised the court the commission conducted scrutiny of accounts in case of any anomaly. ***"If the court asks, we will submit a detailed report in this regard,"*** the official said – but that claim never saw the dawn.

The court was hearing the party's plea alleging that the ECP by singling out the PTI got scrutiny of its fund while showing leniency towards other political parties. Claiming that there was no delay from its side in the case, PTI counsel Shah Khawar pointed out that the scrutiny committee was formed in two cases, one against the PTI and the other against other political parties.

PTI counsel told the ECP bench that political parties could receive donations from foreign companies, not foreign nationals. ECP's counsel told the court that Akbar S. Babar's complaint against the PTI funding came in 2014, while the complaints against other political parties were filed in 2018 and 2020. Since the complaint against PTI's funding was older, the ECP intended to decide it before the other cases – a flimsy argument by all means.

At this, the chief justice said the court had not restrained the ECP from the proceedings in the foreign funding case. Cases needed to be prioritized according to their timelines; however, pointing out that political parties should not have complaints regarding ECP's proceedings - which no party should be discriminated against. During his arguments, Anwar Mansoor Khan stayed at length on the donations received from foreign companies.

Anwar Mansoor Khan drew a line between "foreign companies" and "multinationals", arguing that political parties could receive donations from foreign companies as long as the companies were not multinationals. He said Political Parties Order-2002 clearly stated and insisted upon: ***'Parties may accept contributions and donations only from individuals. The PPO only barred receipt of any funds or any portion of its funds from foreign nationals'.***

The PTI counsel admitted before the High Court that foreign companies funded the PTI, (*which had been concealed earlier by the PTI in its record submitted before the ECP*). The companies were identified from the record requisitioned through the State Bank of Pakistan. The PTI counsel claimed that the record submitted by the party before the scrutiny committee was *"notarized and certified"* though the committee later found that no certified records had been submitted.

Anwar Mansoor admitted that the PTI had not submitted details of the funding received in the fiscal year 2013 though the party was in possession of such details. The scrutiny committee record showed that the committee had repeatedly requested the PTI to submit funding details for the year 2013, but the PTI had opted NOT to oblige the committee. The counsel admitted that details of funds received from the PTI registered trusts or companies from Australia and Canada could not be submitted before the ECP *'as the local laws prohibit to do so'*. In the next hearing, the PTI's chartered accountant was to explain funds received from various countries with reconciliation of figures with the PTI bank accounts.

PTI-ECP CONFLICT:

The verdict is being announced amid renewed calls by the PTI for the CEC's removal after the ECP reserved its judgement in the case and comes days after an investigative report published in the *Financial Times* revealed how 2.12m dollars collected in the United Kingdom through a charity cricket match landed in PTI's accounts, exposing the role played by business tycoon Arif Naqvi in the process.

The said Investigative Report of THE FINANCIAL TIMES [FT] was (nearly) reproduced in daily DAWN dated 30th July 2022 under head: **Cricket club disclosure haunts PTI funding case.**

The latest disclosure about funds collected in the name of charity landing in the PTI's accounts provided the ruling PDM coalition even more ammunition. The FT had investigated how the PTI accrued funds through cricket matches organised under Wootton Cricket Ltd, a company owned by Abraaj Group founder Arif Naqvi. The said investigative report of the *Financial Times* was a serious charge sheet against PTI Chairman Imran Khan – as it exposed facts related to transfer of huge funds from prohibited sources into PTI accounts.

That ***FT Report by Simon Clark*** — said fees were paid to Wootton Cricket Ltd, which, despite the name, was in fact a Cayman Islands-incorporated company owned by Naqvi and the money was being used to bankroll PTI, Khan's political party. Funds poured into Wootton Cricket from companies and individuals, including at least £2m from a UAE government minister who was also a member of the Abu Dhabi royal family. Clark wrote:

> *"Pakistan forbids foreign nationals and companies from funding political parties, but Abraaj emails and internal documents seen by the Financial Times, including a bank statement covering the period between February 28 and May 30 2013 for a Wootton Cricket account in the UAE, show that*

> *both companies and foreign nationals as well as citizens of Pakistan sent millions of dollars to Wootton Cricket — before money was transferred from the account to Pakistan for the PTI.*
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> *Wootton Cricket's bank statement shows it received $1.3m on March 14 2013 from Abraaj Investment Management Ltd, the fund management unit of Naqvi's private equity firm, boosting the account's previous balance of $5,431. Later the same day, $1.3mn was transferred from the account directly to a PTI bank account in Pakistan. Abraaj expensed the cost to a holding company through which it controlled K-Electric, the power provider to Karachi, Pakistan's largest city.*
>
> *A further $2m flowed into the Wootton Cricket account in April 2013 from Sheikh Nahyan bin Mubarak al-Nahyan, a member of Abu Dhabi's royal family, government minister and chair of Pakistan's Bank Alfalah, according to the bank statement and a copy of the Swift transfer details."*

The ex-PM Shahid Khaqan Abbasi in a press conference said PTI founding member Akbar S. Babar had provided clear evidence in the case that the PTI pressed in every way to stop the case. Imran Khan knew the facts of the prohibited funding case, therefore, he continued attacking the ECP while the scrutiny committee report revealed some facts, more facts were to come out when the decision announced. If Mr Khan had clean hands, he would have presented records on the first day.

Mr Abbasi maintained that according to the available facts, PTI itself admitted that the accounts operated from outside were not known, there are at least two companies in the US whose chairman's name was Imran Khan, the money that came to the companies was part of the record. He further contended that:

> *"We have requested the Election Commission that it is your constitutional responsibility to come out with this report and take action accordingly, it is the responsibility of the Election Commission to decide the case at the earliest. The delegation (of PDM politicians) told the ECP that the record was very clear and they had to decide, as courts open in the darkness of night in the country to negate their own judgements."*

Mr Abbasi contended that *Financial Times* reported that Arif Naqvi conducted cricket matches in London for welfare work in the name of charity and received crores of rupees. His company sent more than Rs550 million to the PTI and Imran Khan's account in Pakistan for which Mr Khan did not give any record to the ECP. The money from prohibited funding was obtained and used for politics in Pakistan.

For months, Imran has been persistent in his demand for CEC Raja's resignation, accusing him of being biased towards the PMLN. Even during his 'Victory Speech' over winning unexpected seats during bi-polls in Punjab; where *despite the PTI upending the assessments of observers watching the Punjab by-polls with its unexpected sweep of 15 of the 20 seats up for grabs, PTI chairman Imran Khan continued to attack CEC Sikandar Sultan Raja, accusing him of partiality and attempting to use the ECP to swing the results in favour of the PMLN*. No one was expecting his party to do so well. Instead, Election Day results suggested that it was a fairer contest than most were expecting, with the ruling PMLN handed an embarrassing defeat on its home turf and the PTI managing to run away with most of the seats despite the odds.

Indeed, given the results, the elections seemed quite free and fair and, barring a few incidents of violence, generally well conducted. At least this time, the ECP ensured a level playing field and that PTI's worst fears had not emerged correct. Yet, Mr Khan seemed unwilling to let go of his distrust of the CEC; the continuing animosity and bitterness don't make sense. Because of the imbalance of power between the two, the PTI chief's constant criticism started to look like bullying to some observers. The civil society and media both felt that Mr Khan was constantly attacking and undermining the CEC to pressurise him over the pending decision in the foreign funding case against the PTI and his person.

Some mature minds held that Mr Khan needed to be more direct about '*why he does not trust Mr Raja and must provide sufficient evidence to substantiate his allegations against him*'. If the PTI chief wanted the CEC gone, there was a political process involved. Sermonizing or criticizing the ECP and the CEC in public was certainly not the way to go about it. There were reports that CEC Mr Raja was worried about his security in light of the threats to his life. Mr Khan should have worked out a strategy that how he would like to be involved in consultations for the next ECP chief. Especially considering that he himself had resigned from parliament and had no inclination to sit down with his rivals on any matter concerning good governance.

Khan, on many occasions, alleged that CEC was ***'incompetent and dishonest'***. At a press conference he said: '*We don't trust the ECP head and he has been imposed on us. We don't have confidence in you … you are a biased person in cahoots with a political party*'. **On 31st July 2022** the PTI also decided to move a reference against CEC Raja in the judicial commission. The party also got resolutions against the CEC passed from Punjab and Khyber PK Assemblies, where PTI had the majority. At a party meeting, Imran announced a protest outside the ECP office in Islamabad on 4th August 2022 and urged supporters to demand the CEC's resignation.

Meanwhile, parties in the ruling coalition, particularly the PMLN and PPP, see the PTI's criticism of the CEC as an attempt to pressure the electoral watchdog into announcing a verdict in its favour. When the PTI announced its decision to move a reference against the CEC, ECP officials and the PPP had termed it an ***'attempt to blackmail the commission'***.

VERDICT AGAINST PTI ANNOUNCED:

15th June 2022: The PTI counsel's long time request of referring to the case as ***"prohibited funding" and NOT "foreign funding"*** was accepted by the CEC, who ordered the ECP to use the new name across the board while addressing the case. That same day, PTI asked ECP to decide all funding cases in one go.

21st June 2022: The ECP reserved its verdict on PTI's foreign funding case, as CEC Raja Sikandar added that they wanted to end pending cases against other political parties too.

29th July 2022: A bombshell report by **the *Financial Times*** revealed that tycoon Arif Naqvi had organised a charity cricket match, whose proceeds were used to bankroll the PTI. Funds that poured into Wootton Cricket from companies and individuals included money from a UAE government minister who was also a member of the Abu Dhabi royal family.

30th July 2022: Imran insisted that all funds from Arif Naqvi came through banking channels and were properly disclosed at times.

1st August 2022: the ECP announced it would release its verdict in the case the following day. Imran Khan called a protest outside its offices that particular day.

2nd August 2022: Chief Election Commissioner Sikandar Sultan Raja pronounced verdict, findings given that PTI had received prohibited funding and also issued show-cause notice to PTI on ***'why the Commission (ECP) shouldn't seize the funds'***.

The Election Commission of Pakistan (ECP), in a unanimous verdict, ruled that the PTI did indeed receive prohibited funding and issued a notice to the party asking why the funds should not be confiscated. A three-member ECP bench headed by CEC Sikander Sultan Raja announced the verdict in a case filed by

PTI founding member Akbar S. Babar which had been pending since 14th November 2014; the verdict was reserved on 21st June 2022. The ruling further said:

- ***"Commission finds PTI received funding from prohibited sources***
- ***Party got funds from 34 foreign nationals and 351 foreign-based companies***
- ***PTI took ownership of eight accounts, kept 13 hidden and failed to mention three***
- ***Notice issued to PTI to explain why funds shouldn't be confiscated***
- ***Form-1 submitted by Imran Khan found to be grossly inaccurate"***

In the written verdict, the ECP noted that the party *'knowingly and willfully'* received funding from Wootton Cricket Limited, operated by business tycoon Arif Naqvi. The PTI party was a ***'willing recipient'*** of prohibited money of $2,121,500. The PTI party knowingly and willfully also received donations from Bristol Engineering Services (a UAE-based company), E-Planet Trustees (a Cayman Islands private registered company), SS Marketing Manchester (a UK-based private company), PTI USA LLC-6160 and PTI USA LLC-5975 which were ***hit by prohibition and in violation of Pakistani laws***.

It went on to say that the party also received donations through PTI Canada Corporation and PTI UK Public Limited Company. ***"From both the companies, the amounts received into its accounts of PTI Pakistan are hit by prohibition and in violation of Pakistani laws."*** Further, the party received donations from Australia-based Company Dunpec Limited, and Pakistani companies Anwar Brothers, Zain Cotton and Young Sports which was again in violation of the law. The verdict also said:

> *"PTI Pakistan, through fundraising campaigns by PTI USA LLC-6160 and PTI USA LLC-5975, was a recipient of donations from 34 foreign nationals and 351 foreign-based companies. Collection of donations and contributions from foreign nationals and companies are hit by prohibition and in violation of Pakistani laws.*
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> *Also that the PTI had been found to be a beneficiary of donations made by Romita Shetty, a US-based business woman of Indian-origin which was in violation of the law.*
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> *The (PTI) party had only owned eight accounts before the commission and declared 13 accounts to be unknown.* ***"The data obtained from the State Bank of Pakistan (SBP) reveals that all the 13 accounts disowned by the PTI were opened and operated by senior PTI management and leadership at [a] central and provincial level.***
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> *The (PTI) party also failed to mention three accounts which were also being operated by the party's senior leadership. Non-disclosure and concealment of 16 bank accounts by the PTI is a '****serious lapse on part of the PTI's leadership****' and in violation of Article 17(3) of the Constitution."*

The verdict contained that the PTI chairman submitted Form-I for five years (2008-2013) which was found to be ***'grossly inaccurate on the basis of the financial statements obtained by this commission from SBP and other material available on record'***.

> *"Therefore [...] the matter falls within the ambit of Article 6(3) of Political Parties Order 2002 (PPO). Hence, the commission directs that a notice may be issued to the respondent party in terms of Rule 6 of the PPO as to why the aforementioned prohibited funds may not be confiscated. The office is also directed to initiate any other action under the law in light of this order of the (ECP) Commission, including forwarding the case to the federal government."*

> Article 6(3) of the PPO states: "Any contribution made, directly or indirectly, by any foreign government, multinational or domestically incorporated public or private company, firm, trade or professional association shall be prohibited and the parties may accept contributions and donations only from individuals."

In its order, the Commission said that it was "*constrained to hold that Imran Khan failed to discharge his obligations as mandated under the Pakistani statutes*." The PTI chairman had for five successive years submitted Form-I and signed a certificate which was not consistent with the accounting information before the ECP. The verdict held that:

> *"Imran Khan, for the five years under review, has filed submissions that were grossly inaccurate and wrong. Even during the course of scrutiny and hearing by this commission, the PTI continued to conceal and withhold complete and full disclosure of [the] source of its funds."*

The security in Islamabad's 'red zone' was put on high alert ahead of the ECP's verdict. It was decided to deploy 1,000 police personnel in the area, and the anti-riot force would also remain in the red zone. Unrelated persons were not allowed to enter the Red zone. As time for the verdict drew closer, footage broadcast on television showed Islamabad police with riot shields standing outside the building as staffers were seen unrolling spools of concertina wire around.

CALLS FOR LEADERSHIP CHANGE IN PTI:

While addressing a press conference in Islamabad, later on the same day, PTI Secretary General Asad Umar announced that the party would challenge the ECP verdict. The PTI party were to file two petitions against the ECP in the Islamabad High Court. '*The first would be a contempt of court petition for not deciding the PPP and PMLN's funding cases at the same time despite clear instructions from the Supreme Court and the High Court. The second petition would be challenging the verdict itself - that there were **deficiencies of law and facts** in the ECP decision*'.

Umar criticised the ECP and held that it was clear that the ECP and the CEC belonged to the Pakistan Democratic Movement [PDM]'s camp. He rebutted the conclusions of the verdict and maintained that the party had disclosed all its accounts, their details and submissions; the ECP had given its decision while ignoring the evidence submitted by the PTI. Regarding funding from prohibited sources, Umar questioned that when the US and UK had no issues with the PTI's fundraising then why the ECP was raising such questions. Furthermore, regarding the Form-1 being inaccurate - it was not the same as a personal affidavit submitted by politicians at the time of elections.

Speaking to the media after the verdict was announced, PTI's Fawad Chaudhry said that most of the money was from overseas Pakistanis. '*I don't understand why the PMLN, the JUI and the PPP have declared overseas Pakistanis the enemy. We consider overseas Pakistanis to be the backbone of Pakistan's economy and will continue to rely on them for our funding*'.

Commenting on the case, the PTI leader said that this was never a case of ***foreign funding***, as stand proven by the ECP's decision; the accounts that were supposedly undeclared were not directly linked with the PTI chief. The people deserved to know where political parties received their funding from. ECP decided the PTI's case and the people would expect that the ECP must bring to light other parties' funding so that they know that the law was being followed.

BUT during the same time-span, the complainant Babar demanded that ***'Imran Khan should resign as the party's chairman***. ***Now that the allegations [against Imran] have been proven, it is time***

for a regime change in the PTI'. He said while speaking to media persons in Islamabad. He also urged PTI workers to *"use their mind*", terming the ECP's verdict an *"eye-opener".* Babar had earned the success in the case after eight years of struggle; openly saying that:

> ***"We were standing before a mountain. This fight was between the truth and power, between haq (truth) and batil (evil).*** *I was fighting a legal battle. Now, I will fight a political battle against Imran [...], we will bring back ideological workers and call a big session. The ECP's verdict confirmed the veracity of his allegations and would end Imran's fascism.*
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> *Today's decision has buried the doctrine of necessity [...] which brought the country's economy and politics to the brink of destruction; it's expected the electoral watchdog to also conclude the cases against the PPP and the PMLN."*

On the other hand, PDM's Information Minister Marriyum Aurangzeb said the federal government would implement the ECP's verdict in accordance with the law; adding that the verdict had *confirmed the crimes of the PTI chief* who received funding from various foreign countries. Also that Imran Khan was not '*sadiq and ameen'*, demanding that he should resign from his position as the PTI chairman.

Meanwhile, Prime Minister Shehbaz Sharif said: *'The verdict chargesheets Imran Niazi for violating the Constitution, submitting false affidavits and accepting foreign money. Proven yet again that he is a certified liar. Nation should ponder over the implications of his politics funded by foreigners*'.

On another count, Sindh Information Minister Sharjeel Memon said the ECP had fearlessly decided the case according to the Constitution despite facing pressure from Imran Khan and the PTI. Further commented that: '*It has been proven that Imran Khan cheated the nation. The truth cannot be hidden. Imran Khan was given fake certificates of Sadiq and Ameen, also, that the PTI chairman should be disqualified*'.

Karachi Administrator Murtaza Wahab tweeted that Section 212 of the Elections Act, 2017 was important in the given political atmosphere (…*the section deals with the dissolution of a political party*).

FF REFERENCE FILED AGAINST IK:

Next day, **on 3rd August 2022,** a group of MNAs associated with the Pakistan Democratic Movement (PDM) — a multi-party alliance with representation of ruling PMLN filed a reference with the Election Commission of Pakistan (ECP) seeking the disqualification of former prime minister Imran Khan, referring to Article 63 of the Pakistan's Constitution, from holding public office for allegedly receiving prohibited funding from a number of foreign donors.

The reference was submitted by MNA Barrister Mohsin Nawaz Ranjha to Chief Election Commissioner (CEC) Sikander Sultan Raja, carrying signatures of lawmakers Agha Hassan Baloch, Salahudin Ayubi, Ali Gohar Khan, Syed Rafiullah Agha and Saad Waseem Sheikh.

In its verdict of a day before, the election watchdog ruled that PTI had 'willfully and knowingly' received prohibited funding from a number of foreign donors. In its order, the commission had also said that it was '*constrained to hold that Imran Khan failed to discharge his obligations as mandated under the Pakistani statutes'*. The ruling coalition began demanding disqualification of and strict legal action against the PTI chief soon after the ECP announced its verdict in the case.

On the same day, PDM Chief Maulana Fazlur Rehman pressed upon the government to '*make an example out of Imran Khan*'. The PDM leader said at a press conference after a meeting of the multi-party alliance at the PM House: '*A reference should be filed against Imran Khan as he is no more Sadiq and Amin (truthful and honest) to decide the line of action against Imran Khan*'.

The reference filed today, a copy of which was made available to the media, demanded the ECP to disqualify Imran under Sections 2 and 3 of Article 63 of the Constitution, read with Article 62(1)(f). It also carried documentary evidence to corroborate their claims against the ex-PM.

- **Article 62(1)(f)** says: "A person shall not be qualified to be elected or chosen as a member of Majlis-e-Shoora (Parliament) unless [...] he is sagacious, righteous and non-profligate, honest and ameen, there being no declaration to the contrary by a court of law."
- **Article 63(2)** says: "If any question arises whether a member of Majlis-e-Shoora (Parliament) has become disqualified from being a member, the Speaker or, as the case may be, the Chairman shall, unless he decides that no such question has arisen, refer the question to the Election Commission within thirty days and should he fail to do so within the aforesaid period it shall be deemed to have been referred to the Election Commission."
- **Article 63(3)** reads: "The Election Commission shall decide the question within ninety days from its receipt or deemed to have been received and if it is of the opinion that the member has become disqualified, he shall cease to be a member and his seat shall become vacant."

It is pertinent to mention here that the PTI had on the same day (3rd August 2022) ***moved a reference*** before the Supreme Judicial Council against CEC Mr Raja.